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☑ Additional comments / Commentaires supplémentaires: Page 681 is incorrectly numbered page 68.

DEBATES

OF

THE SENATE

OF THE

DOMINION OF CANADA

1899

REPORTED AND EDITED BY

HOLLAND BROS.

Official Reporters of the Senate of Canada

FOURTH SESSION—EIGHTH PARLIAMENT

OTTAWA
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1899

SENATORS OF CANADA

4th SESSION, 8th PARLIAMENT, 62–63 VICTORIA.

1899.

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

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Peter McSweeney	Moncton	Moncton, N.B.
William Kerr	Cobourg	Cobourg, Ont.

THE DEBATES

OF THE

SENATE OF CANADA

N THE

FOURTH SESSION OF THE EIGHTH PARLIAMENT OF CANADA, APPOINTED TO MEET FOR DESPATCH OF BUSINESS ON THURSDAY, THE SIXTEENTH DAY OF MARCH, IN THE SIXTY-SECOND YEAR OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA

THE SENATE.

Ottawa, Thursday, 16th March, 1899.

The Senate met at 2.30 p.m.

PRAYERS.

THE SPEECH FROM THE THRONE.

His Excellency the Right Honourable Sir Gilbert John Elliot Murray-Kynnynmond, Earl of Minto and Viscount Melgund of Melgund, County of Forfar, in the Peerage of the United Kingdom, Baron Minto of Minto, County of Roxburgh, in the Peerage of Great Britain, Baronet of Nova Scotia, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, etc., etc., Governor General of Canada, being seated on the Throne,

The Honourable the Speaker commanded the Gentleman Usher of the Black Rod to proceed to the House of Commons and acquaint that House,—"It is His Excellency's pleasure they attend him immediately in this House."

Who being come with their Speaker,

His Excellency the Governor General was then pleased to open the Session by a gracious Speech to both Houses:

Honourable Gentlemen of the Senate:

Gentlemen of the House of Commons:

In meeting you for the first time since entering upon my duties, as the representative of Her Majesty in this Dominion, it affords me great pleasure to be able to congratulate you on the large degree of prosperity which the people of Canada at present enjoy, as evidenced by the expansion of trade and commerce, the flourishing condition of the public revenues and the increased number of immigrants who have become permanent settlers amongst us. To these evidences may be added another which is even more gratifying, —the almost total cessation of the considerable exodus of our population which at one time was a regrettable feature of our affairs.

The negotiations which were set on foot during the recess between Her Majesty's Government and that of the United States in reference to the settlement of certain questions in dispute between Canada and the latter country were, I grieve to say, greatly delayed by the illness and subsequent death of two of the most eminent members of the Commission appointed for that purpose. Considerable progress had been made on several of the subjects submitted, but a serious disagreement arose between Her Majesty's Commissioners and the Commissioners of the United States on the question of the delimitation of the Boundary between Canada and Alaska; the question was referred by the Commissioners to their respective Governments, the Commission being adjourned to the second day of August next, in the hope that, in the meantime, the difficulty might be overcome.

In compliance with the Act passed last session a Plebiscite was held on the question of prohibition;

the official figures of the vote will be placed before you.

I observe with pleasure that the Mother Country, Canada and other British possessions have recently adopted a Penny Postage letter rate. The satisfaction with which this action has been received by the Canadian people is a further proof of the general desire existing amongst our people for closer relations with the Mother Country and the rest of the Empire.

I am also glad to be able to state that the satisfactory condition of the finances of the country permitted a reduction, on the first of January last, of the Canadian domestic letter rate, from three to two cents and although such reduction involves a temporary loss of revenue, it is nevertheless confidently expected that the cheapened rate will prove of such service in the promotion of trade and in the general interchange of correspondence that, within a reasonable time, the revenue of the Post Office Department will be restored to its former figure.

Much information has been obtained since you last met relative to the extent and value of the deposits of gold and valuable minerals in the Yukon and other parts of Canada. The returns from the Yukon have so far proved sufficient to meet the heavy expenditure it was found necessary to incur for the purpose of preserving law and order, and it has been thought expedient in the public interest to authorize the construction of a line of telegraph for the purpose of maintaining speedy communication with the people of those distant territories.

A measure will be submitted to you for the better arrangement of the electoral districts throughout the Dominion, as also several enactments of less importance.

Gentlemen of the House of Commons:

The public accounts will be laid before you, and also the estimates for the coming year. They have been prepared with a due regard to efficiency and economy, and the responsibilities arising from the rapid progress of the country.

Honourable Gentlemen of the Senate:
Gentlemen of the House of Commons:

I am confident that the important subjects I have mentioned to you will receive your serious consideration, and that it will be your earnest endeavour to promote the public interests and prosperity of Canada.

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

NEW SENATORS.

Hon. JAMES W. CARMICHAEL, of New Glasgow, N.S., and

Hon. JOHN YEO, of Prince Edward Island, were introduced and took their seats.

BILL INTRODUCED.

"An Act relating to Railways."—(Hon. Mr. Mills.)

The Senate adjourned.

THE SENATE.

Ottawa, Monday, March 20th, 1899.

The SPEAKER took the Chair at three o'Clock.

Prayers and routine proceedings.

NEW SENATORS.

Hon. William Kerr, of the town of Cobourg, Ontario, and Hon. Joseph Arthur Paquet, of the city of Quebec, were introduced and took their seats.

THE ADDRESS.

The Order of the Day being called,

Consideration of the speech of His Excellency the Governor General on the opening of Parliament,

Hon. Mr. KERR said: Gentlemen of the Senate, encouraged and inspired by those immortal words, spoken long ago, that "England expects every man this day to do his duty", encouraged also by what I know, that I will receive the sympathy and consideration which this honourable body always gives to the youngest born of the family, further sustained by the pleasing thought that I, in a sense, speak not only for my honoured leader in this House, but for the government, acknowledged, I suppose, pretty generally, to be one of the best governments that this Dominion has ever had. With these sustaining thoughts, perhaps this House would permit me to tender thus publicly to the government my profound appreciation of the great honour which they have conferred upon me by calling me to this honourable Senate. Whether my days in this House shall be many or few, I hope, at least, they will be sufficiently long, and that my deportment and my attention and devotion to duty will be such as to afford some testimony—I would hope ample testimony—not only to the government, but, what is even more important, to my fellow Canadians, that in thus honouring me the government have made no mistake. Before asking this honourable body to assent to a motion that an Address from this House be presented to His Excellency in reply to the gracious speech with which His Excellency was pleased to open the fourth session of the eighth Parliament of the Dominion I hope and know I need but make a respectful re-

quest that this House will gladly unite with me in the expression of the great pleasure it gives hon. members of this Senate to know and to welcome His Excellency to this country in the capacity of Governor General of this great Dominion. His Excellency has the advantage of some of his predecessors, an advantage that I am sure will stand in good stead and an advantage of which we shall, in a measure, reap the benefit, because of His Excellency previous acquaintance with this Dominion, and I am sure it is the earnest wish and prayer of this hon. House that a kind Providence may watch over and protect His Excellency and Lady Minto and that their lives may be spared, and that, under Providence, their sojourn in this country in the high position to which they are called will prove a great blessing to the people of Canada, a blessing in which we trust they will also have a part. I cannot omit in this connection, and I know hon. senators will not consider that I am travelling beyond the record, if I take the opportunity of asking the members of this House to remember His Excellency's predecessor Lord Aberdeen and his accomplished wife. Perhaps no higher encomium can be pronounced upon any person than to say that he went about doing good. I think that is eminently applicable to His Excellency's predecessor and Lady Aberdeen. I rejoice in the fact that Great Britain not only sends these eminent men to preside over our destiny for a limited number of years, but in the further and important consideration that after they have left our shores they continue to exercise their beneficial influence on behalf of this Dominion, and I have no doubt that what has been characteristic of His Excellency's predecessors—will also be characteristic too of His Excellency Lord Minto.

Taking up for a short time the consideration of His Excellency's speech from the Throne, His Excellency has been graciously pleased to refer to the prosperity of Canada. It is a cause of gratification, which I am sure all hon. senators will share, that Canada to-day is enjoying a very large measure of prosperity. Perhaps it has not yet reached, in every department, to the high water mark to which it has, in some times past, attained, but I hope that by the time this session is over—that by the time certainly this parliament is over, we shall give it such an impetus that we shall bring that prosperity fully up to the high water mark. In commerce, in banking, in manufacturing and in all departments of industry there seems to be fresh life, fresh vigour giving and inspiring the people of this Dominion with fresh hope and fresh courage. I trust that that feeling will continue to grow more and more. I would not be understood as expressing the view that a government can create good times. I have never taken that view, I believe, however that a government can do a great deal towards assisting to bring about good times by lightening the burdens of the people here and there, and watching in every way, if it may be, in anticipating certain events, so to speak, on tip toe to discover what is necessary to apply the remedy. There seems to be just now, rising from the broad bosom of this vast continent, from the Atlantic to the Pacific, a pæan of joy and hope, and the music of every industry seems to fill the people with the feeling that our prosperity is of a permanent character. I am glad to know, and you will be glad to know, notwithstanding some misgiving on the point expressed some years ago, that our manufacturing industries were in great jeopardy if the administration of the affairs of this country should pass into the hands of the present government: nevertheless we are glad to find that those forebodings have not proved to be a reality; and although not a manufacturer, not a commercial man, not a banker, still, as one who has always tried to take an intelligent interest in public affairs, and from inquiry of those competent to judge, I think it is safe to assert that our manufacturing industries, notwithstanding the prophecy that was made, are in a most flourishing and satisfactory condition. My only hope is that they may so contiue. There is an element in this prosperity and the cause of it to which you will allow me to refer, and that is to the agricultural aspect of the question. Providence has sent this Dominion two magnificent harvests, and it is to these harvests we are largely indebted, under wise administration, for our present prosperity. Allusion is also made in the speech to the fact that immigration is encouraged. There is increased immigration. That is a natural sequence or consequence of prosperity. Make any country prosperous and there will be no trouble about immigration. Immigration will set in. Immigration will pour into any prosperous country as inevitably, as naturally as water seeks the centre of gravity, and one encouraging feature of this prosperity and one

evidence of it is that the exodus from this country, which had grown to alarming proportions, has largely ceased, and that many of the best of the people of Canada, who left us, are now returning. Not only that, but we have in the latest arrival of immigrants from that far-off land, a cheering evidence of the prosperity of Canada. Not only that, but a cheering evidence of the appreciation of the institutions of Canada that is entertained in foreign lands, we have these Doukhobors from Russia seeking an asylum in Canada, fleeing from civil and religious tyranny to this land wherein they can work out, under the most favourable circumstances, their social regeneration and peace, and in that thought we naturally feel a great pride in the people in this country. We feel like exclaiming in the language of another "God bless our noble Canada, our broad and free Dominion, where law and liberty have sway; not one of all her sons to-day is tyrant's serf or minion."

Then another paragraph in His Excellency's speech to which I invite the attention of this hon. body will be the question of the negotiations recently going on at Washington. I am a Canadian through and through, born a Canadian, a British subject—I would say if I were in the other chamber—perhaps the phrase would not be appropriate here—a British subject to the back bone. I have always taken this view that it would be to the interests of this country to have freer trade relations with our great neighbours to the south. Hon. gentlemen may differ from me in that view, but I think they will not differ from me in this view, that not only for the sake of ourselves but for the sake of the mother country of which we form a glorious part, that it is desirable at least that all questions of irritation between the two nations of Great Britain and the United States should be settled, and that right speedily. I have never felt, perhaps, as some have felt, that what is called reciprocal trade with the people to the south of us was indispensable to our existence, nay, not even to our prosperity; and I am not prepared to take one step forward unless I am met by another step from the people to the south.

Hon. Mr. McKAY—Hear, hear.

Hon. Mr. McCALLUM—A quid pro quo.

Hon. Mr. KERR—I know that it is said Canada for the Canadians. I subscribe to that doctrine to the fullest extent, but I subscribe with more heartiness, with more veneration, with more profound feeling when I say Great Britain and the rest of the British Empire for Canadians. But my doctrine is this: not only Canada for Canadians, not only Great Britain and her other colonies for Canadians, but I say that if, on fair and honourable terms, we can get access to the markets of 70 or 75 millions of people we ought to use all fair means and make an effort to secure that. Not only do I say Canada for Canadians, the British Empire for Canadians, the United States for Canadians: my doctrine is the civilized world for Canadians, to show their enterprise and their push. We have a vista of that kind before us, and in regard to these negotiations there have been evil prophecies. I had no sympathy with them. I never thought, knowing the commissioners, and their character and loyalty as Canadians and as British subjects, I never had any fears that the interests of Canada would be sacrificed, and I for one rejoice, as you rejoice, that when it came to that point they said "Not one step further in our negotiations without the interposition of the two governments," and I am sure that the Canadian people will endorse and approve of the action taken by the commissioners who represented Great Britain and Canada on that occasion. I will not indulge in any tirade against our neighbours across the line. Why, they are the oldest daughter, so to speak, of Great Britain. It may be a somewhat wayward and unfriendly daughter, but I hope to live to see the day when every vestige of unfriendliness between Great Britain and the United States, and especially between the United States and Canada, shall have ceased for ever. In connection with the negotiations it is difficult to fail to recognize the fact that two of the most distinguished of these commissioners have, for some inscrutable reason, been taken away by the hand of death and for the time further negotiations suspended. I am sure there is not a senator within the sound of my voice who does not feel deeply and sympathize strongly with Great Britain and the United States in the loss of those two distinguished men, who, I doubt not, fell in discharge of their duty to their respective countries, each according to his own view of the questions that came up. I do not know, hon. senators

do not know, but I would hope that one effect of this sad feature of it might be that this lamentable part of the question would be to soften and make both Great Britain and the United States more tender towards each other, and it may be that Providence is working in that mysterious way; but what we have to do is this, to go right along developing our resources, depending upon our own right arm, and if we follow that line, if we can get these questions settled and these trade relations, all the better, but they are not indispensable to our national welfare, our national growth, or our national existence.

Another important paragraph referred to in His Excellency's speech to which I would invite for a moment the attention of this honourable Senate, is the vote on the prohibition question. I am glad to know that the government have redeemed their pledge and have complied with the Act of Parliament providing for the holding of a plebiscite upon that important question. I may be speaking within the sound of some here who may think that that is not sufficient information to be given. I think the friends of prohibition have every reason to feel glad that that vote was taken and that the result was at least as satisfactory as it was. The lesson that I draw from it perhaps is a lesson which hon. gentlemen have drawn from it—that pretty generally, speaking for the province of Ontario especially and for some of the other provinces, the rural sections of the country appear to be ripe for the question of prohibition, but the opposition to that measure will be very strong in, and is confined chiefly to the larger towns and cities of the Dominion. My own view is this, and I hope I am not singular in that view, that having taken the vote, let it rest where it is for the present and go on educating the people. I believe hon. gentlemen will correct me if I am in error—that as we are to-day, we occupy the proud position of being the most temperate people on the face of the globe, with a well regulated and well enforced license system. Surely our friends, who are very anxious for prohibition, should take great courage by the result of the vote and bide their time and go on educating the people to their views. If they succeed, well and good according to their view; if they do not, they have at least attained so much. I think we have every reason to feel very proud of this Dominion for the enviable position it has taken upon that question.

The speech has also referred to the indications that we are to have a redistribution bill. I am told that it a misnomer to call it a redistribution bill; that lurking under that phrase the real meaning of it is a gerrymander bill.

Hon. GENTLEMEN—Hear, hear.

Hon. Mr. KERR—Hon. gentlemen have very kindly anticipated the word I intended to use. On that subject I feel very strongly. I do not anticipate anything of the kind. I should expect from the present government that has attained such a high standing in the country, that we have no more gerrymander bills from either party in this Dominion. We cannot afford to have them. I wish that that word was abolished from our vocabulary. I do not think it would be a calamity if it were. It is an exotic. It has no place in British institutions so-called. What I want is this, and what I expect the government will do, is to introduce a measure that will equalize the constituencies so far as practicable and restore county boundaries. My idea is this, that a political party had better remain in opposition for ever than to pass a gerrymander bill. As I said before, we cannot afford it. Therefore I would ask the House not to prejudge the character of that measure, but in a sense of British fair play to wait until the measure is introduced and judge of it upon its merits; and I do not feel that I am assuming responsibility in saying that it will not deserve the character which hon. gentlemen have ascribed to it. For my part, I am content to wait and deal with it, but, as one having been hitherto a warm supporter and admirer of the present administration, I hope we will never see a gerrymander bill brought into this chamber. I would not like to support one. I would not support it. I trust I have sufficient independence not to take a course of that kind. I have only to refer to two or three paragraphs of His Excellency's speech and then I shall conclude. It would be expected that that part of His Excellency's speech at the opening of this session relating to the penny postage letter rate between this country and Great Britain and the other parts of the empire should receive some considera-

tion. I need not ask the hon. gentlemen, for I am satisfied they are prepared to admit, that that is a step in the right direction, and to give credit to the government, such a measure of credit as they are entitled to for that bold—for it was a bold step, but a step in the right direction, and a step the fruit of which will be salutary, the fruit of which already appears, and that followed by the domestic penny postage rate seems to have rounded out the step. I need hardly say that, I think the people of this country, however some hon. gentleman may differ from me, will give the government a fair measure of credit for adopting the penny postage letter rate. And now I hope hon. gentlemen will allow me to say that I think that the Postmaster General has administered his department not only with boldness, but with satisfaction to the people of this country as well as to the satisfaction of Great Britain and that in taking that course, he has entitled himself to have placed to the credit side of his public career, a very large item of credit for his conduct in that matter. If I could have imagined such a thing and accomplished so much, I would have felt that I was acting for an ungrateful people if they did not give me full credit for a step of that kind. One consideration more on this point. It is our wish, it is our desire, it is to our interest to draw Canada as closely as possible to the mother country, and I do not know of anything that has occurred in my lifetime—which has not been very short so far—that has done more to bring the Dominion of Canada immediately to the presence of Great Britain than has the giving of preferential trade to Great Britain, followed by the effect of the Premier's visit to Great Britain during the Jubilee, a visit which I never can refer to without speaking of it as the Premier's conquest of Europe, because of what followed. That, taken together with preferential trade, the visit of the Premier to Great Britain during the Jubilee year, and the commanding position that was assigned him and accorded him there, and this penny postage rate—these three circumstances have done more in my opinion—and I ask hon. senators to give my poor words a little consideration before pronouncing judgment, and if they will do so, as I know they will not be premature in any judgments they pronounce—they will consider that my view of the matter is substantially correct. I have detained the House longer than I intended to do. I have felt a great deal more at home in this House than I thought I would, because when I look across at the hon. leader of Her Majesty's loyal opposition in this Senate I find a very warm personal friend whom I knew and who knew me long before, I fancy, he or I knew any one in this chamber, and from the first hour of our acquaintance I have received from him, what I am sure and shall hope and expect to receive in the future, nothing but kindness; and I am only glad to find that I am called upon to speak in the presence of one so sympathetic and so fair, always fair, and loving British fair-play. Now, I think you see my view with regard to the position of Canada. Her prosperity in every way, as evidenced by our immigration and her desire to trade not only with Great Britain and the islands of the sea and our neighbours to the south, but wherever trade is to be had. And I cannot better express the view that is in my mind than by a quotation, which you will pardon me for making, from a speech of our former Governor General, Lord Dufferin. In describing the position of Canada with regard to the Empire his language runs substantially in this way: "In a world apart, secluded from all extraneous influences, resting at the foot of her majestic mother, Canada dreams her dream and forebodes her destiny—a dream of ever-expanding harvests, of multiplying towns and villages, of expanding pastures, of constitutional self-government and a confederated empire; of page after page of honourable history, added as her contribution to the annals of the mother country and to the glories of the British race; of that temperate and well-balanced system of government, which combines in one mighty whole as the eternal possession of all Englishmen, the brilliant history and tradition of the past together with the freest and most untrammelled liberty of action in the future. That is the position which that brilliant Irishman considered that Canada occupied at that time. Now, shall we, hon. gentlemen, prove worthy of that heritage? If we do, we must not rest and be thankful; we must not be satisfied, as I take it, with present achievements. Our watchword must be "forward." We may well take up the sentiment that "new occasions create new duties."

"Time renders ancient good uncouth;
They must upward still and onward
Who would keep abreast of truth.

Lo, before us gleam the camp fires.
We ourselves must pilgrims be,
Launch our Mayflower and steer boldly.
Through the desperate winter's sea.
Nor attempt the future's portal.
With the past blood-rusted key."

Now, hon. gentlemen, I have only to invite your attention to the concluding paragraph of His Excellency's speech to this House, and it is this: with confidence he relies upon our doing all we can to promote the prosperity and the happiness of the Canadian people. I am sure that the legislation and the deliberations of this Hs., whatever it presents, will show that so far as this House is concerned, we appreciate our great heritage and we appreciate our solemn duties and so far as in us lies we are bound to perform them. I therefore have great pleasure in moving the address, in reply to His Excellency's gracious speech, as follows:—

That the following Address be presented to His Excellency the Governor General, to offer the humble thanks of this House to His Excellency for the gracious Speech which he has been pleased to make to both Houses of Parliament, namely:—

To His Excellency the Right Honourable Sir Gilbert John Elliot Murray-Kynnynmond, Earl of Minto and Viscount Melgund of Melgund, County of Forfar, in the Peerage of the United Kingdom, Baron Minto of Minto, County of Roxburgh, in the Peerage of Great Britain, Baronet of Nova Scotia, Knight Grand Cross of The Most Distinguished Order of St. Michael and St. George, etc., etc., Governor General of Canada.

May it please Your Excellency:—

We, Her Majesty's most dutiful and loyal subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

Hon. Mr. THIBAUDEAU—The leader of the Senate being disappointed in respect to the seconder of the address, I have this afternoon, at his solicitation, as I felt it my duty to do, consented to perform that duty, and so hon. gentlemen will not expect from me anything more than a very brief speech.

I am pleased that Her Majesty has sent as Governor General to this country a nobleman with whom the country had previously a favourable acquaintance, and I have no doubt whatever that he will follow the settled practice of our constitutional system in the discharge of the duties of the very high office which Her Majesty has confided to him.

I may, with the mover of this address in reply to the Speech from the Throne, express my pleasure at the great prosperity which has marked the progress of the country since the accession of the present government to power. The trade of the country has enormously increased, every branch of industry has been stimulated, a strong feeling of self-reliance has grown up amongst the people of Canada of every creed and of every nationality, and I have little doubt that the country has entered upon a career of prosperity hitherto unknown in the Dominion.

We have a large accession to the immigration to Canada. Our immense territories are being rapidly occupied by industrious and peaceful settlers. Many have come from the centre of Europe, and from the confines of Asia, who are a vigorous and hearty people who have been devoted to agriculture in their own country, and who are exactly the kind of settlers that the Dominion requires. We are pleased to see that many who had left Canada for the neighbouring republic, are again returning, and will largely contribute to convert our foreign population, amongst whom they mingle, into real Canadians.

The discovery of rich deposits of gold in British Columbia, and in the Yukon country, has stimulated the immigration of a mining population, who will, by their industry and by the investment of capital, greatly add to the wealth and prosperity of the country. The discovery of gold in the Yukon country—a country most difficult of access—has necessitated a new charge upon the public revenue. It was necessary to establish government institutions there, to provide for the protection of life and property, and to furnish, as far as possible, the means of ingress and egress to the country. This, of course, will necessitate a very considerable additional charge on the revenues of Canada. But it will also add, in even a larger degree, to the resources of the country, out of which the additional expenditure will be met.

The government have found it necessary, in accordance with the long-settled policy of the Liberal party, and with the sanction of the country at the last election, to alter the law in relation to the distribution of seats in the House of Commons, in conformity with the principles laid down by the late Sir John Macdonald in 1872, and then accepted by both parties—that in the establishment of electoral divisions for the return of members to the House of Commons, the county boundaries should be preserved intact. I understand a measure is about to be submitted to give effect to that principle, and

to restore the policy which prevailed before 1882. Although this is a measure which concerns the House of Commons, it is nevertheless most desirable that a principle long ago accepted as the basis of representation in the Parliament of the United Kingdom, and agreed to here prior to 1882, shall be recognized, in order that a permanent basis for representation may be had.

There will no doubt be many other measures of practical importance submitted for the consideration of the Parliament during the present session, and may I not say in advance that this House, in the consideration of these questions, will be content to exercise that authority which constitutional usage has marked out as the legitimate sphere of its operation, and within which, it alone can exercise a legitimate and beneficial influence upon public affairs. I have now the honour to second the motion for the adoption of the address.

Hon. Sir MACKENZIE BOWELL—Fortunately the speech is not of a character which requires much deliberation or a lengthened debate. Before entering on any of the subjects which are presented for our consideration, I may be permitted to congratulate my hon. friend (Mr. Kerr) whom I have known for a great many years, on the temperate manner in which he has moved the address in reply to the Speech from the Throne. It is what I would have expected from him; and in addition to that, it has been done in language with which no possible fault can be found. That it has been tinged by, shall I say political prejudice—perhaps I had better say political opinions, which I know he has held so many years—is beyond a doubt. I was forcibly reminded, in listening to his remarks upon some of the topics which he discussed, of that sentence uttered by Tallyrand, that language was given to men to conceal their thoughts. This was more particularly impressed upon my mind when I heard his remarks in reference to the vote upon the Plebiscite; knowing, as I do, that he has been not only a strong advocate of temperance, but what some people would call a fanatical prohibitionist. He has been a prohibitionist and temperance man all his life. However, considering the peculiar position in which he is placed, the difficulty that he had in sustaining the action of the government after the vote which had been taken, I think I may say candidly, that he performed his duty admirably, that is, by complimenting the people upon an opportunity having been presented to them to consider the question and vote upon it; but he took very good care not to express any opinion upon the action which the government has indicated, both by letter and in the interviews which have taken place for their future course. However, I shall, when I reach that point, refer to it at some greater length. I must, with my hon. friends who moved and seconded the address, congratulate the country on the selection which has been made of a Governor General. Lord Melgund, as we knew him when in Canada, took a very deep interest in the prosperity of the country. He showed his devotion to Queen and country by offering his services at a time when his life was placed in jeopardy, and I have no doubt that as Governor General he will perform his duties to his country in the same way as he performed his duties as a private citizen and soldier, and I hope with my hon. friend that he may long live to enjoy, not only the position which he holds now, but to enjoy life and prosperity for many years to come. That the country is at present prosperous is beyond a doubt. No one denies it, and no one feels more gratified at that fact than Her Majesty's loyal opposition. I may with propriety add that if the forebodings which my hon. friend indicated existed in the minds of the people prior to the accession to power of the present government, have not been fulfilled, it is because from the Premier down to the humblest member of his cabinet, they have not fulfilled a single promise that they made the people during the election and for years previous to it. Had the promises which had been made, had the pledges which had been given to the people that they were going to rout out every vestige of that, to them, hated policy of protection, then that prosperity to which my hon. friend has drawn attention and the manufacturing industries, which are now in a flourishing condition, would not be in existence to-day. There were one or two industries which were struck violently in the tariff by placing them on the free list, and those industries have gone out of existence. They have not only gone out of existence, but the prices which were paid for the articles which were formerly manufactured by them in Canada and which went

into consumption, more particularly by the rural or farming population, have increased, I will not say in value, but they have increased in price to those who have to purchase them, and for the very reason that was predicted by every man who holds opinions similar to mine, that protection does not ultimately increase the price of an article. To the extent that Canada is placed in the same position in relation to the United States as one of the States of the Union, just so in proportion will the combinations which exist in the States control and rule the markets in Canada. It has been so in by-gone days, and it is now being experienced in the article of coal oil. The stronger hold the Standard Oil Company gets of the trade of this country, the more will they increase, as time rolls round, the price of coal oil to the consumer. This is a position which I know will be combated by some hon. gentlemen opposite, but experience has taught us this fact in the past and experience will prove it to be true in the future. I am glad, with my hon. friend, to know that immigration is increasing, and I hope that ere long the whole of our vacant lands will be settled, and that this country will present to our neighbours across the line a power numerically that we do not possess to-day. But we have something to say, and the country will have something to say, as to the character of our immigrants. I believe some of them are very good. There are others who are not. Some of them are like the man who is going to be hanged: he has not been in the country long, and the probability is that three more of those assisted immigrants will follow him to the gallows. That is not the kind of immigrants we want in this country. Some of the immigrants will make good settlers, from what I can learn, and have read of them. Some of them are peaceable, industrious and frugal people. I was a little amazed, but I could not help thinking with what joy the present Minister of Commerce must have suggested this sentence in the leaders to His Excellency:

The almost total cessation of the considerable exodus of our population.

Every one knows that for years the constant theme of the hon. gentleman was, that this country was becoming depopulated. We all know that the Anglo-Saxon race is of a roaming character, and that they will move from place to place. I am glad to see, in looking at the Trade and Navigation Returns, that a large proportion of those who left Canada, more particularly Lower Canada, are returning to their former home. I find, if I am to judge from the Trade and Navigation Returns, or the entries of the settlers' effects, that in British Columbia and in Quebec the largest portion of the immigrants have settled; but there is something that strikes me as very peculiar, and I could not help asking myself this question: Is it possible that for one whole year not a family has left this country? Now, we know, most of us, personally, that such is not the fact, and yet, if you look at the Trade and Navigation Returns for last year, you will not find an entry of a single dollar's worth of a settler's effects entered in the export list. When you examine the Trade and Navigation Returns of former years you will find among the exports that there are settlers' effects as exports from the country, and the effects of the immigrants who come into the country are entered as imports.

In the latest returns to which I have had access, which are for the year ending 30th June last, there is not a single dollar's worth of settlers' effects entered as going out of the country. If that is true it must be a source of gratification and joy to the people of Canada, but I must be permitted, with all due deference to the statistician who prepared those reports, to doubt their accuracy so far as they effect that particular item. I doubt it for the reason that I know to the contrary and that those around me know to the contrary, that there have been families leave the country, whether in great or small numbers I do not know, but I call attention to the fact that not a single entry appears under that head of exportation of settlers' effects. It may be an unintentional omission, or the entry may be made under another heading. I would be sorry to say that it was intentional, but there is the fact. In referring to the negotiations which have taken place in Washington it might be egotism if I were to say that I am not at all disappointed at the result so far as it has gone. I must express my very deep regret at the death of the two gentlemen to whom my hon. friend has referred. No one could ever have met Lord Herschell, the English representative, without being impressed, after a few minutes conversation, with the brightness of his intellect, and no one could have had half an hour's conversa-

tion with him without being impressed with the idea that there were few men in the Empire better fitted for the position for which he had been selected.

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—Lord Herschell was a strong Liberal, a man who has taken a very prominent part politically as a Gladstonian, who was in Gladstone's government, a Home Ruler, and had the most advanced ideas in English politics, yet a strong Conservative Premier like Lord Salisbury disregarded the opinions which he held upon English politics, and appointed him to a position which he knew, from personal intercourse and association with him as a public man, he would fill not only with dignity to himself but with benefit to his country. I do not know of anything that has occurred for a long time which could affect those who knew the gentleman so much as to read of his sudden death. I was deeply impressed when I read a short paragraph from what is said to be the last speech he made, or one of the last remarks he made, which was that it was too bad, that he should have "spent six months in negotiation and to have it result in nothing more than a broken leg." Afterwards, of course, his life was sacrificed in the interests of his country.

The next paragraph refers to the plebiscite. If hon. gentlemen will look back at the debates in this House, as well as the debates in the House of Commons, they will see that it was predicted that the result would be nothing more than the expenditure of a quarter of a million dollars, and such has been the result. Whether those who are termed temperance people, or the prohibitionists whom my hon. friend I know to a certain extent represents, are as pleased as he says they are at the result, remains to be seen—no, it does not remain to be seen in the future; all you have to do is to listen to the utterances of these gentlemen and read the letters which they write to the press, to be convinced of this fact, that my hon. friend has misjudged them, that in his desire to defend the "best government," as he terms it, that ever existed in this country, he has forgotten the utterances of the secretary of the Alliance, and the letters which have been written from different parts of the country. I would commend, not only for his perusal, but for his serious attention a letter which has just been printed, a manifesto which was printed and circulated in the province of Quebec by Major Bond, the son of Bishop Bond, in which he points out the cruelty of attributing to the Premier of this country, Sir Wilfrid Laurier, of whom he has been a very great admirer and is yet, as far as I know to-day, unless he has changed his opinion on the subject of prohibition, as evidently my hon. friend opposite has, in which he says it was a cruelty to attribute to him the position of having attempted to humbug the people by submitting the question of prohibition to them, without the slightest intention of ever putting the will of the people, as expressed through the ballot box, upon the statute-book. His language is very strong, and he quotes from the speeches delivered by the Premier on this question to show that he could not, in honesty or in fairness to the people, do other than carry out the will of the majority of the people. The secretary of the Alliance in Toronto has expressed a similar opinion on this question, and he combats the position taken by the Premier in this way: he says if a certain percentage of the votes is to control your action in a question of this kind, why do you not apply the same principle to yourselves, who represent but a minority and a small minority of the whole electorate of the Dominion? I observe the Minister of Justice smiles. He thinks it absurd to ask him to give up his position, I know, because he represents a majority of those elected; but if the non-voters upon the prohibition question are to be considered as opposed to the principle, then logically the non-voters and those who voted against the late government, being in the large majority, would place them in a minority, and under our system of government the majority is supposed to rule. It is the essence of responsible government that we should be governed by the majority. It might not be uninteresting, if it were not so long, to read a letter which has just appeared in the public press—perhaps my hon. friend has not read it.

Hon Mr. MILLS—Perhaps my hon. friend would not object to my asking whether he concurs in that line of argument?

Hon. Sir MACKENZIE BOWELL—When I am placed in the position of my

hon. friend and, assume the responsibility of legislating upon the question of prohibition, I will give a frank and fair answer. I am not in that position just now, and consequently I am not called upon to do it. I told my hon. friend last session, when this question of plebiscite was before this chamber, that it was a fraud ; that it would result in a fraud, that it was the most cunningly devised scheme that was ever concocted by public men to get rid of a difficulty and cheat the people of the country. That is what I said then and that is what I repeat now, that when I am asked to legislate upon this question, if my hon. friend will introduce a bill to prohibit the importation and manufacture of spirituous liquors, then I will tell him what I think about it. In the meantime I propose to deal exclusively with the position of the government upon the question. Even at the risk of being tedious, I will read to the House this letter ; because it is admirably written, forcible in style, and will be interesting to my hon. friend who moved the answer to the Address. I know it will if he has not read it. This is written by a Queen's Counsel, Mr. J. G. Bulmer. I have no doubt the hon. senior member from Halifax knows him. I believe he is a prominent man there, and for the edification of those who have not read it I will take the liberty of reading it. I do so to show my hon. friend that he is mistaken when he says the temperance people are delighted and pleased with the manner in which the government fulfilled their promise to the people when they submitted this question to them. Perhaps he has forgotten that the Dominion Alliance people, nor the prohibitionists, ever asked for this plebiscite. On the contrary, Mr. Spence, at the convention held in this city, told them that while they would accept it and vote for prohibition, it was not asked for by them, and consequently they would not consider themselves responsible for any vote which might take place upon it. But upon the assurance by the Premier and of others that the will of the people would be carried out, they went to work in order my to secure a majority. We all know that hon. friend opposite (Mr. Mills) is opposed to prohibition. I have in my desk an extract from a speech in which he said he was totally opposed to prohibition, believing it to be impracticable in this country or in any other country ; and, entertaining those views, I hold him responsible, as one of the government, for submitting a question to the people that he believes, if attempted to be carried out, would be impracticable. In doing that he was not acting honestly and in accordance with his own conscience. Why did he not do as my late chief, Sir John Thompson, did in an interview with a temperance delegation in one of the committee rooms? When they waited on him he pointed at once, like an honest man, to the difficulties that presented themselves, and the utter impossibility of successfully adopting a principle of that kind.

Hon. Mr. MACDONALD (B.C.)—He made no promises.

Hon Sir MACKENZIE BOWELL—No, on the contrary, he intimated that he would not do it, knowing that it could not be enforced. However, I am getting away from Mr. Bulmer's letter. It is very well written and highly interesting. He commenced it with a quotation which reads this way :

"Ah ! May God grant me life, and may Jesus pardon me, I will raise a gibbet a hundred yards high, I will take hammer and nails, and I will crucify this Beauharnais called Buonaparte, between this Leroy called Saint-Arnaud and this Fialin called Persigny."

Editor Citizen.—The above was used by Victor Hugo in exile as a shout of defiance at the third Napoleon after the infamous December days of 1851, in which he had broken all pledges and by the coup d'etat assassinated the French republic. It is not only a description by a master of the man of the hour, but it is a description of one Frenchman by another, exactly applicable at this moment to Sir Wilfrid Laurier, and probably represents the feelings of a hundred thousand voters in Canada. In his letter Sir Wilfrid Laurier has tested his party as an engineer tests a bridge ; he has loaded it with infamies ; will the party stand it? Even party honesty recoils with a sort of dread anxiety before the outrage on which they are entering, and a leading man of their party in the local legislature said to me yesterday. "This is too bad." Yes, it is too bad, and any one raising the cover a hundred years hence for the purposes of history will smell the stench. It is the most terrible attempt at a thrust backward which Canada has ever received, and the moral obliquity of the act surpasses a hundredfold all the questionable acts committed in the name of politics by both political parties since 1867. That letter leaves everything in ruins, as complete as though the thunderbolt which rent had been answered by the earthquake which scattered. A party platform, the solemn promise of the leaders, the encouragement and support of the party press, the debates in Parliament, the pledges of hundreds of representatives elected since the adoption of the platform at Ottawa in 1893, all are now repudiated. We are told by the leader of the Liberal party, to-day in power and governing Canada, himself, by twenty-nine per cent of the whole vote of the Dominion, in effect, that before we can have a solemn pledge carried out we must have above fifty per cent of the whole vote of the Dominion, in other words, a liquor vote of fifteen per cent shall govern Canada. Surely the impudence of this

argument following the repudiation of the platform is only surpassed by the hypocrisy of the party pledge preceding it. The truth is, the party have been playing the game of government as a species of state swindling—a conjuring feat on a large scale, and the Conservative party can say to men like myself, who worked for the Liberal party at the last election, and went up and down the province for months assailing the Conservative party because of the royal commission, "What a joke they have played on those idiots." Yes, they have; but I have to remind the men composing the rank and file of the Liberal party in Canada, that there is a scene in Homer where Nemesis appears behind Thersites national politics with such violations of principle as this is not politics at all—not even the depraved politics of the violent partisan, but a herd of provinces, through their representatives, hunting together for their food.

IN A POLITICAL CUL DE SAC.

Sir Wilfrid Laurier has led his party into a place of annihilation, and made that terrible choice a political battlefield without an outlet. To-day 2,000 pulpits, 5,000 societies, 100,000 voters are busy denouncing the government and the supporters for this base betrayal, while the religious and independent press are sounding the tocsin of a free democracy from one end of Canada to another. Who is to stem this tide; whose voice will the people hear? Can any one say anything for them, that the death roll will not appear through the whitewash? Never was Sedan more certainly a mortar into which the German army went pounding, than will be the ballot-box a retort for the destruction of the Liberal party. If I knew the day in June, 1893, that the plebiscite was adopted into their platform, and the day that the Dominion elections will be held, I should be able to show that that which was knitted together on those two days came apart the day of the election, that the party which began at the convention under the black flag of a lie, ended at the ballot box under the white flag of disgrace, that the monstrous fabrication of the convention burst asunder the day of election.

Nothing that the Liberal party can do will from this day forward to election day divert public attention, not if they created for us a fresh Klondike every month, if they made every citezen as wise as Solomon, blameless as St. John and safe as an angel in the courts of heaven; to vote for such a government would still be a damnable crime, while its lever of power was the liquor traffic. It is too late to deliberate; the gauntlet is thrown down; we must take it up, as the Wesleyan says to-day "through the hundred and twenty constituencies in Canada giving majorities." This letter of the Premier is an infamous and insolent challenge to the democracy of this country, and it is true that for a time it kills us; but happily such deaths as these, like the deaths of the gods, are only for a time. When we are able, through county conventions, held in every county in Canada, by public meetings held in every center of population and school-house in the land, articles in every paper and sermons and speeches from every pulpit and platform, to rouse this country as it never was before, then our masters at Ottawa will begin to see rising in the gloom behind them the enormous head of the people. Let us get ready for 1900 by giving the world an exhibition of a country "where the citizen is always the head and ideal, where outside authority enters always after the precedence of inside authority, where the populace rises at once against the never ending audacity and insolence of elected persons." My only object in writing this letter is to rally into one unique thought the courage of the country. On the body of Charpentier, who perished at the barricade at the Petit Carrew, in Paris, was found a note book with a single line. "Admonet et magna testatur voce per umbras." In that spirit I write this letter. J. T. BULMER, Halifax, March 15th.

I read this more particularly to show how incorrrect my hon. friend is in stating that the temperance people and prohibitionists are highly delighted with what the government has done.

This letter is a very good indication of the feeling of those who, as I believe, were betrayed by the government whose sole object was to evade and get rid for a time of a troublesome question. I might elaborate on this question for an hour. I have extracts from the speeches of the Minister of Agriculture and a number of extracts from the speeches of the Premier himself, in which he indicated, in the plainest possible manner, that if a majority of the people were in favour of prohibition, his party would carry out the pledge which they had given, and introduce a bill to enforce prohibition. He did not say, I frankly admit, a majority of the votes cast; he said a majority of the people, but when we use that expression in the working of our institutions and in our mode of government, it means a majority of those who cast their votes at the poles.

My hon. friend the Minister of Justice shakes his head. I know that he is to a certain extent a theorist—I know, more than that, that he is a good constitutional thinker, and he knows, and every man within the sound of my voice knows, that when we go to an election of any kind, whether it be municipal or of a grave political character, affecting the whole country, the majority of the votes cast are those which are supposed—I will not say supposed—that the majority of the people rule and control the future action of the government or the municipality which has to deal with the question. If such were not the case, what would you do in the case of an election of a member of Parliament where there are hundreds on the poll books who never poll their votes; and where some, as I know, in the House of Commons sit with a majority of two or three, and yet have all the advantages of a member who has a thousand majority, and are recognized there as legitimate and proper representatives of the people, just as much as if each of them had been elected by acclamation on the supposition that every man in his constituency was in favour of his election. In the present case every province, but one, has pronounced by a large majority in favour of the principle of prohibition. I am not going into the reasons which led the people of the province of Quebec, who evidently hold

different views from those in other sections of the country, to oppose prohibition. That is a question that may be discussed hereafter, and probably we might leave that entirely for the other House to deal with, but here is a fact: every single province in the Dominion has pronounced in favour of prohibition, except one, and because you have not a majority in the whole of the provinces, the temperance people, whom my hon. friend says are so satisfied with the "best of governments" that ever existed, have to—I do not desire to use strong language—abandon all hope of legislation. However, the prohibitionists have shown that they are not satisfied with the action of the government. I may be permitted, before I sit down, to refer again to the Washington Commission. It escaped my mind at the time. My hon. friend expressed great delight at the result, so far as we know it. He was delighted, as a Canadian, a loyal British subject, at the position taken by the commissioners, as I understood him, upon that question which led to the postponement of further consideration of the Alaskan boundary. On that question, if we understand it, the United States commissioners demanded that even if they submitted the question to arbitration as to where the boundary between the two countries really was, those portions of the country in which there are settlements and which the United States have had possession of for a long time, should still remain United States territory.

Hon. Mr. MILLS—I think you may drop the words "for a long time."

Hon. Sir MACKENZIE BOWELL—My hon. friend makes the case stronger. Does any one who has watched the course of events, or has paid the slighest attention to the debates in the House of Commons for the last session, and who knows the position taken by the Premier on that question, wonder for a moment that the United States commissioners took that position? The Premier made the declaration in the House of Commons when debating this question last session, that those portions of the country which had been settled and held by the United States would still be retained by them, and that he would not withdraw the expression when solemnly asked to do so by Sir Charles Tupper, for fear it would be taken advantage of. He positively refused. The principle was laid down that because the United States had possession, because they had made a settlement, we should not even claim it as British territory. Is it to be wondered then, that the United States commissioners should say: "Well, you have admitted this fact decidedly in your speeches in the House, and certainly you should have no hesitation in making that restriction in any reference to the commission." When you look back to the history of this country—when you trace the utterances of the leaders of the Liberal party and more particularly of the Minister of Marine and Fisheries, his chief and others. in their declarations throughout the country, of their willingness to concede almost anything that the United States would ask of them in order to get that panacea for all the ills and evils that they said afflicted this country, unrestricted reciprocity, is it any wonder, when the United States have those expressions lying before them, that they should demand from our commissioners that which no British commissioner would think of surrendering? I am glad my hon. friend from Quinté division, desended, as I know he is, from good U. E. Loyalist stock, resents any such propositions, from whatever party they emanate. It would be presumption in any of us to attempt to discuss this question intelligently without knowing really what the terms are and what the points are upon which the commission have come to any decision. May I ask the hon. Minister of Justice if it is true that the Canadian commissioners, headed by the Premier of this country, have consented to leave the interpretation of the treaty of 1818 affecting the fisheries, a question on which no one doubts our rights, to arbitration to ascertain whether that should be permitted to continue to exist? Are the United States people to take the Premier's declaration at Chicago, where he said that the old treaty was barbarous in its character, that it was entered into at a time so different from the present, that while it might be applicable at that time and quite correct, it was not applicable or correct at this date? Is it possible that a treaty which leaves no possible doubt as to the rights of Canada to those fisheries, should be left to arbitration to-day, to tell us what it means? If that concession is made, it is a concession to which no Canadian should submit and should

be resisted as we would resist any such condition as I have referred to in connection with the Alaskan boundary. Until we know those facts and what the points of difference are, we cannot, of course, discuss the question intelligently. I am only calling attention to that which has appeared in the public press as one of the concessions which Canada offers to make to the United States in connection with that great question. We all know the value of the fisheries, the wealth they have brought to Newfoundland and to Canada, and we also know the importance of maintaining inviolate the rights that we possess under all circumstances. I give expression to these, my own views, I believe them to be the views of the Canadian people generally, and I shall be glad to get information from the Minister of Justice—that is if he feels at liberty to furnish it, knowing the delicacy which surrounds him in speaking on questions of this kind, unsettled as they are, in any speech which he may make in this Sanate and which will receive publicity. I understand that thoroughly, and consequently do not look for that answer which I should like to receive upon this important question, and upon other questions upon which they say a settlement has been reached. However, if concessions of that kind have been made; if the rumours which have appeared in the public press are to be taken as correct upon these points, I hope that if a treaty of that kind ever comes before us it will be rejected by the Parliament of Canada, as the United States rejected treaties into which they had entered with Great Britain in the past, and treated with ignominy—I will not say with contempt. I am not so much enamoured as my hon. friend is with what he calls the concession and great advantages of the penny postage. I know that it is popular —and perhaps it would be impolitic for me to express an opinion upon it—particularly with the commercial community. It is popular with those who do a great deal of correspondence. I know in my own small business that the tax upon newspapers is about compensated by the saving in postage, but it is only an adjustment of taxation and no more. If you relieve the commercial community, as this does, by one cent on every letter, the deficiency has to be made up by somebody else, and the deficiency will have to be taken out of the pockets of those who do not have any correspondence, and consequently that portion of the community for whom in the past you have been so very solicitous—the agriculturists who we have been told, were not only degraded but ground down to the very lowest depths, will have to assist in making up that deficit if the theories which hon. gentlemen opposite have preached for years be correct, that they, through the National Policy, have been taxed and are taxed at the present time. You say, pertinent to this, that you have carried out your promise of free trade. There is only about one and a half per cent difference between the present tariff and the old tariff which hon. gentlemen opposite denounced. In some articles protection is higher than under the old tariff, even with the 25 per cent preference to the English manufacturers. Hon. gentlemen opposite began, like a fakir who wants to sell his goods: he marks his price high and then states in his window that he gives 25 per cent reduction for cash. You took some articles which bore a 25 per cent duty in the old tariff, and raised the rate to 35 per cent, and then said, "we will give a 25 per cent preference to Great Britain." Now subtract the 25 per cent from 35 per cent, and you have a protection left of 26¼ per cent left, being one and a quarter per cent better for our manufacturers than the old National Policy tariff which hon. gentlemen have condemned for the last eighteen years; and my hon. friend (Mr. Kerr) rejoices at the fact that the manufacturers are reveling in delight at the idea that they have not been yet run out of existence. I cordially approve of the protection they enjoy. Every one knows that I am, and have been a protectionist, and the older I grow the stronger I am in my convictions on that point. If my hon. friend will go on and re-impose the duties on the industries which he has destroyed, he shall have my hearty support. I admit, in connection with this, that the unification, if I may use that term, of the postage throughout the whole world is an idea at which we should all rejoice, but in adopting it in Canada with our sparse population as compared with other nations, we are just removing the tax from one particular subject and putting it on another; for the $700,000 deficit this year arising from a deficiency in postage—provided the statements I have read are correct— must be paid by some one. I notice in the Ad-

dress a point to which my hon. friend did not call attention, the proposition to build a telegraph from Skagway to Yukon. I remember the speech of my hon. friend, the Minister of Justice, last session, in which he portrayed the dire consequences that were to follow if a railway or tramway was not built from the head of the Stikine to Teslin Lake —the flag was to be pulled down, miners were to starve, the country was to pass over to foreigners and other direful consequences were to follow. Nothing in the world would save that country to Canada unless that tramway and the ice road up the Stikine River were built. My hon. friend has concluded to build a telegraph line commencing in what he termed, although we deny it, United States territory. My hon. friend said last session that all the trade of the Klondike would be lost—that that country itself would be lost if we could not have entrance to the Yukon by some other route than Skagway, Dyea or Pyramid Harbour. Now, if the existence of the country was at stake through the failure of the Stikine-Teslin railway project into the Yukon district, how much worse will it be when you build a telegraph line to Dawson from Skagway, a port now held by the United States, and where every single telegram that is sent from this country to that portion of the north-west will have to pass under the surveillence of United States officials? If it was so very dangerous to establish railway communication with Dawson via Skagway, it must be equally dangerous now. I am not finding fault with the proposed construction of that telegraph line; if I had any fault to find it would be that you did not commence the construction of a telegraph long ago. I think that was the most essential thing to do in order to assist the trade of that country. I believe telegraphic communication from one portion of the British Empire to the other would do more for the unification of the Empire than any other scheme or policy that can be adopted. Trade follows the electric wire and without such communication you cannot develop trade or commerce such as you would establish if there were telegraphic communication with all portions of the country. I am very glad that the government have adopted that scheme at last, but it is totally inconsistent with the declaration which they made twelve months ago as to the absolute necessity of being able to get into that country without touching United States territory. We believe, looking at the map as far as I understand it, that Skagway belongs to Canada, but it is in possession of the United States, and so long as they hold it, just so long will they compel British subjects to submit to all the customs regulations and whatever surveillence they think proper to impose upon telegraphic communication. What my hon. friend should have done, I venture to give him this opinion, although I declined to give him an opinion of what should be done under other circumstances.

Hon. Mr. MILLS—We had that before.

Hon. Sir MACKENZIE BOWELL—What?

Hon. Mr. MILLS—Your opinion.

Hon. Sir MACKENZIE BOWELL—That does not relieve you of having taken another position and having made other promises. Had the Premier and the government, instead of acknowledging the supremacy of the United States at Skagway and other disputed points, asked them to enter into a modus vivendi under which the matter would remain in abeyance until an arbitration had settled the question, instead of acknowledging their right to that country as was done, we would have been in a much stronger position to-day, and would have shown better statesmanship than the government has done under the circumstances. Notwithstanding these facts, however, my hon. friend (Mr. Kerr) considers them the best government that ever existed in Canada. I was a little amused at the interpretation which my hon. friend gave to the question of gerrymandering. It is an exotic, he says; it is a United States invention, I may say a unique invention, and there was no person who introduced it into this country but my hon. friend's friends, and they have been using it ever since. We have been denying it. I am not prepared to admit the statements which have been made as to redistribution of seats in the past. I deny that they have been of the character designated. What is intended to be done in this matter, as in the matter of the commission, I cannot say. We are debating the question in the dark. We know that the Confederation Act—if you refer to the 51st and 52nd clauses of

the Constitutional Act under which we are governed,—makes this provision, that every ten years there must be a redistribution of seats upon the principle of representation by population as near as practicable. I do not say that that can be done exactly. If you redistribute the seats now in accordance with what is indicated by the hon. gentleman who moved the Address, adhering to county boundaries, I say it is practically impossible—for I have studied that question a little in the past—if you are going to have the representation based upon that old platform of the Liberal party in Canada, which has been preached ever since the Hon. Geo. Brown's time, of representation by population. Neither do I think, and I do not know that it is necessary in the election of representatives to the House of Commons, a body which has to deal with the affairs of the whole Dominion, or even practicable to have the constituencies limited by county boundaries. We know very well that it is not the case in Ontario. If you look at the Hurons you will find that townships are actually divided, in the constituencies for the Ontario Legislature. When you talk about the population, all you have to do is to look at the past and examine the Redistribution Bill in Ontario. I refer to that more particularly, because my hon. friend (Mr. Kerr) is an Ontario man. He will find that they have not adhered rigidly to population or county boundaries, because they retained Niagara with 5,000 and Cornwall with 7,000, while other constituencies have three sand four times as many. What I should like to know from my hon. friend (Mr. Mills) when he arises to address the House, is, upon what principle, if he thinks it advisable to give the information, this redistribution is to take place. Is the whole of this country to be redistributed in order to adhere to the county boundary lines and in accordance with population, or are you to commence at the eastern portion and divide it up, giving each section a representative by population, or is it for the purpose, as I should say is indicated by the letter, a copy of which was telepraphed from British Columbia the other day, to deal with it from a strictly party standpoint, which is the meaning put upon the word "gerrymander" by my hon. friend? I read the other day with some surprise an answer made by the Minister of Justice. I hope he will state that it is not correct. In communication with his British Columbia friends he told them frankly that he knew very little about the geography of the constituencies in that province, and asked them to apply to the Reform Associations and supply the information when required. Does not my hon. friend know enough of politics to know that information so sought, and information so received, would not be reliable? There are other sources of information which the hon. gentleman might apply to without seeking it from a Reform or any other association. It is the last place that I would apply to if I wanted an unbiassed opinion. Take British Columbia at the present moment and see what position they are in. Thousands and tens of thousands of people are rushing into the Atlin and other mining districts of the province. Is British Columbia to be distributed on the basis of a mining population? You know that the mining population in any locality may consist temporarily of thousands and thousands of people. Two or three years ago I went through the Crow's Nest Pass. I went to what is called Wild Horse Mining Camp. There were ten to fifteen thousand of a mining population there at one time, but only about half a dozen people when I was there. Is the redistribution to be based on a population of that kind, or in what way? Perhaps the hon. gentleman will enlighten us on that subject before the debate is closed. Then you must bear in mind that even if they cut up the whole country at the present moment to suit themselves, or in accordance with the population or the county boundaries, they will have to do the same thing again two years hence, if they are in power—I might parenthetically say that I hope they will not be—that is after the next decennial census. If they succeed in carrying the country two years hence or a year hence, whenever they go to the people, they will have, under the constitution, to redistribute the whole country, and here, just a year before taking another census, we are asked to redistribute the constituencies of this country in order to please them, or to convince the people that they were sincere in their declarations that what had been done in the past was not correctly done.

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—My hon. friend says hear, hear. I knew he

would say that. When that question comes up we will discuss it at much greater length, and on facts which we should have before us. The last paragraph is exceedingly pleasing, where it says that the estimates for the year are to be prepared with a due regard to efficiency and economy, and the responsibility arising from the rapid progress of the country. This is a stereotyped expression, I admit, but when I put that in juxtaposition with the increase of expenditure during the last two or three years, and with the declaration of the Minister of Public Works when defending his extravagance during the last two or three years, when he said: "Wait till you see our estimates for next year, and then we will show you how we can spend money." We wait with some little anxiety to see what these estimates will be, and how far these promises are to be carried out.

Hon. Mr. MILLS—That is in the other chamber.

Hon. Sir MACKENZIE BOWELL—It is in the other chamber, it is true, but as members of this chamber we have to deal with it, and as citizens of the Dominion we have to foot the bill, as well as those of the other chamber, notwithstanding the restriction my hon. friend would place upon the powers of this chamber to deal with it when it comes before us. There are many other points to which I would like to call attention, but I have spoken as briefly as I could. I merely desired to call the attention of the House to some of the positions taken by my hon. friend who moved the address, and the position which the government take upon these questions, must be my only apology for having occupied your time so long.

Hon. Mr. MILLS—I may begin by congratulating the mover and seconder on the very able statements they have made and the very clear explanations they have given of the principles and policy of the government disclosed in the Speech from the Throne. I also may say that I entirely agree with them in their statement that this country is entitled to be felicitated upon the appointment by Her Majesty of the present Governor General. I have no doubt that His Excellency will be found to discharge his duties upon the principles of government which have long been established in this country and which are invariably followed in the parent State. Let me say further I must also congratulate my hon. friend the leader of the opposition on the moderation with which he has discussed those questions upon which he entertains very strong opinions and upon which I have no doubt he differs from the administration. My hon. friend began his speech by stating that he entirely agreed with the views expressed by the mover and seconder of the address that the country was prosperous, that it was in a highly prosperous condition, and he also agreed with them that the emigration from the country had ceased, and that a large number who had gone abroad in former years were immigrating to Canada again. There are reasons for these things which I will not discuss at the present time. But we know right well that when people emigrate in large numbers from a country they do so with the expectation of bettering their condition, and if everything was quite satisfactory at home such an emigration would not take place. When people immigrate to a country they assume that the condition of things in the country towards which they are directing their journey is more prosperous than the country which they had left, and so I take it that the emigration of former years and the immigration of to-day are indications that we are in a more prosperous condition at the present time than we were at the time that those persons expatriated themselves and sought homes in other sections of Christendom. My hon. friend has also discussed the tendency, as he calls it, of the Anglo-Saxon to roam over the world, but that tendency at the present time is checked in Canada. I do not know that the Anglo-Saxon is a nomad and that he delights in finding a home somewhere else than in the country of his birth, but he is an enterprising man ready to push his fortunes wherever he thinks a fortune can be made, and not disposed to remain at home if in his opinion his condition will be very much bettered by going elsewhere. I do not know that the Anglo-Saxon in this regard differs much from the Celt, or from any other race in the civilized world. This much is perfectly clear: for some reason or other, which my hon. friend has not attempted to explain, the condition of things has improved and the country is more prosperous at this time than it was when my hon.

friend and his former colleagues had the direction of public affairs, I know right well that my hon. friend does not expect me to claim any credit for this, but I am perfectly sure that if my hon. friend were in my place and the condition of things had improved so much for the better, that, however disposed he may be to thank Providence in his heart, he would in his utterances be disposed to take a very considerable portion of the credit to himself. My hon. friend, therefore, ought not to be surprised that the government does claim, to some extent at all events, the merit of having contributed as far as governments can, to the change which has taken place for the better. There is another thing which my hon. friend will not be disposed to dispute, and that is that there is abroad in this country to-day a spirit of self-reliance, a disposition on the part of the population to rely upon their own exertions and their own energies and to look less to others for the prosperity which they trust lies before them, than in any other period of the history of this country.

Hon. Mr. BOULTON—Why do you not lower the tariff?

Hon. Mr. MILLS—My hon. friend asks why do we not lower the tariff. What has that to do with this question?

Hon. Mr. BOULTON—Self-reliance.

Hon. Mr. MILLS—The people are exhibiting self reliance, and the tariff, I may say to my hon. friend, will be lowered, though I do not think my hon. friend will be pleased to see it lowered, because my hon. friend wants a grievance. He wants something of which to complain. He wants to direct his criticisms against the administration, and that opportunity would not be afforded him if the Government moved faster than they are moving at the present time. Therefore, my hon. friend would be in greater distress than he has known since he has been in Parliament, because the principal ground of his complaint would be taken away. Let me say this: that not only does the country exhibit great self reliance by the energies that the population are putting forth, by the enterprises in which they are engaging, by the objects in which they are investing their capital in order to create fortunes for themselves, but there is also growing up between Canada and the parent State a stronger feeling of unity, a stronger desire to become one and indivisible than existed in former periods of the history of this country.

Hon. Mr. ALLAN—Hear, hear.

Hon. Mr. MILLS—The Dominion of Canada, perhaps, is something like a boy growing up to manhood? He in time takes an interest in the fortunes of his father. He learns that he may contribute something towards the increase of that fortune and he desires to become a partner, not merely governing the local territory of which he is in charge, but sharing in those larger enterprises and those international enterprises in which, if he grows, he will have a permanent interest. An so to that extent he will be disposed to cast, in a larger degree, his fortunes with the old gentleman than he was inclined to do before; and so there is a disposition on the part of the people of this country to say "we have a great regard to our father John Bull and we wish permanently to unite our fortunes with his." My hon. friend has also adversely criticised the government with regard to a number of matters. He has spoken of the negotiations with the United States and has asked—not with a great deal of persistency, and I am obliged to him for it—information with regard to those negotiations. My hon. friend knows there were a number of questions of difference that had arisen between this country and the United States. There were questions of difference with regard to their rights in our Atlantic waters in respect to the fisheries. There were differences arising from the unrestrained destruction of fish in the inland fisheries on the borders of the two countries, creating dissatisfaction with us, because we were making regulations for the preservation of the fish, while before the eyes of our fishermen destruction was going on without restraint upon the United States side of the boundary. Then there were differences with regard to pelagic sealing which had been arranged to some extent by the convention of Paris, and which had been settled in the main in favour of our contention, but they were maintaining that from the manner in which pelagic sealing was being carried on, even under the Paris regulations, the herd of seals in the Pribylof Islands was being destroyed, and it was necessary that some convention should be

had between the two governments in order that that herd might be preserved. That was a subject of irritation on one side if not on both, and so it became necessary to come to a more perfect understanding with our neighbours in respect to that. Then there was the dispute to which my hon. friend has referred, this question of boundary: and the United States contend the boundary is, where we think it is not. In our opinion, under the convention with Russia of 1825, the convention of St. Petersburg, the location of the boundary is not where the United States contend it is. In our opinion the proper location would give us, at all events, the upper portion of the Lynn Canal, and if our contention is right Dyea and Skagway are located in Canadian territory. Now, let me say this: my hon. friend has referred to some other matters connected with this which I will discuss later. He has referred to the communications which took place on this subject. We thought, and we think still, that the rule which the United States urged on behalf of Venezuela and which the British Government at their instance accepted, is one equally applicable to the disputed boundary between the United States and Canada. The United States insisted, when the boundary came to be settled under the treaty stipulations with Venezuela by the commissioners appointed for the purpose, that if upon the location of the boundary a settlement made by the British should be found on the Venezuela side, and that it had been made more than half a century ago, the boundary should be so located as to embrace that settlement within British territory. In our opinion the same rule should apply in settling the disputed boundary between Canada and the United States, that if there should be any town which was built up more than half a century ago upon our side of the boundary by the people of the United States, that should go to them according to the rule laid down between Venezuela and Great Britain; but our United States friends, as I understand it, were not prepared to accept that proposition. They propose that any town, no matter how recently built by them in Canadian territory, should go to them in any event. That was one of the differences, as I understand it, on that question. Then there was also a difference of opinion, which I need not discuss at the present time, in regard to the manner in which a commission or board of arbitration should be constituted for the purpose of settling those difficulties. My hon. friend has referred in this matter to the death of Lord Herschell. I may say that I think we all equally lament the death of that distinguished statesman and jurist. Lord Herschell was a man of far more than ordinary ability, and far more than ordinary industry. He had devoted himself with great energy and great zeal and with extraordinary intelligence, and had studied all the disputed questions that required a settlement between Canada and the United States. No man could be better qualified by his attainments and by his ability for the commission appointed to consider these questions than the late Lord Herschell. He gave them special attention and I cannot but feel, as I am sure every hon. gentleman here does, that it was a great misfortune to this country when Lord Herschell died. His services would have been invaluable to us, not only in the settlement of the questions in controversy, but the special attention which he had given to all those subjects, the thorough acquaintance which he had acquired with respect to them, as well as his interest in this country and familiarity with it, which nearly eight or nine months had given him, would have been of invaluable service to Canada in future years had Lord Herschell's life been spared; so I cannot help but feel, as I am sure every one here does, that it was a calamity to this country when Lord Herschell died.

My hon. friend has referred to the penny postage. He thinks that it is an advantage simply to merchants. I do not agree with that view, and I think if my hon. friend will reflect for a moment he will see that its beneficial influence is very much wider than he has stated. Merchants may, to some extent be benefited by the system of penny postage, but the people who will perhaps avail themselves of it most are those who have relations scattered abroad throughout the Empire and in the neighbouring republic. It will result in very much more frequent communication between the scattered members of different families and, in my opinion, will become an important bond of union between different sections of the British Empire as well as between the Empire and the English speaking population of the neighbouring republic. All the ties that spring up between one section of the Empire

and another ; all the acts of state and public utterances which bring people, whose union and good understanding is desirable, closer together are advantages, and this I regard as one of the measures contributing silently and unostentatiously to a closer and stronger union between different portions of the British Empire. Let me say this, that our union is a peculiar one. We know the union of the neighbouring republic sprang up. A compact was entered into between the colonies. The powers which belonged to the British Government passed to the central government ; the powers which belonged to the colonies passed to the States, and so their constitution did little more than regulate and define the boundaries which separated these respective powers, and they were enabled, without much difficulty, to frame a written constitution. Let me say you can have no such constitution between the different portions of the BritishE mpire. We are differently constituted : the different portions of the Empire are not in contact with each other, and the union which exists and which largely consisted at one time of the supremacy of the central authority, now more largely consists in the extension of interests, in commercial relations, in closer business contact and, when necessity arises, in international controversies, and granting to a dependency a voice in any international board for the settlement of those difficulties in proportion to the interest which it has. Now, that is a union which you cannot provide for by a written constitution. It is a union which must grow, and it is the business of public men in every part of the Empire to look abroad and to see where the opportunities exist for the extension of that union and the strengthening of its bonds, in order that in time an Imperial constitution, similar in principle to that of the United Kingdom—similar in principle to that by which we are governed, may spring up between the different portions of the Empire. It is not a union in which there is a legislative body, for which it is necessary to make legislative provisions. It is a union consisting largely of administrative relations, of the settlement of treaty relations, of understandings ; it is a union based on convention and usage and common sense, not on law, and which will in time become a far more perfect machine than it is possible for the wisdom of statesmen to create. Now, my hon. friend I thought undervalued the importance of more friendly relations with the neighbouring republic. My hon. friend did not speak against such union, I know perfectly well ; but I thought he undertook to minimize the observations made by my hon. friend who moved the Address. Now, I think they are of very great consequence.

Hon. Sir MACKENZIE BOWELL—What I desired to point out was I would not submit to great concessions even to obtain that.

Hon. Mr. MILLS—Neither would I. We may have a little difficulty in drawing the boundary, but there are somethings on which I think concessions ought never to be made, and other things on which concessions may be made, and if experience shows they do not work as satisfactorily as you anticipate, they may be withdrawn. While I have no desire to see any political relation between this country and the neighbouring republic ; while we should maintain our autonomy here, an autonomy consistent with the continued unity of the empire, I am in favour of friendly relations and a friendly understanding with our neighbour across the boundary.

Hon. Sir MACKENZIE BOWELL—So is everybody.

Hon. Mr. MILLS—Now, it is one of the benefits that have grown up within a recent period, a period extending back but a few months, that more friendly relations do exist. I have myself met many men of prominence in the neighbouring republic during the past summer and this winter, and I know there is a very great change for the better in their feeling towards Canada and towards Great Britain. When the United States gave up the old colonial idea of living to themselves, of being a world by themselves, of avoiding entangling alliances, meaning thereby not merely political alliances but intimate commercial relations, they attained their majority. They have gone abroad in that they have undertaken to acquire outside dominion, and in doing so have given hostages for their good conduct in time to come, and they will not occupy that isolated position which some regarded as independence, but which I regard as leading to ill-nature and to its exhibition. I

say, therefore, that in the extension of United States territory and in the better understanding that has arisen between the Imperial Government of our Empire and the United States, we have hopes that their shell will be softened and that they will be disposed to deal with us from feelings of self-interest on fairer terms than they were disposed to do under other circumstances.

My hon. friend has referred to the question of prohibition. Well, I am not going to discuss that, because while he read to us the opinions of others, whose opinions perhaps might be of very great consequence——

Hon. Sir MACKENZIE BOWELL—They are Liberal opinions.

Hon. Mr. MILLS—My hon. friend would have satisfied himself, and I am sure others on this side of the House more, if he had devoted a little more attention to the exposition of his own which he declared, like Desdemona, he was determined to conceal. My hon. friend, however, was not very successful, for he reminded us of the views expressed, which are in entire accord with his own, by the former Prime Minister, the late Sir John Thompson. And he said Sir John Thompson informed these people he did not favour prohibition, that he was opposed to it, and that he intended to stand on that ground. My hon. friend says that our position was a fraud ; that in fact our course in proposing a vote on the subject of prohibition was a fraud. But my hon. friend forgot that he himself supported it with alacrity. If my hon. friend held last session the views that he has uttered with so much perspicuity to-day, he ought to have resisted the proposition. He ought to have fought against fraud here. He ought to have endeavoured to prevent the triumph of fraud in this House. But my hon. friend thought the government was marching to their execution, and fraud or no fraud, villany or no villany, my hon. friend was ready to submit to anything and to do anything, for the purpose of allowing the government to commit suicide.

Hon. Sir MACKENZIE BOWELL—Oh, I would not do that.

Hon. Mr. MILLS—Then my hon. friend read letters, but he did not tell us whether he adopted them as his own views or not, and I did not see that they had much relevancy unless he adopted them. These letters stated that the rule with reference to the plebiscite vote was exactly the same as the rule for the election of members to the House of Commons. I dissent from that view. The object is different. You must have a House of Commons. You must have representatives of the people constituting one assembly, and you accept the return of those who have polled a majority of the votes. How did this vote stand? My hon. friend will see we were not electing anybody. There was no act of necessity connected with this vote. The object of the vote, as I take it, was for the purpose of seeing whether the state of public opinion was such that it would justify the government in legislating. We had no doubt but what a measure might be carried through Parliament, especially if hon. gentlemen thought it was going to kill us. But my hon. friend will see that beyond that there is the question of the enforcement of the law, and I say that a measure put upon the statute-book that you cannot enforce is very much worse than no measure at all. When you look at the vote how does it stand? You had 21 per cent of the electors of Canada declaring against prohibition ; you had 22½ per cent declaring in favour of prohibition ; and you had nearly 56 per cent who did not vote at all, who certainly were not enthusiasts in favour of prohibition. On the contrary, I would be inclined to draw the inference that they were, on the whole, hostile to such legislation. It being six o'clock, and as I have yet some further remarks to make, I move the adjournment of the debate.

The motion was agreed to.

The Senate then adjourned.

THE SENATE.

Ottawa, Tuesday, 21st March, 1899.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE INTERNATIONAL CONFERENCE.

INQUIRY.

Hon. Mr. BOULTON rose to inquire :

Whether the suspension of the deliberations of the international conference, between Great Britain and

the United States, until the 2nd of August next, will prevent the consideration of the establishment of free trade relations with Great Britain?

He said:—The object of the question is to ascertain whether the suspension of the conference means the tying up of domestic legislation in Canada or of legislation we may have with Great Britain.

Hon. Mr. MILLS—I do not see any connection between our trade relations with Great Britain and the negotiations with Washington. I am not at all aware that the one can have any influence on the other. It is not intended that any negotiations with the United States shall alter the policy that the government adopted with respect to Great Britain.

THE ADDRESS.

THE 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 fourth session of the eighth parliament.

Hon. Mr. MILLS said:—When the House rose last evening at 6 o'clock I was discussing what my hon. friend opposite, the leader of the opposition, had said in respect to the plebiscite taken upon the subject of prohibition. I did not think that there was any similarity between an election for the return of a member to the House of Commons and the vote taken to ascertain the state of public opinion upon a question relating to a proposed sumptuary law. If it becomes necessary to hold an election for a member to the House of Commons, it is necessary that there should be a member returned, a representative for the constituency that at the time was vacant. It is necessary, whether the vote be large or small, that that return should take place, and it has always been regarded in the public interest that the one who has polled the largest number of votes, whether they form a large or a small percentage of those who are entitled to the franchise, shall be returned as the representative to the legislature. But that view can have no relevancy to a vote taken in respect to the propriety of legislation upon a particular subject. Let me say to the hon. gentleman that it has not been the practice in this country, nor is it generally consistent with parliamentary government, that a vote shall be taken upon a specific measure. The rule is that each party may state what their views are on questions of general policy, and those who are returned in the majority to the House of Commons shall exercise a controlling influence in favour of that policy to which they are committed. Now, whether the rule be a sound one or not, it was thought that that principle was not applicable to the case of a sumptuary law. In such a case, whether the measure is one which is proper to put upon a statute-book, depends largely on the state of public opinion, and whether the public will sustain such a measure by their active sympathy and support, if it should be made law. Now, the vote is taken not to decide whether prohibitory legislation is a good or a bad thing in itself, or whether it is a proper thing to adopt, but if the law can be enforced. That is a consideration upon which the people may pass by a popular vote, but it is also a consideration upon which the administration and Parliament must subsequently decide. But assuming that to be so, assuming such legislation is proper, nevertheless it is important to know whether the state of opinion in the country is such as to justify the administration in bringing such a measure forward. Now, I say, the object of the popular vote on a question of that sort is and must be mainly for the purpose of ascertaining the state of public opinion. Now, what does the vote disclose? I find that there are on the registered lists of voters 1,223,849 names. Of that number, 278,478 voted in favour of prohibition; 264,571 voted against prohibition. That is, the total vote polled was 543,049, indicating the number who are actively in favour of such a measure and the number who are actively opposed to it, the vote being taking the whole Dominion collectively together, very nearly equal. Now, I find there were 646,800 votes, not polled, a good deal more than half. I say, looking at the whole question, at the result of the vote that was taken, in my opinion it does not indicates such a state of public opinion as would warrant the government in undertaking to legislate on the subject. Then you have the further consideration that you would require in case such a vote was adopted, to alter the taxation to the amount of six or seven million dollars. You would have to remove the tax from all the prohibited articles as a source of

revenue. You would have to devise other means of taxation than those which already existed and in place of the tax which you repealed. And if that were the case, every administration, as long as it retains its senses, must consider what would be the effect of that alteration of the taxation upon the public opinion of the country, and whether, if such a system of taxation had been proposed as part of the question submitted, the vote in favour of prohibition would even have been as large as it is. Let me suppose, as an abstract proposition, that we had carried through a perfect measure, we had provided another system of taxation, that we had imposed taxes upon tea, coffee and sugar, and a per capita tax or such other tax as might be required to make up the six or seven millions of revenue that would have been displaced, and we had asked for the vote of this country upon a perfected measure of that sort, I think we were bound to consider what would be the probable vote given upon a measure of that sort. I have no hesitation in saying that there would necessarily be a good many people who would vote for an abstract proposition in favour of prohibition that would not vote to pay a few dollars of the taxes that are at present paid by the men who drink. That I have little doubt about, and all these matters are to be taken into consideration. If instead of 278,000 votes there had been over half a million votes in favour of the proposition, it would have indicated a very different state of public opinion from that which exists, and a state of public opinion that might have justified the government in going forward and meeting the wishes of those who desire to see a policy of prohibition adopted.

Hon. Mr. MACDONALD (B.C.)—Take another plebiscite.

Hon. Mr. MILLS—My hon. friend has also spoken about the proposed telegraph line from Skagway into Dawson, and he seems to think in some way or another, that that is contrary to the policy which the government adopted last year, and inconsistent with the contention which my hon. friend beside me and myself on behalf of the government made in this House last session. I do not see that. I am unable to see how my hon. friend arrives at such a conclusion. I was of the opinion that if we opened a line of railway into that northern country within our own territory with a view of extending it as soon as possible to a seaport within our own limits, it would have been the right policy to adopt. I am still of that opinion. I think it was most unfortunate—my hon. friend I dare say holds a different view—that that policy was frustrated by the vote of this House. There can be no doubt whatever we have turned, by our action, the whole trade both from Canada and the United States to the ports of Dyea and Skagway. We no doubt arrive somewhat nearer to our own territory by going to these ports, but we place the trade at its initial step under the control of the United States, subject to their policy. We are building up considerable towns on United States territory that could not live without our trade if that trade had been diverted into another channel. That is an accomplished fact. A railway is being constructed which will facilitate, no doubt, communication with that country, and what we propose to do in the meantime is to construct a telegraph line, located in that same district, for the purpose of holding more ready communication with that distant portion of our Canadian possessions. We do not suppose for a moment that that is to be our permanent line into that territory, but it is the one that can be most readily constructed, and which will furnish at the earliest day facilities for intercourse, to enable us to communicate with the territory, until we are able to begin at a point connected with the telegraph system in Canada as it now exists and extend a line from that system into the Yukon country. No doubt that must be done, and it must be done with as much expedition as possible, but in the meantime a line can be constructed in the course of a short period of time which will place us within a few days communication with the ports on the western coast. It will take a vessel a few days to pass from Dyea or Skagway to Victoria, and that link, of course, in our telegraph communication will be wanting, but nevertheless it will enable us, in the course of a week, to communicate with Dawson and with the mining district in the Yukon country. At present our communication is very slow and extremely uncertain, and that slowness and uncertainty will be overcome temporarily by the construction of this section of telegraph line. My hon. friend referred

to the proposed bill for the redistribution of seats, and spoke of it as a gerrymander bill. It is not a gerrymander bill; the object is to repeal a measure of that sort. Unfortuna ely many years ago the system of gerrymandering constituencies so as to give a minority an opportunity of returning a majority to a legislature was adopted by our neighbours over the way. That system was carefully excluded from this country until 1882, and in 1882 my hon. friend opposite and his colleagues undertook to solve the problem in the United States way. We propose to put an end to that. It would be advantageous perhaps from a party point of view—although I think it would be demoralizing to the public sentiment of the country—if we were to retaliate and adopt the policy of those who controlled the government of this country in 1882. But we do not propose to do that. We propose to put an end to the gerrymandering system. We say that you shall pay regard to county boundaries, that these shall not be broken, that, where a county is entitled to more than one representative, you may divide it into two divisions. If entitled to more than two, into three ridings, but you must make your electoral division within the limits of the boundaries established by the county. Now, across the boundary in some of the newer states of the United States Union they have a special provision in their state constitutions that there shall be no gerrymander, and to secure the result they provide that when the census is taken and a new distribution of seats takes place, the county boundaries shall be unbroken, and the fragments of different counties shall not be put together for the purpose of forming a constituency. In adopting this rule over the way, and in adopting that rule here, we are simply following the ancient tradition of the United Kingdom. Hon. gentlemen will remember that in the United Kingdom there is no such thing as constituencies made up of fragments of different counties. You have the borough divisions and you have the county ridings, but each riding forms a portion of a single county. It does not form a portion of several counties, and in that way the historical traditions of the representation of the county has been preserved and it has exercised, as stated by Mr. Gladstone and by Lord Salisbury, a healthful influence over the representation in the future. Constituencies that a century ago were represented by the great Earl of Chatham, when Mr. Pitt, by his son, Mr. Pitt, by Mr. Fox, have a pride to-day in referring to the fact that in times gone by these men who played so important a part in the House of Commons and in the government of the Empire were representatives of their district, and it exercises a healthful and beneficial influence over them in the selection of representatives to-day. The effect of such a historic tradition is advantageous to the community, for whatever we may do in the way of legislation and especially in the way of constitutional legislation, should be aimed to draw people upwards and not to drag them down. The principle, hon. gentlemen, will find set out by Sir John Macdonald, in a speech addressed to the House of Commons in 1872. He points out that it is important, where men are in the habit of co-operation for any public object, for the administration of justice, say as jurymen, in their agricultural associations, in their municipal organizations, that the same men, thus forming an acquaintance with each other, thus becoming personally acquainted with the abilities of the more promising men amongst them, should have an opportunity of selecting such for their representatives in the House of Commons. But if you cut off a township from one county and attach it to two or three townships in another county, you may take off from the county the most promising, the most influential, the most useful man of the county and put him in a constituency where outside of his own township he has no acquaintance whatever. No matter which party he may belong to, you doom him to private life, you deny him that opportunity which his abilities would enable him to secure and which his abilities entitle him to, if you respected county boundaries, and if you gave him the chance to which he is entitled. I say that in proposing to return to the principle of observing county boundaries in a distribution of seats, we are not introducing anything novel. We are not gerrymandering the country. We are undertaking to undo what has been done in that regard and give every man, whether in or out of Parliament, a fair chance for his life, the opportunity of making his own fortune. Now, my hon. friend says that if we adopt that principle we do not secure equal electoral divisions, but I tell my hon. friend that when this subject was under discussion in

1893 I went over the whole ground with some care then, and I think I satisfied members of the House of Commons on that occasion that the inequalities which exist at the present time between the constituencies with the largest population and those with the smallest is greater than would exist if the principle of respect for county boundaries were observed. There is no difficulty in showing that undoubtedly that is so; and it is, therefore, of immense consequence in this country, if we by any possibility can do it, that we should adopt a rule which would be accepted for all time to come, so that no matter which party might control the affairs of the country after the census, that we should be assured of one thing, the county boundaries would be respected and that whatever alterations were made in constituencies would be made within those county limits. I think that is a safe rule. It has been said by my hon. friend that we disregard the principle of representation by population in adopting a rule of this sort. Let us observe what the British North America Act provides for in that regard. It does not provide for representation by population in electoral districts. That we have never had. It cannot be contended for a moment that was adopted in the distribution of 1872, or 1882 or 1892. In every one of these cases the inequality shows that there was very little attention given to the subject of representation by population between constituencies. That is not what the Act calls for. It is representation by population between the provinces, and each province is given representation in proportion to its population. Now, one constituency may have a larger population than another. That is of far less consequence than to undertake to break up the division which exists by the common co-operation of the people within county limits. I need not pursue that question further, because the measure will be before this House and we shall have an opportunity of fully discussing it. I simply point out that there is no gerrymander contemplated, none intended—that the intention is as far as possible to place the two great parties of the country upon a footing of equality for the elections and to restore the principle of county boundaries with that end in view.

My hon. friend referred to the question of taxation. He says "you have violated all your principles; you have disregarded all those theories of taxation which you have been promulgating for twenty years" I do not think that my hon. friend is warranted in that contention, I never proposed that there should be less taxation than is required for the public service. I have always maintained that the tax should be with that object in view.

Hon. Mr. BOULTON—But that all that was collected for taxation purposes should be diverted into the treasury.

Hon. Mr. MILLS—That is my opinion, and I think it is desirable to carry that principle out, so far as we possible can. The great difference between my hon. friend (Mr. Boulton) and myself on this point is that he seems to think that unless you move on a direct line you are not moving in the direction that you claim you intend to travel. On that point I differ from him. There are many questions connected with taxation. There are many prejudices associated with it, on the part of people having important interests that it is not our business to shock—that it is not our business to make war upon. We trust to the force of the progress of the country and the gradual adoption of principles which those who are inclined to dread them will see have not associated with them the evils which they anticipated. Now, let me say that in this respect I, to some extent, hold to the view expressed many years ago by Mr. Lowell, that the movement of a party is something like that of a great river. There are many great bends and sweeps in the course in which it moves forward until it reaches a broader level, and so it is with those who have the charge of public affairs. We are moving onwards towards the point at which we aimed. We will certainly, if the country sustains us, and I believe it will, ultimately reach that destination, but we purpose doing it without revolution. We purpose doing it without undertaking to run over mountains and carry the country down precipices. We deviate from a straight line so far as that is necessary to guide public opinion, to avoid public excitement and to secure by quiet means, by means which in the end it becomes obvious to everybody will lead us to the point which we intend to reach. It is not our business to provoke agitation. It is not our business to lead any portion of the people to suppose

we were making war upon vested interests. It is our business to govern the country as we find it. There are many things perhaps that if we had come into power earlier would have been different—would have been, from my point of view at least, better; but we had to deal with the position of things as they existed when the change in the political sentiment of the country took place, and when the public confidence placed us where we are, and we propose to pursue the course which we had marked out for ourselves, consistent with the principles of good order and of quiet, and to carry with us the confidence, so far as we can, of every class of the population. It is said by a distinguished writer, that the foolish and the dead never change. We are neither foolish nor dead, and we intend to bring about those changes which we believe will be to the advantage of the country, and which will contribute to its material growth and to its prosperity.

Hon. Mr. FERGUSON—When I say I have listened with a great deal of pleasure to the speech of the hon. mover of the Address, I feel confident that I express the opinion of every hon. gentleman in this House. By saying that I do not at all intend to convey the impression that I agree with everything the hon. gentleman said, but from his own point of view, and in the performance of a very delicate and important duty in this House, I must say that he performed his work very well indeed, and I would almost go so far as to compliment the hon. gentlemen on the government side of the House in calling our friend to this House, because I am satisfied from the address he has made that he will be a very valuable member of the Senate. I would almost go a little further on that point and say that in the matter of filling seats in this House the present Premier of Canada and his colleagues have shown a very great regard indeed for the honour of the Senate and the interests of the country, for we have added to our members gentlemen of ability and standing and influence in the country. I will go a little further to say that in the appointment of a gentleman to fill the seat made vacant by my lamented colleague in this House, Senator Arsenault, no better appointment could have been made from the ranks of the Liberal party in Prince Edward Island than the hon. gentleman who has been called to that place. It would be difficult to find any one better fitted to adorn a seat in this House than the gentleman who has been appointed by the government to he Senate either in the ranks of one party or the other. But that leads to a reflection not altogether so creditable to gentlemen opposite. It is rather humiliating to them and to the whole of us that they could not be in a position to call so estimable a gentleman, to the Senate of Canada without stultifying themselves before the people of the country, because as a political party they have put themselves on record as declaring it immoral to hold out prominent positions of this kind before members of the House of Commons. It is no fault of the hon. gentleman who has been called to this House. He is blameless in the matter. Hon. gentlemen on this side of the House believe that no wrong is done in calling a member of the House of Commons, who has ripe experience to this House; but hon. gentlemen opposite laid down a different doctrine. My hon. friend (Mr. Mills) shakes his head. That is the way with our friends. One of these gentlemen propounds a doctrine and they are understood to say Yea, yea and amens to it; but afterwards, when it does not suit their purpose, we find one after another shirk the responsibility attaching to their doctrine. The present Postmaster General went so far in the House of Commons in 1896 as to introduce a bill providing that no member of the House of Commons could accept a permanent position, with emoluments attached, from the Crown, until after he had ceased to be a member of the House of Commons for one year, and he made a speech in support of it, in which he repeated the views that had been expressed on the platform and in the country and which were announced scores of times in my own province by representative Liberals as an accepted doctrine of the party. We hold to no such view as that. I do not agree with the principle laid down by the Postmaster General and supported in a very remarkable speech by him in the Commons and endorsed very fully by a gentleman who spoke on that occasion, and who held up his hands in horror at the evil that he saw rampant in the land in dangling positions before members of Parliament—I speak of a gentleman who was then a member of the House of Commons but who has since been appointed to a judgeship in the province of Ontario. The first paragraph of the address refers

to the prosperity at present enjoyed by the Dominion of Canada. Hon. gentlemen who have already spoken have referred to this prosperity, and admitted that at the present time we enjoy it in a very large measure. While agreeing with that view, I will go so far as to say that, compared with the prosperity prevailing all over the world, Canada stood as well in the bad years of 1892 and 1893 as it has stood in the good years of 1897 and 1898, that is, compared with the rest of the world, What was the condition of affairs in 1892, 1893 and 1894? We went through a tremendous crisis which swept down almost all the banking institutions of the United States. The United States suffered extreme distress. The same distress, although not so poignant, was felt in Great Britain and in fact all over the commercial world. Although we were not wholly exempt from that wave of depression, while we felt it to some extent, yet I contend we came out of that ordeal at that time and stood well compared with the rest of the world. My hon. friend the leader of the House says that we have to take immigration as an evidence of existing prosperity. I am not going to deny that the influx, in very considerable numbers, of settlers is an evidence of prosperity. The prosperity that we enjoy may be one of the reasons that induces them to come, and it is certainly very gratifying to know that we are receiving a considerable number of settlers from abroad. But I have looked a little into the public documents and find no evidence before me to warrant the belief that we are receiving at this time, or that we have been receiving within the last year for which we have any particulars, a very much larger number of settlers than we received even in the years which we all admit to have been bad—1892, 1893, 1894, and so on. My hon. friend beside me, the hon. leader of the opposition, remarked that he was not able to turn up in the Trade and Navigation Returns, any item of settlers' effects going out of the country during the last year. I have been a little more successful in that respect. It is not found under the heading of "settlers' effects," but "household effects." When they come into the country, they are called "settlers' effects;" when they go out of the country, they are adroitly called "household effects," but they mean precisely the same thing. Settlers' effects in the customs return, either going in or coming out, is almost the only statistics we have to show what the movement of population has been. I find the settlers' effects coming into Canada from the United States for the year 1898 were of the value of $2,334,457, a very respectable showing, indeed, and that in the same year the household effects going to the United States amounted to $886,622. Going back to 1894, I found that in that year the settlers' effects coming into Canada from the United States were $2,665,893, or nearly $300,000 more than is shown by the Trade and Navigation returns of 1898, about which we hear so much, and I find that, comparing the household effects going to the United States in these two years, there is practically little difference. In 1894 they were $940,000 and in 1898 they were $886,000. Therefore, as far as the customs returns furnish us information—and I do not know of any other source of information that we possess—we have nothing to show that the flow of population into and out of the country has been materially different in 1898 from what it was in the year 1894. I have taken these two years for comparison, because we know that in 1894 there was a depression all over the world, and in 1898 the boom of prosperity had set in, not only in Canada but in other countries as well. Now, with regard to the flow of population and the prosperity enjoyed in the country, I am not one of those who have ever believed that it is a very bad thing that some of our people people should go out and share in the enterprises of the great world beyond. I am not at all satisfied that this is a bad thing. We rather pride ourselves on the distinguished Canadians abroad. We like to give a president to the first National Bank of Chicago, and a principal to Cornell University. We are proud of the young men we send out and that out of those who go abroad a goodly number find responsible positions in the countries of their adoption. I therefore think that the statement in the first paragraph of this address, which says that there has been almost a total cessation of the exodus of our population, has been made without any substantial foundation upon which to rest. I happen to know that from the province in which I live a good many of our people have gone, and they are still going. Crossing on the ice boat the other day two young men were

even at that season of the year, taking that hazardous trip to go to the United States and seek employment. Some of my hon. friends who took the steamer to Georgetown told me that some half dozen young people were on that steamer also going to the United States. There, however, is just this difference between the state of things in past years and at the present moment. When the Liberal party were out of power they decried this country. My hon friend sitting opposite me, as well as his friends all over the country, during all those years denounced this country. They exaggerated the exodus of our population. They cried blue ruin from one end of the country to the other, and it would not be at all surprising if during those years a greater exodus of the population had taken place, when the leaders of the Liberal party were telling the people that there was no hope for them if they remained in Canada, that they were being burdened with bad laws and taxation and that their only hope was to get out of the country. That was the cry of the hon. gentlemen on the other side of the House. Circumstances are changed now and we hear nothing of blue ruin to-day.

Hon. Mr. MILLS—You are trying to preach it now.

Hon. Mr. FERGUSON—No, I am glad of the change. It has brought to an end this practice of one of the great political parties of decrying and belittling their own country. But it does seem a sorry reflection to have to make with reference to the great leaders of one of our big political parties in Canada that in order to make them loyal and true to their country it has been necessary to give them office. It is not a very pleasant reflection. The price may have been high, but a very desirable object has been attained when these gentlemen have been called off in this policy of denunciation and condemnation of their own country. References have been made to another very important paragraph in the Speech which refers to the negotiations that have been carried on for a long time, over six months, I think, between Great Britain and the United States, with a view to settle the questions pending between the two countries. In regard to that I would say that the present government have been extremely fortunate in the opportunity that circumstances gave them in dealing with these great international questions. We know what has happened within the last two years, more particularly within the last year, in the way of drawing the two great members of the Anglo-Saxon family together; of removing hostile or unfriendly feelings that existed between them. We know that a great deal has been accomplished in that direction, and it was very fortunate for the hon. gentlemen composing the government that these events occurred, removing some of the great difficulties which stood in the way of the settlement of the international difficulties in years gone by, and I will go so far as to say that, as far as circumstances beyond the control of gentlemen in the government were concerned, everything was in their favour; but as far as they had anything to do with shaping the circumstances themselves, everything was against them. We remember the very first step that was taken by the Premier in regard to this matter, to say nothing of the course pursued when they were in opposition. We know of their trips to Washington and of their Boston speeches, and their propaganda in Canada in favour of unrestricted reciprocity, and commercial union and we know of the celebrated interview which the Premier of Canada gave to a Chicago paper shortly after he assumed the government of Canada, all of which was to convey the impression on the minds of our neighbours that when these gentlemen came into power, and they came to treat, the United states would have almost everything their own way. The Premier of the country used almost those very words to the Chicago reporter: that the late government had been hostile to the United States, that the present government had been friendly to them, creating an impression in the United States which they were not slow to receive, that the time was come for obtaining most important concessions from Canada in the settlement of the questions pending between the two countries. Then after a visit to Washington on the part of two gentlemen connected with the government, we have the jubilee proceedings in England, and the so-called preferential tariff. Experience has proved that the preferential tariff has given no preference to Great Britain, that it has proved really advantageous to the United States, the best evidence of which is to be found in the enormous extension of

the imports of this country from the United States since the adoption of that tariff as compared with the imports from Great Britain. The fact remains however that while that tariff has not benefited British trade, but has worked advantageously to the United States trade, yet it was at the time apparently an unfriendly act towards the United States, which could not help rendering difficult the task of the representatives of this country when they undertook to frame a treaty. I go back and say that as far as these gentlemen at all attempted to shape events leading up to negotiations with the United States, they put nothing but difficulties in their own way, and all the advantages that came to their help in the matter of these negotiations came from sources and influences to which they contributed absolutely nothing. I remember all that we were promised about what the "sunny ways" were going to do. Who in this House has not heard the fable of the sun compelling the traveller to take off his coat, while the north wind had the opposite effect. The sunny ways were to be applied to Uncle Sam, and great things were going to be produced in that way. I am afraid that Uncle Sam has proved somewhat of an iceberg, as the sunny ways have not been as effectual as it was believed they would be. We cannot congratulate the government on the result of the long and protracted deliberations, and I must say that I believe there was a general feeling of satisfaction, a feeling of relief in Canada among their own friends, amongst the people generally when the commissioners came home, because the tenacity with which they persisted in endeavouring to make a treaty, the length of time which was applied to it, indicated clearly that in their intense desire to do something there was a great element of danger that the best interests of Canada would be sacrificed. I feel that the people of Canada to-day are much better pleased that they came home without a treaty, than with the kind of treaty that the public believed they would have if they had succeeded in coming to a definite conclusion with the United States. This does not say much for the power of sunny ways, or the boasted influence of this Administration aided as they were by all the power and influence of the British Government represented by a statesman of the greatest ability and of world-wide reputation, one of the ablest jurists in the world. Notwithstanding all the influence that he was able to bring to bear, they were not able to settle the questions pending before them. A sad commentary on all the boasts that were put forward about what the sunny days would accomplish when dealing with the United States, is the remark of Lord Herschell when lying on what proved to be his death-bed, "I have spent six months and all I have got for it is a broken leg." There is another paragraph of the speech to which my hon. friend has devoted a good deal of attention. That is the plebiscite upon the question of prohibition. My hon. friend, feeling the extreme difficulty of his present position, actually tried to get others into it. It is a comfort in misfortune if you can draw some others into the same position as yourself, and he actually tried to draw the hon. leader of the opposition into it, because he had not divided the House in regard to the Plebiscite Bill, hon. gentlemen know very well that the government have to take that responsibility entirely to themselves, and that they cannot shift it upon the shoulders of the temperance people of Canada, because the temperance people, as my hon. friend very well knows, did not ask for a plebiscite: asked for prohibition. They asked for they bread and the government gave them a stone. They pleaded that a plebiscite was not necessary, but the members of the present government when in opposition, in the Ottawa Conference of 1893, decided that they would take a plebiscite on the question, and they created an impression on the country that they would act in good faith with all parties and that the decision of the majority would rule. I am confident I speak the sentiments of the majority of the people when I say that that impression was created, righteously, created that the majority would prevail when the vote was taken. I believe my hon. friend the leader of the House is almost the father of the plebiscite idea, because he moved a resolution in 1889 in the House of Commons on the subject and supported that resolution in a speech, and I will read some extracts from that speech which show that my hon. friend clearly meant at that time that the view of the majority should prevail. The hon. gentleman said:

> I quite admit that on the great majority of public questions it is desirable that Parliament itself should assume the responsibility of legislation; but Parliament has already pronounced its opinion that prohibition legislation is desirable, but it has said

that in its opinion public opinion is not prepared for it. That may be the opinion of some honourable members of this House; but it is possible to settle that question, and to ascertain what public opinion is beyond all controversy by taking a vote of all those qualified to vote at an ordinary election.

The hon. gentleman said it was possible to take a vote of the people on the question which would settle beyond controversy what public opinion was. Now that vote has been taken. Take my hon. friend's view of the result of that vote and the importance to be attached to it, and I ask, is that a settlement beyond controversy? Does he not controvert the result himself? He controverts the result by his speech on the question in this House.

Hon Mr. MILLS—It is beyond controversy now. When my hon. friend says it is settled beyond controversy, I say yes, because over 690,000 people refused to vote.

Hon. Mr. FERGUSON—My hon. friend is inaccurate in his figures, for he counts all the names on lists made three or four years before, many of whom are dead.

Hon. Mr. MILLS—Does my hon. friend think there are no living people yet on the list?

Hon. Mr. FERGUSON—Yes, but there are not 690,000 living people. He counts the dead and the absent on old voters' lists in order to make it appear that the majority of the people declined to vote on this question. My hon. friend was not so sensitive about the constitutional soundness of the position that a majority of votes cast should rule when it affected his own right to sit in the government of Canada. A very large number of people refused to vote on that occasion, and a very large number of people voted against my hon. friend and his party, and only about twenty-eight per cent of the whole electoral list voted in favour of my hon. friend and his colleagues, and yet my hon. friend is so well satisfied with the result that he believes they have the right to govern the Dominion. I have not finished reading the extract. He continues:

> If it is found ready to sustain prohibition legislation, we shall be prepared to legislate in accordance therewith.

He pointed out that what was meant by a plebiscite was something which would settle the matter beyond controversy, it was to be settled with mathematical accuracy. My hon. friend could have meant nothing else and the conclusion he now draws does not point to a settlement of the controversy. There is a good deal of controversy in the statement made by my hon. friend to-day that a minority should rule Canada—that 21 per cent of the voters on the lists should rule Canada, and when my hon. friend pointed to a plebiscite as being a means to settle the question and find the condition of public opinion without controversy, he never meant that the minority should rule. In 1887 the Minister of Marine and Fisheries was addressed by the temperance people of Charlottetown before his candidature and asked to state his views on prohibition, and he answered by a letter which was published, a part of which I shall now read to the House. It is as follows:—

> In reply I beg to say that some weeks ago at a public meeting in the market hall I expressed myself as ready and willing to vote for prohibition whenever I was satisfied a majority of the electors desired it, and I went further to say that in my opinion the proper and best course to test the public opinion of the Dominion would be by a plebiscite on prohibition.

The hon. gentleman was distinct in saying that the majority of the people should rule in that matter, and he was prepared to carry out what the majority of the people would indicate if a vote was taken by way of a plebiscite, but Sir Louis Davies, like the hon. leader of this House, is now in the government and he finds there is a great deal of ground for controversy. I dare he will find a great many various meanings attached to the word "majority." I have no doubt whatever—in fact I know that the Hon. Sir Louis Davies's letter, was understood andaccepted by the temperance people as unequivocally promising that he would vote for submitting the question to a plebiscite, and would be guided by the views of the majority as expressed when the vote was taken.

Hon. Mr. MILLS—I should like to ask the hon. gentleman, supposing as a result of the plebiscite there had been only four or five thousand votes in favour of prohibition and three or four thousand against it, does my hon. friend say that the vote of the majority should lead to legislation?

Hon. Mr. FERGUSON—My hon. friend is putting a very extreme case but the

absurdity is no greater applied to one side than to the other.

Hon. Mr. MILLS—The hon. gentleman has not answered my question.

Hon. Mr. FERGUSON—I have answered that it would be absurd with so small a vote as that, but my contention is that the vote was not small—that the vote was 23 per cent of the actual strength on the voters' list compared with 28 per cent which the hon. gentlemen received when they appealed to the country for support at a political election, and hon. gentlemen know very well that in a political election, where personality comes in and powerful political organizations are at work, it is very easy to bring out the vote compared with a vote on a bare abstract principle. We know very well that the whole influence of the government—at least in one province—there were provinces where it was not safe to exert it—was thrown in order to secure a large vote against prohibition in the interests of the government, and I have not the slightest doubt that the affirmative vote, large as it is, 278,000, of men who went out purely to vote for a principle without supporting any political platform or personality of candidates—and in many cases without the spur of opposition—would have been larger had Govertment influence not been exerted. Hon. gentlemen know how powerful the spur of opposition is, and I have no doubt in Prince Edward Island if the opponents of the measure had only gone to the meetings and opposed the temperance people, the affirmative vote would have been doubled. It was the apathy and indifference which is sure to arise out of the fact of their being no opposition, that made the vote as small as it was, although it was a respectable vote in Prince Edward Island. The opponents of prohibition were wise in their generation in not holding meetings and showing their hand in Prince Edward Island, for if they had the result would have been doubly as favourable to prohibition as it proved to be. I have no hesitation in saying that the government have performed a part in regard to this matter of prohibition that is very far from creditable to them as a government and to Canada as a portion of the Empire. I think hon. gentlemen will search in vain for an instance in which the people of any country have been trifled with to the extent that the temperance people of Canada, among the very best people of the country, have been trifled with in regard to this question of prohibition. An election was called, the advocates of prohibition did not ask, as I said before, for a vote on this question. The government, for their own purposes took this course to dodge the question, but they endeavoured to create an impression that having submitted the question in this form they were more favourable to the principle of prohibition than there opponents were, and in that way they received a very large vote that they would not otherwise have received in the elections. When the object was gained, of getting the votes of the Conservatives who believed in prohibition, we began to see a shying back on the question of prohibition, and at times it began to look as if we would not have the plebiscite itself. A year ago it looked as if the hon. gentlemen opposite would be glad to see the question shelved. I could see at the time a desire that some catastrophe would occur in order that they might shirk the taking of the plebiscite, a hope that something might turn up to get them out of the difficulty in which they were placed. They put the question before the people and members of the administration went from town to town in the province of Quebec and made speeches in which they condemned the whole question of submitting it it to a plebiscite. Mr. Geoffrion said the government had, in a moment of weakness, promised a plebiscite, but they would not give prohibition. Mr. Geoffrion made the statement (I have never heard it questioned) that the government had actually made up their minds at that time that no matter what the vote was there would be no prohibition. Their object was to keep the vote as low as possible in order that they might escape from the promise they had made. We have the spectacle of the people of this country being put to a vast amount of trouble, a very considerable amount of public and private expense incurred, people called away from their employment at a busy time of the year and all this was done while it had been already practically determined that that vote should be treated with the utmost contempt.

Hon. Mr. SCOTT—There is no justification for that statement.

Hon. Mr. FERGUSON—How can we otherwise interpret the speech of Mr. Geoffrion at Beauhornois? He said there, before a ballot had been cast, that the temperance people would get their plebiscite but they would not get prohibition. If the matter had not been settled, why should Mr. Geoffrion make that statement? There was a time when hon. gentlemen opposite were professed economists, but that was some considerable time ago, and we do not hear anything about it now, but the expenditure of a quarter of a million dollars on the plebiscite vote for a purpose that had no utility, in their own estimation before the vote was taken, and which they have treated with the greatest contempt since——

Hon. Mr. MILLS—I think there was a commission on one occasion that cost something.

Hon. Mr. FERGUSON—That is always the way with my hon. friend. When my hon. friend finds that he has done something very foolish and very wrong, and which he cannot possibly defend, he quotes somebody who has done something bad at some other time, just as if the mistake of another government is going to condone the offence of his own government on the present occasion. I never was one of those who thought it was a useful course to appoint a commission, but there was this much to be said in its favour: it was an effort to get information, and certainly if you look at the voluminous character of the report, there ought to be information there. It certainly cost the country a great deal, but if it was ten times as foolish and bad as it was, it affords no palliation whatever for the conduct of hon. gentlemen opposite in resorting to that dodge of the plebiscite which they never believed in, which they evidently never intended to carry out to an issue, no matter what the vote was, and which they now treat with the utmost contempt. After nearly 300,000 people recorded their votes in favour of prohibition, the hon. gentlemen say that expression of opinion is not strong enough, and they are not going to do anything. A good deal of exultation has been expressed in government circles over the Imperial penny postage policy. They have not been at all slow in claiming that they have accomplished it for the whole empire, though they do not say so in the speech from the Throne. I am glad of everything that tends to bring the different members of the empire closer together, but when anything is done in that direction it should be done wisely and carefully, and in such manner as will cost the people of this country as little as possible in the matter of self respect as well as in dollars and cents. I have no hesitation in saying that in self-respect Canada has lost a good deal in this postal matter. The proclamation "I, William Mulock" had to be withdrawn in a day or two, and the expedients he had to resort to cover up that bungle, all came under the eye and observation of the statesmen of the empire and of the other colonies, and it is not at all creditable to Canada that such a bungle as that should have been made. Then the stamp itself, I do not think is of such a character that we should go into exultation over it. A good story is told, and it is an actual occurrence, that in the office in Charlottetown a man came up and inquired for a postage stamp which he wanted to put on an English letter, and he was handed the new stamp. He looked at it for a moment and said "I did not ask for a lobster label; I want a postage stamp." He actually mistook the red spots indicating the parts of the Empire for the claws of a lobster. Whatever position we occupy now with regard to penny postage and domestic postage rates throughout the Dominion of Canada, the government have not got it for us by any statesmanship of their own, they drifted into it. It was not apparent at all at the first suggestion of the question that it was the intention of this government to adopt the two-cent rate for Canada, Indeed, their actions disclose their intention up to the last moment of following a different course, and at the last moment they adopted a two cent rate of postage all over the Dominion of Canada. While it is a very nice thing to be able to send letters cheaply, as we are able to do now, we must remember that the Post Office Department has been a losing department up to this time. I believe the Postmaster General claims that he has made it nearer self-sustaining now than it was under the former administration. We will wait until we see all about that. I find it safe in dealing with these gentlemen not to take things on trust, as in the case of the settlers' effects, and the reference to the exodus. It is well to await

results before we come to conclusions about the great reforms the Postmaster General claims he has affected. We know the adoption of the two-cent rate for Canada will effect a very serious diminution in the receipts of the Post Office Department, and that will have to be made up by a tax in in some other direction. We have now a tax on newspapers. The poor man has to pay on his newspaper for what the merchant saves in his correspondence. A merchant may save $50 or $100 a year in the reduced rate of postage and that will be divided over the farmers in the enhanced cost of newspapers and other things taxed to make up this deficit. I am not at all satisfied that it is a wise movement or that any great reform has been effected in the management of the Post Office Department. The advisers of His Excellency the Governor General have put into his mouth the following words :

> Much information has been obtained since you last met relative to the extent and value of the deposits of gold and valuable minerals in the Yukon and other parts of Canada.

I must say I was very much pleased, indeed, when I saw this paragraph. I was delighted to know that hon. gentlemen opposite had got much information on the Yukon country, for my recollection of these gentlemen and their position before parliament a year ago, made me believe they needed information with regard to that country. There was almost worse than Egyptian darkness in the government circles when they introduced the Teslin Lake Railway Bill. We remember the speech made by a distinguished member of the cabinet on its introduction in the House of Commons, and we remember during the discussions on that bill the gentlemen in the government, although they claimed to know things they could not tell us, yet as far as they were able to communicate their information, they knew absolutely nothing, and it turned out we had to take their statements exactly as they gave them to us, that even the information that had been given to them through their own officials, and which had reached them months before, they had not made the acquaintance of until after they had undertaken to deal with the question in parliament. Mr. Ogilvie's report they scarcely knew anything about until it was brought to their attention in this House. I am delighted to find that hon. gentlemen opposite have received, as they say themselves, much information regarding the Yukon country, and I hope the result of this enlightenment will be to give us better legislation with regard to that country than were offered to this House during the last session of parliament. I was reminded when I read this statement about the flood of information that had come in upon them, of a story I read in one of Smollet's novels. His Majesty, the King of England, had been greatly disturbed by disquieting rumours which had come to him from America. The French were said to be in full march from Cape Breton to Grand Pré, a most alarming state of things indeed, and the King's mind was greatly disturbed. He communicated the information to his Prime Minister, the Earl of Bute, who went forthwith to find what light he could gain about this alarming information. He met a gentleman very soon after, and to him he mentioned the disquieting information that the King had received. His friend at once replied : "Tut, tut ! there is nothing in that. Cape Breton is an island, and the French could not march from there at this time of the year." "Is Cape Breton an island ?" said the Premier. "I must go and tell His Majesty at once. He will be delighted to hear it." I hope part of the information that these hon. gentlemen have received is that Wrangel is on an island and is part of the United States. They seemed to be last year under the impression that the mouth of the Stikine River was British territory and that Wrangel was under the control of this country. I hope and trust that a part of this great light that has come upon the government in regard to the Yukon country will deal with the geography of the country, so that hon. gentlemen opposite will be a little better informed on the subject than they were last year.

My hon. friend the leader of the House has dealt very extensively with the question of the redistribution of seats, a bill in relation to which has been promised to us in the speech. My hon. friend, like the mover of the Address, seemed to be very nervous and uneasy less anybody should think that anything like a gerrymander was contemplated by the government. Call it by some other name, he says ; we do not want you to dub our bill a gerrymanner at the outset. It reminded me of the old phrase about orthodoxy and heterodoxy ; orthodoxy is my doxy and heterodoxy is another man's doxy." If the bill were presented by a Tory

government it would be a gerrymander; but the same measure, or one of the same character, if submitted to parliament by the Liberal administration, is a great effort of statesmanship and must not be called a gerrymander; it is a redistribution of seats. That is, I think, about the extent of the uneasiness of the hon. gentlemen. My hon. friend the leader of the House only indicated one point of the proposed bill, and that was that county boundaries should not be interfered with. He went on and drew upon views expressed by Sir John Macdonald in 1872, that it was not desirable to break up existing relationships in any geographical tract of a country known hitherto, it may be, as a county: that the people become associated in municipal, agricultural and educational affairs, and a great many other things and that the breaking up of these relations was undesirable, and the hon. gentleman amplified how it was undesirable, and I agree with agood deal of what he said. There is no question there is a great deal of force and truth in that, but myhon. friend went on to say that the present bill was intended to be a repeal of the gerrymander. I suppose he meant the redistribution of 1882 in the province of Ontario. He seemed to forget that he was urging an argument, and a very strong argument, against the bill. If the bill were passed on the line that is now indicated, that would throw back the constituencies of Ontario to the boundaries which existed in 1881, before the passage of the Act in 1882. If he were to do that it would be twenty years from the time of that change until the new change would be brought about, and all these conditions that the hon. gentleman has described have grown up within those boundaries since that time almost as strongly as they had in the old county boundaries before the redistribution of 1882, and there will be just as much disturbance in breaking up the boundaries that were established at that time. Twenty years is a great deal in the life of a county or constituency. Changes have taken place, other institutions have been moulded, to conform with the division that was made in 1882, and any Act you pass that will deal in a very severe manner with existing bound aries will have all the evils attached to it that attached to the original Act, whether it was good or bad.

Hon. Mr. SCOTT—They are only attached for electoral purposes.

Hon. Mr. FERGUSON—My hon. friend is ignoring altogether the argument of the hon. gentleman beside him.

Hon. Mr. SCOTT—Not at all.

Hon. Mr. FERGUSON—He said that within political boundary would grow affiliations of another character, municipal and educational and so on. Men would come together and work together, and the breaking up of these associations and the change of these boundaries would disturb the affiliations. There will be a severe disturbance if the hon. gentlemen make radical changes now. I am not going to defend the Redistribution Act of 1882. I know nothing about it. I have heard it condemned by Liberals and in the Liberal press, and have heard equally strong condemnaions of the gerrymander by the governmentt of Sir Oliver Mowat in Ontario. I have been told that as far as the redistribution in Ontario for provincial purposes is concerned, they did not even hestitate to cut townships in two to carry out their objects, and there never was known to be a township cut in two by Sir John Macdonald. I am not discussing the question whether one party was worse than another: very likely there have been wrongs done on both sides, but I have no hestitation in saying that the argument addressed by my hon. friend to this house that the disturbing of boundaries which had existed for a long time and in connection with which affiliations of different characters have been formed, is attended with very great evils, and that the very argument he has used as against the original disturbance will apply with equal force against a new disturbance at the present moment, and I will go further and say that the principle laid down by the hon. gentleman that county boundaries must be adhered to is not a sound principle. I know our own position in the province of Prince Edward Island. We under the last census lost one of our members, and had only five members to return. Previously we returned two members for each of our three counties, but under the census of 1891 we lost one member. Our metropolitan county is just entitled to two members out of the five, and in the outlying counties there

was a difference in population: one had 27,000 and the other 34,000, speaking roughly. That was the position of the outlying counties. Three members had to be returned in these two counties, and it was impossible that it could be done by following county boundaries without a manifest unfairness as far as the distribution was concerned. In the distribution of 1892, our province was divided into five ridings, beginning at one end and cutting it into five almost equal ridings. There is not a difference of 2,000 in the population of the ridings, every one of these ridings was a close battle ground between the parties at the general election of 1896, there was no large majority to spare in any of them; 300 odd was the largest majority in any of these large constituencies, having a voting strength of over 5,000 each, and that showed most conclusively that the redistribution was made on the fairest possible lines, because every one of the five constituencies became a hard and hot battle ground between both political parties. If my hon. friend has given us a correct interpretation of his bill—and we are bound to accept his statement—county boundaries is to be the prevailing consideration, and you will have to break up the present fair distribution in Prince Edward Island, and give one of those outlying counties one member while the other will have two, in place of dividing on the fair lines contemplated by the British North America Act. It is quite true, as my hon. friend has said, that the British North America Act does not provide as an enactment that the principle of representation by population shall prevail as between the different constituencies within a province. My hon. friend was quite right when he said that. It provides that the principle of representation by population should prevail as between the different provinces. The conference that brought about confederation was interested in working the problem as between the different provinces, leaving to the Parliament of Canada and the representatives in parliament of the different provinces to provide for an even and fair distribution of parliamentary seats within each province. But although it may not be stipulated in the British North America Act, the very fact that representation by population was provided as between the provinces, even although it was not made to extend by any enactment whatever to the constituencies that were in the country, clearly indicated that it ought to govern and was expected to govern with regard to the different constituencies in the country, and I have no hesitation in saying, from what I know of some of the other provinces, the neighbouring province of New Brunswick for instance, that it is impossible that they can maintain county boundaries and recognize that principle. I know they have been maintained up to the present time, but I know very well it is not right, and some time or another justice will have to be done. Take the county of Albert with a population of 7,000, a little agricultural county without population of any consequence; then the adjoining county of Westmorland, containing several towns and a population of 40,000. The county of Albert has a member in the House of Commons as well as Westmorland, and under the proposed system that would be absolutely perpetuated, because there are counties enough in New Brunswick to absorb the representation, without giving any one county except St. John two members: and therefore the little county of Albert would have to continue under this principle with one member, and the great county of Westmorland will increase much faster with its railway facilities than the other county, and even now it has six times the population of Albert, yet it can have only one member as against one member in the smaller county. Under this principle which has been announced by the leader of the House, you will still have to acknowledge county boundaries, and the most insignificant county may have as full representation as the largest county. The principle announced is not a sound one, and it is not one that will stand 20th century discussion at all, and I am sure before the bill is passed that hon. gentlemen will think that it is not a very good principle to ask parliament to agree to.

Hon. Mr. BOULTON—I cannot allow the debate on the Address to close without expressing my views upon the various questions that are brought down. I must first unite with others in extending a welcome to the Earl of Minto, who has been appointed as successor to Lord Aberdeen in the distinguished office of Governor General of Canada, a position that is becoming more and more important every year, calling for the appointment of such men as Lord Minto

to act as the constitutional link between Her Majesty the Queen and the government of Canada. May that chain that has been wrought so skilfully and that has done so much good service in preserving the constitutional liberty of the people of Canada never be broken. Hon. gentlemen I come from a distant part of the country, where the population is not so consolidated as it is down in the East, where we have not the same means of communication and have not the same opportunity of expressing our views upon the great public questions which affect us materially, and therefore it has been my habit since I have had a seat in this chamber, always to speak on the Address, where you have great liberty and license in discussion so far as the subject will permit. I may say this House has suffered during the last year from deaths rather more than usual, and we have had to welcome several new senators to take seats in this House. I am very glad, indeed, that the government did not put into practice the views that some members of the Liberal party have expressed, with reference to the total abolition of the Senate, and letting it die out gradually by refusing to make any further appointments. This augurs very well as to what the idea of the government may be as to this House. I desire expressly to welcome to this chamber a life long friend and neighbour of mine in the town from which I come, Cobourg. I refer to the Hon. Senator Kerr, who has been honoured by the government with a seat in this House. He has been a good neighbour, a kind friend, an upright, honest man, and a resident of Cobourg from his youth to the present day. To that extent I think the House is greatly benefited by having him appointed here by the government. We are called upon to discuss the policy of the government as enunciated in the speech from the Throne. This is the fourth session which has been held under this government, and they have now had that much time to decide what policy they propose to pursue, and how far they are going to carry out the pledges that they made to the country during eighteen or nineteen years of opposition. The speech as it has been prepared is put before us. The stereotyped expression generally used in criticizing the speech, is that it is strongest in what it does not contain, or written to conceal thought rather than express it. The first thing is that we enjoy a very large degree of prosperity. I am very glad indeed that the government is able to put that in the Address. But the question of prosperity is comparative. To some people and in some localities the country may seem very prosperous; in other localities and to other classes the country may not seem so prosperous. So it all depends on how you feel and how you are individually prospering. My arguments have always been that under protection the distribution of wealth goes on unevenly, and the system of collecting wealth for a few has been the result of a protective policy, no matter what country it may be. That is a question in which also I have the warm support of the liberal party. I am only speaking of what they argued for before the country during the time they were in opposition. At a later period I will discuss as to how far they have put into operation the views they held and the promises they made to the people. So far as the province of Manitoba is concerned, I think it is always a matter of very great interest to the people of Canada to know how far we have prospered. Unfortunately, I am sorry to say, last year was not as good a year as the public were led to believe, or we ourselves anticipated it would be. A hot wave passed over our province in the beginning of July, and in some localities produced very disastrous results. You must understand that in Manitoba we have different localities. Around the city of Winnipeg the bottom lands are only 700 feet above the level of the sea When you go west, where I reside, 200 miles west of Winnipeg we are 1,000 feet higher, and they are two different classes of soil, and the higher lands suffered to a considerable extent in consequence of the drought I speak of, while the lower lands, which promised a very large crop, did not suffer from the drought and had more moisture than we had, but they suffered from severe rain in the fall of the year during harvest to such an extent that a great deal of the wheat, was dampened and losses were sustained by the farmers in consequence of damp wheat which was not exportable, and had to be sacrified at a low price and in some cases was really unmarketable. Damp wheat is not always an evil with us, because it is very good feed for stock, and farmers can turn it to profitable account in that way if they have the stock on hand to do it, but in

Manitoba the tendency is to cultivate the land beyond its capacity to farm with safety and economy, and therefore they are not in a condition to meet such a difficulty when it presents itself. For that reason I do not coincide exactly with the remarks made in the Address so far as the prosperity of Manitoba is concerned? Our merchants are suffering from the very causes I have spoken of. Our eastern creditors here, I have no doubt, suffer from the same causes—that is those who sell us machinery and all that we require for our operations during the year. I always think it is a great deal better that we should speak plainly and not pretend that facts exist where they do not exist. That there are evidences of a very large volume of trade is unquestionable, but that is the result of the development of the country. It is the northern half of this North American continent, and it is only by the construction of the Canadian Pacific Railway and the railway construction that has been going on for several years past, that the vast undeveloped regions of Canada have been opened up, and it was the good luck of the Liberal party to come into power just as the consummation of all these efforts was being found a success. We have added to our commercial life the development of the Klondike, which, as hon. gentlemen know, has attracted world wide notoriety, and brought thousands of adventurers and people to the country. I may say it was a boom which resulted from the discoveries of precious metals. The hon. Secretary of State, in his speech on the Yukon Bill last year, said there would be a population of 200,000, but it has fallen far short of that. There were exaggerations put forward at that time in order to get the bill through. There has been a great deal of development from that country, but we distinguish between permanent and boom development, We are also thankful indeed to see that the mines of the Rocky Mountains, where development has been going on for some time by the aid of different United States railways to the south, and now has been further stimulated by the building of the Crow's Nest Pass are turning out successfully. Our dairy commissioner's efforts have borne good fruit in many ways, so that the country has undergone great development during the past year or two. There have been two or three efforts at immigration, such as the bringing in of the Doukhobors and Galicians in very large numbers during the past year. That adds to the demands of commerce, trade and transportation. The people in the west fear the emigration to such a large extent of a foreign element which it will take generations to assimilate and who are of a different class. I would hold out a warning voice in that respect. But all these things, one after another have contributed to the increase of the general prosperity as shown through the blue books of the government upon which the government have felt justified in putting that statement into the speech. But we have to judge by results. Those who come into the country are well supplied with means, and everything else of that kind. After they have settled down, and have to depend upon their physical power and the resources that present themselves to their individual efforts for their individual support, then comes the test as to how far the country is prosperous when those conditions prevail. In the west of course we are situated in an inland country and we have difficulties to overcome that do not present themselves elsewhere. We have transportation rates, and we have a very heavy taxation through the protective tariff that is put upon the country which draws the money out too rapidly. Those are questions I will deal with when I come to discuss the matter later. Speaking of the total cessation of the exodus of the population which has already been referred to by my hon. friend the leader of the opposition, it is only by the census that we can tell exactly how the emigration has been during the past ten years. It would be a very sorry account indeed if the next ten years do not show something better than the past ten years. The past decade were a disappointment to the whole country in regard to the increase of population. I hope when the census of 1901 is taken that the remark which is put herein the Speech from the Throne will be borne out by the facts. A reference is made to the negotiations which were set on foot during the recess with regard to a treaty with the United States. That has been a matter of considerable controversy for a great many years past. The United States have been opposed, as a general rule, to the negotiation of treaties Very few treaties have been in past years negotiated. President McKinley of the United States did formulate a series of reciprocity treaties, under a

former administration, by which he hoped to capture the markets of foreign countries with their manufactures and products on a one-sided scale, but I think the treaties he then caused to be put on the statute-book came to nothing. The South American Republics and other nations would not treat on that basis ; they claimed that there had to be an equality of treatment in order to secure permanence of any treaties they made with other countries with which they desired to trade. These countries found that if they negotiated a treaty with the United States they would be repelling Great Britain, who had always been a good customer for their raw materials and had given them good manufactures in return, and they were not going to forego their commerce with Great Britain for any close treaty with the United States. It is a difficult thing to negotiate a treaty with the United States, where Canada is concerned. Where Great Britain is concerned it is not so difficult. The people of the United States are 70,000,000 and the British islands occupy a powerful position in the world both commercial and fiscal and every other way ; therefore, a treaty with any other country and a treaty with Canada are different things. We are situated beside each other with a boundary 4,000 miles long between us. We speak the same language, produce the same articles, without any difference, and there is a rivalry between the people on the two sides of the boundary, which keeps up a selfish agitation that no Canadian shall be allowed to work in the United States or sell in the United States or compete with the people of the United States. That has been the policy which has been enforced. Unfortunately the democracy of the United States has arrived at that condition that the leaders of the people have always legislated with an eye on their own circumstances. They want to know how it will affect them. They do not consider the interests of the country so much as how to retain their individual positions. Therefore, it is a matter of difficulty negotiating a treaty with our neighbours. They call us thrifty, we call them sharp, we have, therefore, never got very far. I do not think myself that there is any use in trying to get a reciprocity treaty that is of any particular value, and we can do very well without one. So far as the settlement of questions that the government had to deal with is concerned, it has been a failure. In fact it appeared to me to be a battle of protectionists rather than a treaty of friendship that was being moulded. What I am personally anxious about, in accordance with the question I put on the paper this afternoon, is whether or not this treaty is going to tie us up in carrying out any domestic policy that we may have with regard to our own affairs and with regard to our commercial relations with Great Britain. I have heard it stated that the government do not want to make any move because this treaty is in view, because it may have an injurious effect on the people of the United States and that the treaty will fail. I do not think that we should put ourselves in that position. We are perfectly independent of the United States. We can get on very well without a treaty, as we have for a great number of years, and it is not wise for us to forego any advantages we possess as Canadians until the people of the United States are in a position to be more amenable to what is fair and just as between two neighbours. For that reason I think it is a pity that the treaty was not closed up when Lord Herschell ceased to be the chairman of the commission by his unfortunate death. This treaty might be kept on the boards for one or two years, so long as it does not affect our national arrangements with other countries or with Great Britain itself, the fact of it being kept open is perhaps a good thing. The door is always open then to friendly negotiations ; but we should not legislate with a view that our action might have some effect on this treaty. We should be perfectly free to enter into a free trade arrangement with Great Britain—more than that, we should let the people of the United States know that we intend to have free trade with Great Britain and the freest intercourse with all parts of the British Empire before we ask them to make another treaty. That is what I believe the people of Canada are desirous of accomplishing—the freest commercial relations possible with all parts of the British Empire, irrespective of what other nations may think or say. We do not want to negotiate a treaty and hold our peace, and then have the United States Government say, your policy was so and so when you negotiated this treaty ; now that you have secured this treaty you are going to make Canada a back door by which our policy may be legislated out of existence. We do not want to do anything of the kind,

we want to let the United States know fairly and squarely that we are part and parcel of the British Empire; that we intend to have the freest commercial intercourse with all parts of the British Empire and that any treaty we make with the United States must be subject to these conditions. I think if that position is taken by the government it may interfere with the Reciprocity Treaty, but if the government is prepared to purchase reciprocity with the United States at the sacrifice of these conditions they would be taking a most undignified position—a most disastrous step, so far as the maintenance and the well being of our commercial relations with our best customer and our independence on this continent is concerned. That is the view I hold with regard to this treaty. There is no one more anxious to see the most friendly relations established with the people of the United States than I am. There should not be one solitary difference of opinion between us. There should not be one solitary thread of protection on either side of the great boundary or anything to interfere with the freest intercourse, but it must be that freedom of intercourse that enables us to pursue the same free intercourse with other parts of the world, and especially with our fellow subjects in the British Empire. I will not refer to the question about the disputed boundary between the Dominion and Alaska. It is very unfortunate that we occupy the position that the long strip of land running down the coast should belong to the United States and that there should be any doubt as to what is Canadian territory and what is United States territory. It is an unfortunate position, but it is a question which must be settled by the governments. The United States settlers go in there and the Canadian settlers go in there, having no line to guide them and are apt, of course, to say this is United States territory or this is Canadian territory, just as their individual desires, hopes or humours may lead them. I think that the delineation of that boundary should be taken in hand at once if a friendly feeling is to be maintained, and prevent jars of any description. The Senate had a commission last year to inquire into the Yukon Bill. It distributed a very large amount of information through that channel by the various experienced men who came before it and gave us an account of what they knew about that country, and the possibilities of developing it, &c. The Lynn Canal is an arm of the sea which runs into the interior of the country, and it is the head of that canal that is the point in dispute. We claim that the head of the canal runs into Canadian territory. If there was any generosity or liberality on the part of the United States people they would say the country behind the Lynn Canal is all Canadian territory, whatever wealth is developed there comes out through this port naturally, but they say; "We will not give you access or ingress through it except subject to our laws and on such conditions as we impose from time to time." We are made subject to the officials of the United States which may be made very offensive indeed if they choose to do so. The fact that immediately behind that barrier the whole territory is Canadian territory, that all the wealth there is in Canadian territory, and there is just this one little port through which it has to pass—if the United States would say, we recognize that position; we will make friendly arrangement that miners of both countries shall have free access and be on the same terms in the development of that country and in consideration of that we will give you a seaport at the head of the Lynn Canal through which you can conduct your own trade. If the people of the United States were approached in that way, I think that would be the outcome of it. I cannot see any other reason, except the most selfish reason, in that—selfish for a small community which makes trouble between two nations and prevents a friendly negotiation. That is the way in which I think this question should be settled and in which this question might be settled. We have, of course, within our own hands, a better remedy than that and that is to open up the whole of that gold bearing region by a railway from Edmonton, which is the proper course to pursue, and build across the continent on the old government line which found an outlet at Port Simpson. That gives us an ocean port on the southern part of the territory and we could develop the whole region by railway communication. We have that alternative, but in the meantime until we can make arrangements for the construction of a line of that kind we have to depend on the navigation which, I am happy to say, has turned out in a very satisfactory way indeed, that is,

compared with the Stikine and other routes. I observed that a steamer went from Seattle to Skagway and back again in six days, that is three days going up and three coming back, to an open port all the year round. Nothing could be better than that. It touches at Vancouver, so that Canada is not obstructed in that trade. Moreover, we have our own steamers, we have the same right to go to Skagway as the steamers from Seattle; the only thing we have not got are coasting rights. But the fact that we can send a vessel to Skagway and return in six days shows the feasibility of that place as a port of entry and the simplicity of the navigation in the depth of winter. Compare that with forcing our trade up the rapid Stikine River for 150 miles, and then over 200 miles of railway to Teslin Lake, and it is obvious that there cannot be two opinions in the country as to the advisability of taking the shorter and better route. We have the very best evidence of the friends of the Liberal Government themselves as to the truth of what I am saying—that is Mr. Wade, who was one of the government officials who went to the Yukon to assist Major Walsh in the government of the country, in a lecture before Toronto University he referred to the ease with which communication could now be had. He said a few hours railway travel now over the White Pass will land you on the bosom of a series of beautiful lakes which will, through the River Yukon, convey you to your destination without trouble, without hardship, and without adventure. These are Mr. Wade's own words in a lecture to the people of Canada on the facilities of that route and the capabilities of the country. Can you have a better justification than out of the mouths of members of the Liberal party themselves as to the action of the Senate on the Yukon Bill. Then we have another statement made by a former colleague, the Hon. Mr. Martin, Attorney General of the province of British Columbia. What does Mr. Martin say with regard to that? He said: "Never was there such a blunder; never was such an infernal piece of business as the attempt to force Canadian trade and develop connections with the Klondike region over the Teslin Lake and the Stikine River." There are two sentences out of the mouths of the government's own supporters—out of the mouths of the government's own friends. And Col. Domville is another, a supporter of the present government. I forget exactly what he said, but he spoke very much in the same strain. He says he will not support it again. I am satisfied that any one who takes an unprejudiced view of the question in the commercial interests of the country in the interests of the transportation of the country will never dream of putting the Stikine route against the route by the way of Lynn Canal and Skagway.

Hon. Mr. MILLS—You would not favour the Edmonton route as against that?

Hon. Mr. BOULTON—Certainly. Put me on a railway coach that will take me to my destination and I am satisfied. I do not want to cross the continent and then be transported on an ocean steamer and then on a railway and then on a steamer, when I can reach my destination by railway without change and in comfort.

Hon. Mr. MILLS—So that my hon. friend in advocating this route by Skagway and Dyea is advocating a route which he thinks will not compete with his pet scheme?

Hon. Mr. BOULTON—No, I do not think it would for eastern commerce, for commerce from the cities of Montreal, Toronto and eastern Canada, and the commerce of Manitoba and the North-west Territories. I am quite certain the cheapest means of communication and the largest amount of trade that will be developed for the benefit of Canada will be by a railway via Edmonton. If you are going to construct railways in that country, and I would strongly advocate it, instead of giving away lands as you proposed last year to private parties, giving away such lands as you describe in the Speech from the Throne which we are now discussing:

> Much information has been obtained since you last met relative to the extent and value of the deposits of gold and valuable minerals in the Yukon and other parts of Canada.

Who was it saved those valuable minerals as an asset for the people of Canada? It was the Senate. Those assets are still available, and they are not misplaced and improperly distributed for the benefit of a few private individuals, in the same way the Crow's Nest Pass, as I see it stated, was "the locking up of those coal lands is the most damnable piece of legislation ever perpetrated in Canada."

Those are the words uttered by the provincial secretary of the province of British Columbia which is now one of the provincial Liberal Governments of Canada. Those are the utterances of the Attorney General and the provincial secretary of the province of British Columbia. That kind of legislation is going on. It has been permitted and is advocated by this government. I say it is a species of legislation which is only boom legislation. It is booming the resources of Canada at the expense of the people in order that large profits may be made by private individuals, while the assets of the country are sacrificed. The Hon. Mr. Coffin said in regard to Crow's Nest Pass that the money and lands given away to private parties were sufficient to build fifteen such railways. And so it is with the Atlin Lake District; they are sufficient to build half a dozen railroads from Edmonton right into the Yukon. I say, utilize those assets, form a company and farm those mines for half the output so that the country will be enriched by them to enable the government to develop its resources fully. The policy of the government is a boom policy, giving away the gold bearing lands to private individuals for private profit and creating a boom in the country from which there is bound to be a reaction. A government should never encourage much less create a boom. I might just say this with regard to the hon. Minister of the Interior, who is very largely responsible, I have no doubt, for the promotion and development of that western country on these lines. He is a young man who settled in Brandon when Brandon was in its infancy, when it was first boomed into life by the construction of the Canadian Pacific Railway. It went ahead at a very great rate, and the population of 3,000 settled there in a very short time. It is one of the nicest towns in Manitoba, and if it had been carefully managed on sound financial lines it would not be in the difficulty it is to-day. But I am sorry to say that the city of Brandon has got into financial trouble, and has become practically bankrupt. The banks have refused to honour their cheques, and the corporation has applied to the provincial legislature to guarantee their bonds for fifty years for $529,000. The municipalities forming part of that judicial district wanted a court-house, and they have paid into the city of Brandon, the last fourteen years, $100,000, which should have gone to pay for this court house, but the court-house has not been paid for, the city is bankrupt, and there is a liability standing against it of $529,000, I refer to this, because the Minister of the Interior was living in Brandon, and was one of its public men. He was there to help to manage the affairs of the city in a proper manner. He was Attorney General of Manitoba and responsible that sound laws should be on the statute-book to prevent such an occurrance as that which brings misfortune to Brandon and to other parts of the country which have to depend on their credit to maintain a sound financial position. It is in consequence of the very system he is seeking to perpetuate and place on the people of Canada to-day what you call a species of boom—booming the thing along, instead of proceeding at a steady pace, building only in proportion to the natural wants and conditions essential to its own prosperity. But instead of that it is by a perpetual boom until there is bound to come a reaction and a time when the boom must end. So it is with Canada. The same thing is going on in Canada, or attempted to be foisted on Canada. In the same way we are to be boomed up, borrowing more money, giving away the assets of the country, and then after everything is done people will have to sit down and figure out how they are going to live on the resources that remain, and there comes a crash. That is the effect of a bad policy, and it is to resist that policy I say that every man who has the interest and welfare of the country at heart should post himself. And when questions come up that this government and parliament have to deal with, I hope that we will take a retrograde step and alter our legislation to such an extent that we will not incur an increased indebtedness such as we see going on for a great many years and at a great rate since the present government has come into power. The present government when in opposition denounced the increased debt and everything that they are themselves now doing, imitating the policy they denounced in their predecessors, so far as they attempted it. The hon. leader of the government in this House has to apologize to the Senate for not moving at a faster rate than what he said, and what his government said, and what his friends when in opposition said, they were going to move at. Only put us on the treasury benches, we will show you how we will alter things

how we will increase the revenue, and divert the taxation of the people into the treasury. Are they doing so? They are increasing the revenue certainly, but they are maintaining a protective tariff as high as that of the late Conservative government, there has been no reduction in any shape or form whatever. I will just give you the figures to show you to what extent they have made that reduction. I have before me the Trade and Commerce Report which any hon. gentleman can see, for the six months ending the 31st December last. This is the result:

For the six months ending 31st December, 1897.

Dutiable imports	$34,350,025
Duty collected	10,146,267

Tariff taxation, 29½ per cent.

For the six months ending 31st December, 1898.

Dutiable imports	$43,524,049
Duty collected	12,520,677

Tariff taxation, 28¾ per cent.

For the six months ending 31st December, 1897.

Dutiable and free imports added	$59,968,812
Duty collected	10,146,267

Tariff taxation, 17 per cent.

For the six months ending 31st December, 1898.

Dutiable and free imports added	$75,104,715
Duty collected	12,520,677

Tariff taxation, 16⅔ per cent.

Conservative tariff for the 12 months ending 30th June, 1897.

Dutiable imports only	$66,242,150
Duty	19,874,890

Tariff taxation, 30 per cent.

For the six months ending 30th June, 1897.

Dutiable and free	$106,715,205
Duty	19,874,890

Tariff taxation, 18⅝ per cent.

Now, that twenty-nine and a half per cent tariff taxation is computed by the amount of money collected on the imports that came into the country with the 12½ per cent off during last year. Take the 31st of December, 1898, with the 25 per cent preferential tariff off and you have 28¾ per cent. Now, there is 28¾ per cent of tariff taxation collected off the necessities of the people during the six months ending December 31st last, with 25 per cent off in favour of Great Britain. These are the figures that have been put into our hands by the officials of the government themselves. There is no fake about it at all. These are the actual figures, which any one can find for himself. What was the percentage under the late government? For the whole year ending June 30, 1898—that is the last return we have—we have not the Trade and Navigation Returns yet, but we have the Trade and Commerce Reports which show the exports and imports and duty collected. What was done under the Conservative government, which was denounced for twenty years, in which it was called all names under the sun. Sir Richard Cartwright used to say it was like a man trying to lift himself by his boot straps and everything like that. The dutiable imports were $66,000,000 for the whole year. Duty collected $19,874,000, and the tariff taxation was 30 per cent; so that we have under the late Conservative government a taxation of 30 per cent on the necessaries of life, and under the free trade Liberal government we have a tariff taxation of 28¾ per cent. There is a reduction of 1¼ per cent only of the taxation upon the necessaries of the people and it must not be forgotten, to use the Liberal party's own arguments, and to use arguments of the members of the government now on the treasury benches, that in addition to that 30 per cent that goes into the treasury of the country there is another 30 per cent that goes into the pockets of private individuals. So that while the people are being taxed sixty per cent upon the necessaries of life, or in other words being taxed thirty per cent on all, whether it is imported or manufactured in the country, according to the Liberal party's own theory or argument—an argument I thoroughly agree with, an argument that can be proved beyond a question, and has been proved by them over and over again—that the policy of protection has the effect that thirty per cent goes into the revenue, and another thirty per cent of the value of the people's industry into the pockets of private individuals. What have they done to reform that condition of things? They have been in power three years and have held four sessions of Parliament, and there is not one word put into His Excellency's speech as to any indication of what the government are prepared to do, but on the other hand, we have the most distinct evidence so far as public utterances of the ministers of the Crown are concerned, as to what they are satisfied with. We have the utterances of the hon. the Minister of the Interior in two or three different speeches, and naturally we watch his utterances out west probably more than we watch the utterances of the other ministers, because he

is specially the mouthpiece in the cabinet and the guardian of western interests. What did he say in Perth? What did he say in Toronto? What did he say in Woodstock? He said the tariff is now a fixture, that the people are satisfied, that the government have complied with all the conditions called for by the utterances of the cabinet ministers and the platform of the Liberal party in 1893; they have performed all those conditions, and the manufacturers are flourishing and everything is lovely. There is the representative of the farming interest of our western country, and if hon. gentlemen would only read the papers they would see the indignation with which these utterances are received. There is only one paper of any importance out in that western country that is supporting the hon. minister, and that is what used to be the Canadian Pacific Railway organ, the Winnipeg *Free Press*. It is known to be the Canadian Pacific Railway organ, a publication which belongs to Canadian Pacific Railway shareholders, or to private individuals owning the company, and to all intents and purposes it has been loaned to the minister for value received during his term of office as an advocate of his interests. It has fallen short of the mark. It has lost prestige and has not accomplished the intended object. While it has been a good paper politically, it has failed in its object, and the other organ, the Winnipeg *Tribune*, owned by Mr. Richardson, a supporter of the present government in the House of Commons, in every day's issue is denouncing the Minister of the Interior. The Liberals of the city of Winnipeg are divided in their opinion as to his merits and as to what he means by his utterances. Then we have Mr. Mulock the Postmaster General. He said in Toronto that the tariff was a fixture, and there was no more to be said. I have not followed the utterances of other ministers, but we get glimpses of what they have to say from time to time in the western country, and the gist of the whole thing is that they are quite satisfied. That some terms have been made with the manufacturers, with the hon. Mr. Bertram of the city of Toronto, that ten years is to be given them without any reduction of the tariff and they are begging for a little longer time at the present moment. I want to tell the government that in the western country we are simply and solely an agricultural population, an inland population, and in addition to the other difficulties which we have to contend with we have long transportation to export our goods to the seaboard, and we import no free goods in our western country, comparatively speaking. I will read to the House a list of the free goods:

Animals for the improvement of stock; we have not imported them to any extent and any improvement of stock we have obtained from the eastern provinces.

Articles for the use of the army and navy; we import nothing.

Broom corn, nothing.

Anthracite coal: we import a little of that. It is free.

Coffee: we import coffee to a small extent.

Indian corn: that is rather a competitor than anything else with agricultural produce—not that I wish to make any complaint about it, because the fact that five million dollars worth were imported last year is an evidence that it has been useful, but at the same time it is a competitor with agricultural products. If it has any effect upon the farmer's produce that effect is to reduce the price of coarse grain.

Cotton waste, we have nothing to do with.

Raw cotton is imported for manufacture.

Dyes, chemicals are imported for manufacture.

Fishing nets, &c.: we are an exporter of those.

Fish: we are an exporter of those.

Fruit, pine apples, &c.: the city of Winnipeg imports some of those.

Fur skins: we are an exporter of those.

Grease for making soap: we have nothing to import for our soap factories.

Hides and skins we export.

Gutta-percha, &c.: imported for manufacturing purposes.

Bolt cloth imported for manufacturing purposes.

Metals, brass and copper, imported for manufacturing purposes.

Steel rails, imported for railroads.

Iron, tin, &c.: those are imported for manufacturing purposes.

Oils are imported for manufacturing purposes.

Raw silks imported for manufacturing purposes.

Tea is free with us.

Tobacco we do not import in its raw state.

Wool we are not an exporter of exactly, but it is a part of our farm produce.

I have gone over the list, and hon. gentlemen will see to what extent we import free goods. Binding twine is now put on the list, and barbed wire, but tea, and steel rails and coarse lumber are the only things, I think, that we import free into that western country, and, therefore, we practically have to bear the whole brunt of protection: that is to say, we export so much produce from the province of Manitoba and the North-west Territories and all that comes back to us in return for that export is taxed twenty-eight and three-quarter per cent by the free trade government. That is to say, we are taxed one-third of the value of our exports for these purposes.

Hon. Mr. DEVER—How are you worse off than any other portion of the Dominion?

Hon. Mr. BOULTON—I am only arguing for our western country. If you are satisfied it is all right.

Hon. Mr. DEVER—Do you want to get everything free and tax us?

Hon. Mr. BOULTON—No, I want to lift the tax off you. I do not want any man in Canada to be taxed upon the necessities of his living or labour. I do not want to see a man taxed for his clothing. I do not want to see any man taxed for his iron, coal oil or for any of the necessities of his industry, because it is industrial labour that creates all the wealth of the country. You are fortunate in the city of St. John; I know you have all you want at the present moment; you have that harbour in splendid shape, and the Canadian Pacific Railway pouring in a fine lot of traffic.

Hon. Mr. DEVER—We pay more taxes in a year than the hon. gentleman's district does in seven.

Hon. Mr. BOULTON—You are greatly mistaken, sir. You are at the mouth of the broad river of Canadian Commerce, weare at the source, you foolishly want to tax us on our necessities by protection and thereby dam back the stream by hampering our industty, while the Canadian Pacific Railway is bringing traffic from the United States to your port at a lower rate than they will carry it for us. We are therefore subject to two sources of taxation. As it is six o'clock I move the adjournment of the debate.

The motion was agreed to.

The Senate then adjourned.

THE SENATE.

Ottawa, Wednesday, 22nd March, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

NEW SENATOR.

Hon. PETER MCSWEENEY, of Moncton, N.B., was introduced and took his seat.

THE STANDING COMMITTEES.

MOTION.

Hon. Mr. MILLS 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, namely:—The Honourable Messieurs Scott, Sir Mackenzie Bowell, DeBoucherville, Lougheed, Miller, King, Clemow, Power, and the mover, and to report with all convenient speed the names of the senators so nominated.

Hon. Sir MACKENZIE BOWELL—When the hon. Minister of Justice gave notice of this motion yesterday, I understood him to say that the committee was to consist of the same gentlemen who composed it last year.

Hon. Mr. MILLS—I think so.

Hon. Sir MACKENZIE BOWELL—The name of Mr. King has been substituted for that of Mr. Macdonald of Victoria. If you will remember, last session the present governor of British Columbia had his name placed on the committee.

Hon. Mr. MACDONALD (B. C.)—That was two sessions ago.

Hon. Sir MACKENZIE BOWELL—Yes, he had his name placed on the committee instead of Mr. Macdonald's and Mr. Macdonald's name was afterwards substituted. The formation of the committee is

such that I think one of the western senators ought to be placed upon it. I find four senators from Ontario on this committee. It would be as well to substitute Mr. Macdonald's name for one of those. I think Mr. King should be on, being the only representative from New Brunswick.

Hon. Mr. MILLS—The motion will be found at page 31 of the routine proceedings.

Hon. Sir MACKENZIE BOWELL—On page 32 the substitution is made. The resolution reads:—Hon. Messieurs Scott, Bowell, DeBoucherville, Lougheed, Miller, Macdonald (Vict.), Clemow, Power and the mover. I have no objection at all that my name shall be dropped and Mr. Macdonald's name put on.

Hon. Mr. MILLS—Is the committee limited in number?

Hon. Sir MACKENZIE BOWELL—I think it is.

Hon. Mr. MACDONALD (B.C.)—I do not wish my hon. friend's name to be left out, but this is the third attempt that has been made to drop my name by members of the government from that committee. It first commenced by the wish of Senator McInnes, who was then in this House, to be on that committee, and he got the whip of the House of Commons, Mr. Sutherland, to see Sir Oliver Mowat and tell him to leave my name off the committee. Sir Oliver Mowat did that, but upon the matter being brought up in this House, as it is brought up now, my name was reinstated. Last year my name was left off in the same way, and when the attention of the House was called to the fact, it was reinstated. If the House desires that my name should be off the committee, I am perfectly willing.

Hon. Mr. SCOTT—Oh, no; no one desires that.

Hon. Mr. MACDONALD (B.C.)—I do not think the House will agree to my name being put off the committee in any unfair way. I have done my duty on that committee without fear or favour, and I am entirely in the hands of the House.

Hon. Mr. McMILLAN—As Mr. Miller is not likely to be here, I think it would be well to add Mr. Macdonald's name if the committee is limited to that number. That would be the proper way to get over the difficulty.

Hon. Mr. MILLS—I may say the hon. gentleman is entirely mistaken in his suspicions. The motion was drawn up by the Clerk and placed before me with the names in blank, and he brought me a copy of the proceedings of last year showing the committee appointed then. I simply copied those names and put them in as they there stood. So that my hon. friend will see that he is wholly mistaken. In fact, his name was not before my mind at all when I thought of the list. I simply in a hurry copied the names.

Hon. Sir MACKENZIE BOWELL—My hon. friend has copied them from the votes and proceedings as originally moved.

Hon. Mr. MILLS—Quite so.

Hon. Sir MACKENZIE BOWELL—If you leave Mr. Miller's name off you have no representative from Nova Scotia.

Hon. Mr. MACDONALD (B.C.)—You have Mr. Power.

Hon. Mr. MILLS—I have no objection in the world to substituting Mr. Macdonald's name for Mr. Miller's, because perhaps Mr. Miller will not be here, or we might add Mr. Macdonald's name.

Hon. Sir MACKENZIE BOWELL—That is the better way if you can do it.

Hon. Mr. MILLS—The rules, I find, restrict us. So that as Mr. Miller is not likely to be here while we are striking the committees, we might make the change.

Hon. Mr. CLEMOW—I should not like Mr. Miller's name left of the committee. I am willing to retire.

Hon. Mr. ALLEN—I had the pleasure of seeing Mr. Miller yesterday, and I quite expect to see him in his place before the end of the session.

Hon. Sir MACKENZIE BOWELL—Then it is understood Mr. Macdonald's name will be substituted for the name of Mr. Clemow who will retire.

Hon. Mr. MILLS—Yes, the motion will be made in that way.

The motion was agreed to.

A PROPOSED ADJOURNMENT.

Hon. Mr. KIRCHHOFFER—Before the Orders of the Day are called I would like, if it is not out of order, to ask my hon. friend the leader of the House, if he could give us his views on the question of the adjournment of this House. This committee has been appointed, and it can be called together and the other committees struck, and after that there will be nothing to come before us for several weeks. It would hardly be worth the while of those who live at vast distances like myself to go home unless we could get the adjournment until Monday, 17th April, and I would, with great deference, suggest this date to the hon. leader of the government in the hopes that he may see his way clear to meet the views of those of us who live at long distances and who are not able to come down here except at great sacrifice of business and time and who have not the same advantages and facilities of reaching the Capital as our eastern brethern.

Hon. Mr. MILLS—I may say, as soon as the debate on the Address is over, I will be able to answer the hon. gentleman's question, and endeavour to meet the wishes of the House in that regard. I may say also to my hon. friend that I expect to introduce a good many important measures in the Senate. I do not think any of them will meet with much controversy, but I hope before the adjournment to give notice of their introduction and so in this way facilitate business when we meet again.

THE ADDRESS.

DEBATE CONTINUED.

The Order of the Day having been called—

Resuming the adjourned debate on the consideration of His Excellency the Governor General's Speech on the opening of the fourth session of the eighth parliament.

Hon. Mr. BOULTON—In resuming the speech that I was making upon the Address to His Excellency, I was discussing the trade question, an important subject that has not been alluded to in the Speech from the Throne, a subject which, I think, should have had a prominent place, so far as pledges and promises that were made by the government in relation thereto in the past. I was discussing, when I left off, the question of the taxation of the producers of the country, especially relating to the province of Manitoba, from which I come. I was interrupted by the hon. gentleman from St. John's, in which he made the statement that his province pays more taxes in a year than the hon. gentleman's district does in seven years, to which I replied that you are at the mouth of the broad river of Canadian commerce, we are at the source of the stream. You foolishly want to tax us and thereby dam back the stream by hampering our industry, while the Canadian Pacific Railway is bringing traffic from the United States to your port at a lower rate than they will carry it for us. We are, therefore, subject to two sources of taxation. If we were to put an export duty on the traffic going through the port of St. John for revenue it would be just the same principle of taxation as the hon. member from St. John, as a supporter of the present government's policy, wants to continue in posing upon us. Now, the statement that was made by the hon. gentleman from St. John's is quite incorrect, because the difference between the port of St. John and the province of Manitoba is a vast one. The country is divided into two classes, the producers and the manufacturers and monopolies. We in the province of Manitoba are entirely producers, as I explained yesterday, the tariff as it stands at present and which so far as any utterances which we have had from the members of the government during the recess that tariff stands still at $28\frac{3}{4}$ per cent, which is just one and a quarter, or, as stated in the other House, one cent less than the tariff which was in force while the former government was in power. I wish to tell the hon. gentleman from St. John that last year we exported $16,000,000 worth of wheat and cattle. Now, everybody knows, that understands the trend of trade and commerce that the exports are repaid by returning imports, or should be and while $16,000,000 does not appear in the Trade and Navigation Returns as exports from the province of Manitoba, yet they were exported from that province to various parts of the world and the eastern provinces. They are virtually exports from Manitoba, and although the Trade and Navigation Returns do not show that we import anything of consequence, because it comes from the eastern manufacturer or importer at ocean ports, still the fact remains that we did export produce and cattle to the value

of $16,000,000, and that the pay which came back to the people of Manitoba for that $16,000,000 worth of exports, came back taxed at the rate of 28¾ per cent by the Liberal government. The hon. gentleman knows perfectly well that if my statement is correct, and it is open to refutation both in regard to the quantity of exports we made or the returning imports—we exported 21,000,000 bushels of wheat, $1,500,000 worth of cattle and a considerable amount of other produce, and the returns show exactly what duty was paid on what comes into the country. As I explained yesterday we import of course a portion of the goods that come through the ocean ports from abroad, and also goods manufactured in the eastern provinces. The protective tariff which has now become the policy of the Liberal government apparently, according to the Liberal party's own argument that they used for eighteen years, is that not only do we have to bear the tax of 30 per cent on the produce that comes within the boundary, but that other tax which does not go into the revenue of a similar amount on protected articles. In that way we arrive at a proper conclusion, and it is open to any hon. member of this House to state that I am saying what is not correct, that if we pay 28¾ per cent on the $16,000,000 we exported, we are taxed for the necessities of life to the extent of 28¾ per cent on that $16,000,000. In other words, the population of Manitoba is bearing the burden to the extent of $5,000,000 on the surplus they have produced in consequence of the taxation I am speaking of, and in addition to the legitimate cost and expense of producing that surplus. Hon. gentlemen will understand that I am only doing my duty in criticising the Conservative party, as I have done for several years past on their policy, and the Liberal party which to-day in the most unwarrantable way is imitating and following. It is a dangerous policy to pursue, because since 1878 when the readjustment of the tariff was made by Sir John Macdonald by placing higher duties, Canada has grown to an enormous extent. To the west of the great lakes there was, comparatively speaking, no population; there was no connection with the west, no export from there, no growth or industry of any consequence. It was only following on the footsteps of the Canadian Pacific Railway that the people of Manitoba began to produce a surplus and to export. Therefore, you have to deal with the population now that sees and feels the injustice of the burden of 28¾ per cent being put on their industries by the people of eastern Canada in regard thereto and in saying to the people of eastern Canada, I say it advisedly, because we find not only the Conservative party in the readjustment of the tariff in 1878 which grew and grew until it became a highly protective tariff, was a policy instituted for a certain purpose, but now we find the Liberal government, which we thought would do so much for the country in reducing the burden of taxation, has adopted a similar policy. The people of the west say this is a nice state of affairs when we can find no relief from either party from an oppressive tariff hampering their productions and impoverishing themselves and their families to that extent. I present their case to hon. gentlemen in its nakedness and tell you what it is going to lead to. Do you suppose that the population of western Canada will submit to such a burden of taxatian imposed on them. I pointed out yesterday that we import no free goods of any kind or description—that every single thing we import is dutiable and bears that burden of taxation. Any one who knows the trend of taxation knows that exports go out of the country and the necessities of the people's industries come back in some form or other, and while the protectionists east say there is some relief from the burden of taxation, from the fact of certain industries being established in their midst, there is nothing of the kind in the western country, and the naked fact presents itself to you, and I would call the attention of the hon. gentleman from St. John to that fact, who said they paid in in St. John's seven times as much taxes as we do. The burden of the tax on the people of Manitoba and the North west Territories to-day is $5,000,000. That is to say, if all the goods we require for our necessities were relieved from the burden of a protective tariff to-day, we would be $5,000,000 better off. The result of it is seen. Although we exported that enormous amount of produce in 1897, in 1898 the crops were not so good. There has been a reverse in that respect owing to climatic and other causes over which we have no control. We do not complain when we sustain a reverse in consequence of natural causes, but we do complain at man's

stupidity who desires to tax that country for individual and personal benefit. In consequence of shortness of our crop and dampness of our wheat, matters over which we have no control, a considerable amount of financial difficulty is likely to result, because we have to make up in the coming year's crop the lee way of a poor crop in the past, because we have nothing to support our population there except agriculture. Now, the same thing affects the producers of eastern Canada that affects us. The producers of the country are the ones who create the wealth. Every hon. gentleman knows very well there are four sources from which the wealth of Canada is derived. One of them, the main one, is agriculture. Next in proportion is lumber, the next mines, and I think the last fisheries of the country —or rather the fisheries come next in volume, and then there is a small export in manufactures which has increased up to the present day to $10,000,000. Professor Robertson who has taken charge of the agricultural interest has told us that the productions of the soil in Canada amounted to $699,000,000. The production of the lumbering districts in Canada is $66,000,000. The product of the mines in Canada is $37,000,000, and of the fisheries $25,000,000. The manufacturers only represent productive power—that is to say new wealth—is only created to the extent that they are able to export, which is $10,000,000. Now, hon. gentlemen will see that the policy which is being pursued today is taxing the $699,000,000 worth of agricultural produce in Canada which is the backbone of the country, the wealth producing source on which the prosperity of the country mainly depends; you are taxing that to the extent of 28¾ per cent, and what for? In order to give the monopoly to our manufacturers to the exclusion of the rest of the world. So far as I am personally concerned, the readjustment of the tariff that was instituted in 1878, which I regret to say grew into a protective policy, we let pass. It accomplished a certain amount of good, but Canada has increased since 1878 to an enormous extent. We have to deal with half a continent. The power of the national government extends from the Atlantic to the Pacific, and we have to take all these large interests into consideration. For that reason it is a difficult country to govern. It is utterly impossible for people where the weight of power is constituted at present to sit down here and say what is good for Manitoba, for Yukon, for British Columbia or Prince Edward Island. It is utterly impossible for us to say that we can regulate fairly and squarely between each section of Canada as to the just proportion of the revenue which they should bear by imposing whatis called a scientific method of forced taxation. I just wish to say that, as far as we are concerned, the people of the west are practically a unit, both Liberals and Conservatives as to the necessity of a change of policy in regard to a protective tariff. What we want, we are quite willing to bear any share of the burden, that is our proper share but not to impose upon us an indirect tax in that way which extracts from the people of Manitoba in proportion of what they export a burden of 28¾ per cent is impoverishing every man in that country more or less. There are individuals cited as examples who have greater experience and other advantages they, however, do no represent at all the average farming power of the people of that country. Therefore, I call the attention of the hon. gentleman to that fact. We in the province of Manitoba are taxed 28¾ per cent. The bulk of the produce sent from Manitoba went to England. England is a consumer of our No. 1 wheat, either through the flour we export or the wheat we export. Although owing to our system of grading and mixing at Port Arthur, the British market seldom gets one fine wheat most of which goes by Buffalo and New York. A small proportion of the wheat we export remains in eastern Canada to be mixed with soft wheat to raise grades of flour, but the bulk of the export of wheat and cattle goes to England. What we say out there is: Why won't you allow England to come and trade freely in Canada, allow England to send goods back in return for the produce we export? Why do you not submit to competition in that regard? What right have you speaking as a country extending for 4,000 miles, a greater difference than exists between the Atlantic coast of Canada and the shores of Great Britain, why should not we extend our free trade relations to Great Britain, as well as our free trade relations to Ontario, Nova Scotia or anywhere else? It is protection that is holding the country and this present government. It is corporate power that is influencing the policy of the government. It is a monopoly of individuals who desire to divert the profits of these great

Producing industries into their own pockets that is holding the present government as it held the late government. That will lead to difficulties and trouble. We ask very fairly, are we not part of the British Empire? Have we not a right to expect that Great Britain and Ireland should have the right to send out their goods and their materials free from a taxation of thirty per cent, in order that the development of the country may go on, on lines on which each individual, no matter what part of the country he may be situated in, may pursue his occupation unencumbered. The principle of taxation is this, as it prevails in England, that all the burden that is put on the people of Great Britain in the shape of taxation goes into revenue. The Liberal party in this country argued for twenty years, and argued correctly, that under the protective tariff one-half of the taxation went into the revenue and the other half into the pockets of protected industries. The question is, how long is this going to be continued? Are you going to raise a spirit in one part of the population of Canada which will gradually grow until, perhaps, it is too late to overcome it, and say we are going to continue this any way until there is a burst up in some direction or another. I say it is an unwise policy. I say the responsibility rests with the Liberal party, that that condition should be made to cease at once—that the doors of Canada should be open to Great Britain and to British trade upon the most perfect freedom, the same as exists between one part of Canada and the other. I do not say that it is absolutely necessary to throw the tariff right down upon the first of July next, but to enact a statute and say as Sir Robert Peel did when free trade became the commercial policy of England in 1846—we put this on the statute-book, and in four years every vestige of protection shall be expunged from the commercial life of Great Britain. If you were put in the same way an Act in our statute-book, a measure saying Great Britain as free to trade in Canada on the same terms that she allows us to trade in England you will do more for the building up of Canada and for the development of the resources of Canada, for the welfare of the people and or the building up of the British Empire than any Act which is possible for you to pass in any other shape or form. We know that Great Britain is our great customer for agricultural products, our biggest customer for nearly everything except lumber which is almost equally divided between the United States and Great Britain. We keep back her imports by taxation, and consequently keep back the volume of the producers trade, and keep down the value of his production. I do not suggest lowering our tariff to the United States except on a reciprocity basis. The United States want nothing of any consequence that we produce. They want some of our lumber which they are getting through free logs and the duty on lumber at an unfair advantage; they want some of our fish. They do not want any of our iron ore or agricultural produce and the consequence is our exports to the United States are small while our imports from the United States are very large, and we have to draw money from England to pay for our exports and hand it over to the United States to pay for our imports, adding a double cost of Exchange to the tax. They have by internal competition between the southern and northern iron mines developed their iron industry to 15,000,000 tons a year and they say they will increase that to 20,000,000 tons a year, and iron has fallen in the United States to something like $9 a ton.

Hon. Mr. CLEMOW—It is going up now though.

Hon. Mr. BOULTON—It is, but the moment the price goes up competition regulates the output, and all the more reason for us to make it free to Great Britain. What I want to say is this: We are between two countries, Great Britain, which produces 12,000,000 tons, and the United States, which produces 15,000,000 tons. Iron is one of the things most heavily taxed in Canada. We were paying under the Conservative government a tax of $2,750,000 per annum on our iron goods. Under the present government we are paying $3,500,000, or we raise to-day about $3,500,000 on the tax on iron. In the agricultural industry iron is the chief article we use.

Hon. Mr. SCOTT—Do you say the duty on iron is more than it was?

Hon. Mr. BOULTON—No, it is the same on all iron goods.

Hon. Mr. SCOTT—The duty is cut in half.

Hon. Mr. BOULTON—If you refer to the Trade and Navigation Returns you will find my statement is correct. I have before me the Trade and Navigation Returns for the whole year, and the hon. gentlemen will find that in round numbers that what I state is absolutely correct, that is to say that in the Trade and Navigation Returns for the six months ended 31st December last the duty collected off iron goods and iron is $1,705,000. I doubled that for the coming six months, which makes it about $3,500,000.

Hon. Mr. SCOTT—Double the quantity was imported.

Hon. Mr. BOULTON—So far as the percentage is concerned there is no difference. The percentage of taxation is exactly the same. I am not saying the duty is increased.

Hon. Mr. SCOTT—If you cut duty from 50 to 25 per cent and the people buy more, you say the taxation is increased.

Hon. Mr. BOULTON—No, the duty on iron and iron manufactures have not been cut in half; I leave it to the hon. gentleman himself if he did not sit on the opposite side of the House year after year condemning the gentlemen who occupied the Conservative benches on the iniquity of that tax.

Hon. Mr. SCOTT—Certainly.

Hon. Mr. BOULTON—Now you are defending them.

Hon. Mr. SCOTT—No; I say about 50 per cent duty was cut. If the people import double the quantity they did in former years, how can you say that is evidence they are being taxed higher? The moment you bring down the duty people are prompted to buy more. It is no argument that there is an increase in taxes because people buy more.

Hon. Mr. BOULTON—There is no practical result from the reduction in the duty. Make iron free and there will be no doubt about the figures.

Hon. Mr. SCOTT—I have the list on my table of the articles on which taxation has been raised.

Hon. Mr. BOULTON—But supposing you have another list on which you raise the duties. You just put down a hoe and spade and something of that kind as reduction. I tell you that the agriculturalists of this country use more than half of the iron goods that is produced and manufactured in this country. If they bear half the taxation on iron and the proportion of duty collected on iron under the present tariff is equal to the protection that was under the Conservative tariff, where is your reduction? Where is your honesty? Where is your public morality? You are demoralizing the population when you get up for eighteen years to educate the people up to a certain idea and make promises you are going to carry out a certain policy when you get the opportunity, and here you are sitting on the treasury benches and apologizing to the country for not carrying out that policy. And why? Because you have the protectionists in your ranks and have selected them from that class instead of the class that you preach for, instead of the people you were supposed to be coming to legislate for in that way. That is the position that the government allow themselves to be placed in. If there is anything in this world that demoralizes the population it is when they have lost faith in political parties. But they say "my vote is no good. It is not worth the paper it is written upon, and it is a good deal better that I should take $2 or $5 for my vote and look upon it as an annual or quadrennial investment rather than that I should hold to any ideas of patriotism or political protection for myself or anything else." That is the effect of legislation and political life of that kind, educating the people up to a certain standard, and then after you have attained power you go back and say I cannot do it. Now, Mr. Mulock says it is to be for ten years and Mr. Sifton says it is a dead issue, and Mr. McMullen says it is to be for thirty-eight years. These are the utterances of public men and it is by the utterances of public men in the cabinet that we have to judge what policy is to be pursued. I stand here, not fighting the Liberal party, and I do not stand here to fight the Conservative party. I stand here to do my duty to those people who are feeling the burden of taxation in the way I have expressed to you. The hon. leader of the Senate said yesterday that the Canadian

people were self reliant. I interposed the question "Why do you not abolish the tariff then?" His reply to me was "I can quite understand the hon. gentleman prefers that the government should not reduce the tariff, so that he would have the opportunity of criticizing them." I want to tell the leader of the government that I have no desire to criticize the government upon that question. I would only be too thankful if I could afford them my support. I promised them my support if they could carry out the policy of free trade with Great Britain, and I am quite prepared to extend that support, however humble a support it may be.

Hon. Mr. MILLS—We have given you twenty-five per cent reduction on the imports of Great Britain and you say you are worse off than before.

Hon. Mr. BOULTON—It is the burden of taxation we have to bear. I am pointing to the fact that 28¾ per cent is the burden of protected taxation, wherever it comes from.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is quite right; although the government lowered the duties on some articles, yet they have a higher duty than before.

Hon. Mr. DEVER—Will the hon. gentleman permit an export duty to be put on flour to raise the forty millions?

Hon. Mr. BOULTON—I will put it on as an export duty from the port of St. John for the hon. gentleman, but I do not think I would go further than that, he would then find out for himself what an oppressive tax on the industry of the country meant. I have before me the mineral report where I want to point out what effect the policy has had on the production of iron. It is made up to the 31st December, 1898, and I find that iron ore has been produced in Canada during the past year to the extent of 58,000 tons, and at a value of $152,000. Pig iron has been produced to the extent of 77,000 tons at a value of $912,000 that is valuing it at the protected price of $12 per ton. Of the ore consumed in the production 42 per cent was Canadian and 58 per cent American ore. The people of Canada are paying to the United States producers $2 per ton bonus for the ore that is imported into Canada. Do you call that developing the resources of Canada? More than half the iron ore that goes into the production of the iron in Canada comes from the United States. 77,000 tons of iron are produced in Canada, and in the United States they produce 15,000,000 tons, and Great Britain produces 12,000,000 tons. What figure do we cut in a reciprocity treaty when we can show only 77,000 tons as against a rapid increase in the production of iron in the United States and England? How can we hold our own under such a policy as that? How can we say that it is protection that is being afforded to-day upon some of the iron smelted in works at $7 a ton. That is what the Hamilton Smelting Works is receiving the benefit of in the way of indirect duties and direct bonuses, and direct protection from the Dominion of Canada and the province of Ontario, and yet notwithstanding that $7 a ton is imposed for their benefit, and the whole result after fourteen years of protection is only 77,000 tons. How can you expect Canadian industry to develop? How can you expect the resources to develop under such condition as that? I say you are pursueing a wrong policy altogether. I say Great Britain is manufacturing iron to the extent of 12,000,000 tons, that she requires something like 25,000,000 tons of ore. In order to produce that she has to go abroad to Spain for a portion of her ore and to Norway. She never comes to Canada for any of her ore. And why? Because we put a tax of 30 per cent upon any effort of industry on the part of the people of Great Britain to develop our resources. That is the effect. No nation in the world can come here and utilize our resources for their benefit if they are taxed 30 per cent upon the only means they have to pay for the cost of these resources. Now, hon. gentlemen, if you were to open your doors to Great Britain and to say to Great Britain: you can trade in Canada just as freely as we in Ontario can trade with Manitoba, that it would be one line of communication from the Atlantic ocean to the shores of Great Britain, you would see a marvellous growth in the industry and development of the national resources of this country, which is the backbone and wealth of the country, as would astonish you.

Hon. Mr. DEVER—Why did she not ask the United States to reduce her duties in favour of Great Britain? She takes more from the United States in one year than she takes from us in three.

Hon. Mr. BOULTON—We are discussing our own affairs.

Hon. Mr. DEVER—And these are our own affairs.

Hon. Mr. BOULTON—We have nothing to do with the United States.

Hon. Mr. DEVER—But England has.

Hon. Mr. BOULTON—We have to keep our skirts clear of the United States. When the people of the United States come down to discuss free trade questions upon the same basis or same plan that we are now discussing it, then it will be time enough for England to take up the point you speak of. I am now discussing the interests of Canada with Great Britain, and I say there is not a single solitary industry in Canada that will not benefit by the policy I recommend. I say I would admit all British trade absolutely free to the port of Montreal or St. John or Halifax, or to any of our ports. I would admit coal, coal oil and iron free from any part of the world, and lower our tariff to the United States when they will lower theirs. Those are the great raw materials which are the backbone and foundation of any industry, and there is not a single manufacturer in Canada that will not benefit by the result of such a policy. If coal oil was free it would come here in tank vessels from Batoum in the Black Sea, the seaport for the coal oil from Baku in Russia, and would here compete with the Standard Oil Company which is a monopoly. That company delivers its oil in England in tank vessels for five or six cents a gallon. If iron was free we would have the cheapest iron in the world to work with. There will not be a single manufactory closed. They will be increased to a very large extent, because there are conditions that prevail when that commercial policy is put on a sound basis which will enable us to compete as successfully in any market of the world as Great Britain herself, as long as we work on a protective policy the conditions are altered. But place it on a level with Great Britain give us the benefit of cheap coal oil and cheap coal and cheap iron, for the prosection of our manufactures, and you need not be afraid of Canada not being able to hold her own. To that extent I quite agree with the leader of the government in saying that the Canadian people are self reliant, but self reliance goes to the winds when the halter or rope is tied round the neck of a man or his legs are shackled, there can be no self reliance then. Remove the shackles and then the self reliance will produce some result. I desire now to read to the House an article that has been written by my brother in Chicago which I see published in the issue of the *Economist* of the 11th March. My brother is the vice-president of the First National Bank of Chicago. He went into that bank 35 years ago, one of five clerks, and he stands now next to the top, next to the president of that bank, with 185 clerks under him. He stepped into the vacancy created by Mr. Lyman Gage when he became a member of President McKinley's cabinet.

Hon. Mr. MACDONALD (B.C.)—Hear, hear; good for Canada.

Hon. Mr. BOULTON—That is the record of a Canadian. In addition to that, he has been elected vice-president of the National Bankers' Association of the United States for the state of Illinois. The representatives of the financial world of the population of 70,000,000 people elected him as vice-president for the great state of Illinois, where I believe the greatest amount of banking business is carried on of any state in the Union. His bank is the largest in the west, and deals largely in foreign exchange in connection with the large export of farmers products. I mention this to show that what he is talking about here, he is talking about from the standpoint of a practical financial man, and viewing the commercial policy of his country from a financial standpoint, while I am viewing the policy of the government of Canada from the standpoint of one of the workers in the agricultural districts of our country. It is not a very long article, and I think it is worth while embodying it in our *Hansard*, and, being my brother, I am sure hon. gentlemen will have no objection to that:

To the Editor of the Economist:

SIR,—While so much is being said about imperialism, expansion, open-door policy, freedom of trade, &c., I notice the keynote of the whole discussion is the enlargement of our export trade, nothing being said about the equally important matter of the en-

largement of our import trade. Exports without imports would rapidly impoverish a people. We are congratulating ourselves at the present time upon our large surplus exports, and justly so, as it not only means that as a nation our people are actively employed and that their labour is not only supplying all of their own wants but is also supplying the demands of other countries to an extent that the wisest of us a few years ago could not imagine or foretell; to the extent that the exports of the country are settled by an equivalent in imports, all is well, but when such exports exceed imports to any large extent, and settlements of balances growing therefrom have to be effected in gold, the seeds of trouble in the future of trade are sown. At the present time, being a debtor nation, we are able to utilize a large part of our present credit balance in liquidation of debts due in foreign countries, and in the buying back of our own securities. The surplus then remaining has to be paid us in gold, which is serviceable to us only in the arts and sciences, in creating resources for future years when the balance of trade shall be on the other side and in the accumulation of such stores of that metal as may be profitably used in finance and for the increasing demands for current circulation as money.

Export trade is undoubtedly most desirable and necessary, as it means that we are using all our energies in producing those things that other people want over and above satisfying the wants of our own people of such goods as are exported, but unless the nation that wants can produce things that the other desires, those wants will have to go unsatisfied from its inability to effect the exchange.

The first duty of a nation in the way of trade is to satisfy most economically the wants and necessities of its own people. Once these wants have been satisfied, traders finding an excess of goods on hand for which there is no demand at home then look abroad to seek buyers outside the boundaries of their own country, and especially in such states as are best able to buy. That ability to buy from us is brought about in the same way that our ability to sell to them is and arises from the fact that such states have accumulated a surplus of goods over and above what their own people require to sustain them with food, clothing, and the other comforts of life.

For instance, Nation "A" has a surplus of food products, petroleum, machinery, &c., but a deficit of silks, velvets, cutlery, spices, &c., while Nation "B" has a surplus of the latter articles and a deficit of all or some of the former. When such conditions prevail, trade between "A" and "B" can be profitably carried on upon the *most* advantageous terms. Sometimes it happens to make the trade exchanges it requires the indirect assistance of "C" and "D" nations, as "A" has something that "B" does not want, but that "C" does, and "B" has something that neither "A" nor "C" wants, but "D" does, &c., ad infinitum. Thus international trade, as it exists to-day, was begun, and thus it is carried on.

If it takes the state of Illinois 1,000 hours of labour to produce a crop of wheat worth, say, $100, and 1,500 hours of labour to produce clothing to an amount equal to the same value, while in the state of New York it requires 1,500 hours of labour to produce the same amount of wheat, but only 1,000 hours of labour to produce a like amount of clothing. Illinois, therefore, to produce her wheat and her clothing, expends an energy of 2,500 hours of labour, while New York does the same. Now, finding that Illinois has facilities for producing wheat cheaper than New York, and that New York can manufacture clothing cheaper than Illinois, is it not manifestly for the interest of both that Illinois should produce the wheat and New York the clothing? Would not each state then have its wants for these two articles provided for by the labour of only 2,000 hours instead of by the labour of 2,500 hours, which is necessary if both produce each of these things themselves?

At the present time our trade balance for the past two years has been in the neighbourhood of about six hundred million dollars a year in our favour; that is, we have been giving of our labour to other countries an energy equal to the amount named without getting in return anything that in itself is conducive to the comfort and welfare of our own people. Gold, outside its use for liquidating debts and for its use in the arts and sciences, is valueless to us, except for its power to buy commodities necessary to sustain life under the most comfortable conditions, and when those commodities are bought they figure in our trade reports as imports. If, as a people, we are able to produce everything that we require and more too, there is nothing that we should require to buy from other nations, and the gold coming back in settlement of such exports would be worthless to us and our expenditure of labour to the above named extent would be wasted, as far as we are concerned. I use the word *everything* in the most comprehensive manner, meaning thereby ordinary and extraordinary wants, luxuries, pictures, &c., and whatever is in any way conducive to the highest development of the manhood of the nation.

Supposing that this surplus of exports not only continues in the future, but continues in an increasing ratio, what would be the result? Would not the ability of the importing countries to satisfy this large surplus year in and year out soon become exhausted, and as soon as exhausted would not this surplus of exports of necessity cease?

It is self evident that if we were to import nothing and export yearly for the next ten years say twelve hundred million dollars, or a total value during that period of twelve thousand millions, the whole world has not got gold enough to liquidate the debt, and, as is later on shown, that vast sum would be absolutely valueless to us and represents only a waste of energy and impoverishment of our resources. It is not, therefore, correct that our power to export to other nations must be commensurate to the power of those countries to export to us? We may have temporary deficits or temporary surpluses from time to time, but the equilibrium has sooner or later to be reached and our ability to produce for others must be equaled by their ability to produce for us.

It is necessary, therefore, in seeking markets for what we have to sell, that we also seek markets in which we may buy. Otherwise such trade relations cannot long be mutually profitable, and will sooner or later of necessity be gradually dissolved.

At the present all eyes are on China as a country that can be exploited to advantage, and with that end in view alliances are being created to compel the door of trade to be kept wide open to all comers, the main thought being that it should be kept wide open to admit the product of outside nations; not thinking of the natural counterpart of the proposition, namely, that the doors of other nations should in like manner be kept open to the Chinese.

If instead of keeping our doors wide open to admit her products, we fine ourselves by means of a heavy tariff on what we import from her, do we not curtail to that extent our power to export goods that she might otherwise take.

While China is undoubtedly a country rich in resources, a large amount of such resources is lying dormant and undeveloped. The wants of the Chinese in the past have largely been supplied by the products of the labour of their own people, and such things as they could not produce they did without, with the result that as a people they were illy fed, illy clad and illy housed, and that as a country the people, perhaps, are less well cared for, and, therefore, less prosperous than those of almost any other nation, except those

still lower in the scale of civilization than China is. If we can by diplomacy, or otherwise, induce China to open her doors to the commerce of the world, and at the same time create within her boundaries a general desire for those things which she does not produce, her merchants will soon point out the way by which those wants will be supplied, namely, by increasing her labour in creating things other countries want, and that nature has enabled her people to produce more economically than others can. Her people will soon find that wheat flour and canned meats are desirable things to have, and the desire will soon become so strong that they will begin to labour harder in order that they may be obtained. As soon as one want is supplied another will be created, and so imports and exports will go hand in hand to the benefit of all concerned. As her people become better fed and better clad they will be better fitted to provide for the wants of other countries, and thus by the production of increased labour will be able to purchase in an increasing degree such things as are desirable for her and that other countries can advantageously furnish.

It is often said that a country that exports most largely and imports least is the one that is regarded as the most prosperous. It appears to me that general prosperity to all countries is greatest when exports and imports most nearly balance each other as there is in the case no waste energy in the way of labour for the purchase of things not wanted.

As a general proposition, subject, however, to individual exceptions, under similar conditions it may be stated that anything that *unduly* inures to the benefit of one party operates to the injury of the other. If, therefore, unduly large exports are of great advantage to one country they are apt to be detrimental to the other. Trade cannot long be carried on under such unequal conditions though the one country for the time may seem to be faring well under it. Such a case would seem well to illustrate the story in the fable where "the countryman deliberately killed the goose that laid the golden egg," as after the impoverishment of its valued customer trade would soon find that it would have been wiser to have so treated him that the power to trade would have been fostered instead of destroyed.

It is at present advantageous to us to have the large yearly trade balance in our favour which we now enjoy, because we are debtors for foreign loans contracted in the past. When this debt is satisfied, credit balances are only serviceable or useful as a reserve with which to liquidate future unfavourable balances when crops fail and exports are insufficient to meet the larger imports of such goods as are necessary to our welfare.

While I have stated that trade is on the best footing when the outgoing trade and incoming trade are of nearly equal value, as there is no loss of energy on either side, the history of England affords an example of a country prospering under adverse trade balances; that is, balances created by an excess of imports over exports, and it is claimed that by so doing she is taking advantage of the energy of other nations to help to sustain her. The man whose yearly income is greater than his outgo is surely in better shape than he whose position is reversed. The nation is like the individual. The nation that has a large export balance year by year or whose outgo is larger than its income is by parity of reasoning less well off than the one whose yearly income of imports is larger than its outgo of exports. Of course, in the first case there is an income of gold to settle the trade balance, but if that gold is useless, except in the arts and sciences, I maintain that my statement is correct. It is, of course, assumed that all debts have already been liquidated and all wants supplied by the labour of the country in question and by such labour of other countries as was necessary to supply the amounts of goods those countries contributed.

Where no trade balance is involved the labour service of a country is just sufficient for its wants. When it has a large credit balance more labour is used, because in addition to supplying its own wants it has also to supply the labour necessary to produce the exports creating that balance, that balance being useless to it. When it has a debit balance less labour is used because other nations supply the labour required to produce the imports creating that balance.

As the amount of labour involved in the supply of the wants of a country is the cost of the living of that country, therefore the country that uses the smallest amount of energy to supply the greatest amount of wants, comforts, luxuries, &c., necessary to produce the highest stardard of physical and mental manhood, is in all respect the most prosperous of all the nations of the earth.

The Duke of Argyle in his "Unseen Foundations of Society" defines wealth as "the possession in comparative abundance of things which are objects of human desire not obtainable without some sacrifice or some exertion, and which are accessible to men able as well as anxious to acquire them."

According to this definition, the United States of America is, perhaps, the wealthiest nation upon earth, as it probably contains "more things which are objects of human desire" than any other country, but these things are only wealth provided they are objects of desire by those *able* and *willing* to acquire them. If the power to acquire these things is destroyed, wealth disappears and the objects desired remain in the possession of the original owner, who is unable to use them because he has already a superabundance. If this definition is correct, is not a nation wise to aid the power of the people of outside countries to acquire rather than by unwise greed on the part of its own people to destroy that power which is of such vital interest to it?

Suppose that the labour of the state of Illinois is at present just sufficient to provide for the wants of its people, aggregating a value of a thousand dollars per capita yearly, and depends entirely upon its wants being supplied within its own boundaries. Now, finding that its neighbours in Pennsylvania and other states can produce certain desirable things cheaper than Illinois can, such as stoves, oil, glass, machinery, &c., and that Illinois can produce meat, grain, &c., cheaper than they can, and after a trial of an interchange thus brought about, find that 75 per cent of Illinois labour used directly for Illinois wants valued as before at $750 and 25 per cent of labour used in exports to Pennsylvania in exchange for imports from that state has produced in Illinois a value of $350 per capita on account of the ability of Pennsylvania to furnish the things which she exports to us on a more favourable basis than we can produce them, it ascertains that the same energy used which formerly produced only a thousand dollars per capita does now, by this interchange, produce $1,100 per capita, Illinois exported $250 of labour and imported $350 of labour for it, the imports exceeding the exports by $100 per capita, and the State is the richer for it.

Now, supposing that Illinois, finding this interchange so profitable, enlarges her sphere in this respect, increases in energy and exports 75 per cent of labour products, and imports only 50 per cent of value in exchange, she has a trade balance in her favour of $300 per capita. which is paid for in gold. how much better off is she? She has increased her energy by harder labour than was otherwise necessary, and for that increase has received in return $300 per capita in gold, but as the energy first displayed was sufficient to supply her necessities, the gold received is valueless to her as long as she keeps up the same

energy for the same purpose, and the surplus of energy produced by her is only a waste.

The trade of this country for the past fifty years as compiled by treasury officials is as follows :

EXPORTS.

Merchandise	$26,685,900,000
Gold	2,142,800,000
Silver	1,072,500,000
Total exports	$29,901,200,000

IMPORTS.

Merchandise	$24,836,500,000
Gold	1,141,100,000
Silver	541,700,000
Total imports	$26,519,300,000

Thus we find that during this period, ending with the year 1898, our exports of not only merchandise, but of gold and silver as well, exceed our corresponding imports by the vast sum of of $3,381,900,000 and according to this theory that excess exports is only wasted energy or loss.

GEORGE D. BOULTON.

Bearing upon the argument he uses I would draw the attention of hon. gentlemen to the fact that our exports for the past few years have been exceeding the imports, when returning imports are stimulated by borrowing they only represent so much debt created, but when the nation is living within its income excess of imports represents the profits of the international trade.

Those who wish to see what movement is going on in the United States in the discussion of a similar question to the one which I am dealing with, you will find this article very interesting reading. He is of course presenting the case from a personal and practical standpoint, but speaks as one in authority in that nation of 70 millions of people. I am quite satisfied that there is a movement in the United States to-day that will bring about the very results for which he is arguing. How far that result is removed from the present it is impossible for us to say. What we have to do is simply to regard ourselves. I see in Great Britain there is an agitation to go back to the old policy of protection. How far that policy has taken hold of or is likely to take hold of the people it is impossible for us to say, but if I understand anything of protection it is essentially a selfish policy, and if a campaign should be instituted in England for the purpose of restoring the protective duties that prevailed prior to 1846, the protection will be put on not for the benefit of Canada, Australia, the United States or any other country, but for the British population themselves If I understand anything of protection that is what will result if it takes hold of the people of Great Britain. The people of Ireland will not want to see the cattle of Canada coming in to compete with theirs. The wheat growers of England will want the full benefit of protection and so it goes on. If it came to the institution of such a policy as I have heard spoken of and argued for, to include Canada and other portions of the British Empire in the same protective circle, the people of Great Britain would say no, we are not going to open the door to Canada which has always maintained the tax of 30 per cent against our trade. They will take a practical business-like view of the question. They will say the market of the United States is a market of 70 millions of people, while the market of Canada is a market of five millions of people, both countries are taking us alike. The productive power of the United States in relation to ours is as seventy to five, with a greater variety of production. The people of England could not, without being retaliated upon and without making enemies of the people of the United States (which is the very last thing they would like to do) close the door against the United States and open it to Canada so long as both countries are acting in the same way. But it would be entirely different if the people of Canada instituted a policy of their own favourable to Great Britain, opening our doors first to them in order that they might trade freely in Canada, the same as we trade with one another, the same as they already give us. We cannot afford, in our present condition, to open the door to the United States excepting upon a reciprocal basis, and that is almost impossible to obtain from them, because it would be an abandonment of the protective policy, and when they abandon that it is going to be on some broader basis than reciprocity with five millions of people on their northern border. That is the position which exists in our trade relations with Great Britain and the United States. We want to place ourselves in a position to trade with Great Britain and to turn our trade into such channels that it will be impossible for the people of Great Britain to discriminate against us, but will rather be in their interest to include us in any policy that they may see fit to pursue in the future if we choose to accept that position. Now, what is the policy between the two parties at the present moment. The Conservative

policy, as I understand it from the hon. leader of this House, is reciprocity with Great Britain. What is the policy of the Liberal party? Reciprocity with the United States. They are both impracticable policies. Both policies are simply an attempt to draw the wool over the eyes of the people of Canada. The Conservative party says, just wait now and we will have England put on a tax in favour of Canada. It may be twenty-five years before that could take place. What we are discussing is what is good for the people of Canada to-day. The Liberal party are saying we are negotiating with the people of the United States; wait until the negotiations are ended; we will get reciprocity with the United States. They are drawing the wool over the eyes of the people of Canada from that standpoint.

Hon. Mr. PERLEY—The Prime Minister says they do not want reciprocity.

Hon. Mr. BOULTON—I dare say he has found from his visit to Washington that it is impossible to get it. However, that is the policy that I judge them by to-day. That is the policy they apparently have been pursuing. The one is as impracticable as the other. We cannot ask 40,000,000 to alter their policy for the benefit of Canada when their enormous trade is with the world. The trade of Canada, I think, only represent three or four per cent of the trade they carry on with the rest of the world, therefore, it is not likely that anything we may do will influence them to change their policy. There may be some turn among themselves that will lead them to change their policy. I am pointing out to the hon. gentlemen the advantages that would flow from opening the doors to Great Britain, that they may trade freely. We would then be in a position to develop our Northwest country, our agricultural regions and everything else would profit by it. I see in the public press that lands in Prince Edward County, south of Belleville are quoted at a low price. The resources of Canada have been so reduced that the value of land in a populous part of the country in an improved fruit growing region has been reduced to a low figure.

Hon. Mr. MILLS—Where is that?

Hon. Mr. BOULTON—In Prince Edward County.

Hon. Mr. MILLS—I know land in the west of Ontario is $70 and $80 an acre.

Hon. Mr. BOULTON—I am only quoting what I see in the public press.

Hon. Mr. PERLEY—It is $25 in my district.

Hon. Mr. MILLS—What kind of land is sold at $25 an acre in Prince Edward County?

Hon. Mr. BOULTON—I do not know.

Hon. Mr. PERLEY—It is worth $20 to $25 in Assiniboia.

Hon. Mr. BOULTON—I doubt your figures, for last year you purchased a part of your farm for $3 an acre, and I have no doubt you would sell out if you could get $25 an acre. All I want to point out is that the prosperity of farmers is gauged entirely by the value of their land. It is a fair criterion of what the producing capacity of the land is. The result remains the same, that we are reducing the value of those very resources that creates the wealth of Canada. If we were to admit British trade absolutely free here, as I was saying before, England has to go abroad for a portion of her iron ore, she would have easily come over here instead of going to other countries for it. We could supply her with iron ore of various kinds from Lake Superior, Nova Scotia and Quebec. We might be supplying a million tons of iron ore and contributing to the twenty-two or twenty-three millions of tons she requires. Compare the wealth of Canada by the distribution of a million tons of iron ore, the gross production of our raw material at $4 a ton, with a production of 77,000 tons of iron. Compare the two one with the other and say where the practical results are going to follow. Recollect that will go on in every production of our country. The farmer is more interested in a policy of that kind than in any protective policy, that the government may think is for their benefit. The protective policy, that is the policy of the leading citizens of Montreal and Toronto so far as any evidence we have of their movements is concerned, is initiated simply because a large number of their citizens have their investments made in factories under joint stock companies. It is to preserve these interests that they consider

protection necessary for the country. But I can assure the hon. gentlemen that the practical experience we gather from the world at large, and from reading what is accomplished under the free trade policy of Great Britain, that they need not be at all afraid that their investments will suffer. If they desire to sell out and do not wish to take the risk of competition they will very soon get purchasers.

There are one or two other questions mentioned in the Speech to which I should like to refer. One is the plebiscite. I have always been outspoken on the question of plebiscite. I opposed it when it was in this House and spoke and wrote against it when it was before the people of the North-west, because I conscientiously believe that anything like a prohibition of the sale of liquor would be a direct injury to the people of the country. It would be a law that would not be respected, and it is a most unwise thing for any country or any government to impose a law on the people that is not likely to be respected. It is demoralizing to the population in the worst way. So far as the attitude of the Premier is concerned, he has taken the only statesmanlike attitude he could take in refusing to put a prohibitory law on the statute-book. He has acted in strict accordance with sound principles of government under democratic institutions under the British constitution. There is a difference between democratic institutions under the constitution of the United States and the democratic institutions of Canada under the British constitution. In the United States it has been the principle of their government to give a law to any section of the people that asks it, provided they can show any kind of a vote in its favour. They say, take the law, do with it what you can, quite regardless as to whether it was going to be observed or not. The result is the population of the United States have grown up with a disrespect for law or order, when it suited them to do so. That is quite evident by reading their public press. We in Canada do not regard the principles of government under our democratic institutions in that way. We build up precedent upon precedent and take time and give the people ample time to understand what the effect of the law is going to be, what its requirements are, and keep it from the statute-book until the people have thoroughly made up their mind that the law is a wise one to enact, and that when it is enacted, it will not only be respected by the people but that the government will have power to enforce it. That is the position in which I think the question stands. So far as the plebiscite vote is concerned, the vote as mentioned in the Railway Committee rooms to-day by the Temperance Alliance, they confessed was a very disappointing one. The plebiscite has done this much good that it has convinced all reasonable and sensible men who attach themselves to the temperance movement that the prohibitory law is impossible at the present moment whatever may come in the future and that event I believe will be longer off. The vote that was polled, I gather, was less under the Dominion plebiscite than it was under the provincial plebiscite taken a few years ago. In the state of Maine I see there has been a failure of prohibition. Quite lately they have wiped the prohibition party off the state ticket in consequence of the very small vote their people poll now, and I read it is on the boards that the law is to be repealed in the state of Maine. That is the result of prohibition. For a number of years its working demoralized a large number of people and lessens respect for law in that state. It only shows how impossible it is to keep an Act upon a statute-book that has no practical effect and how unwise it is to enact it. Not only that, but we have that quotation in the Bible, a book I endeavour to take as my guide, which says the last stage of that man shall be worse than the first. After you have tried prohibition and demoralize the population and the people repeal it, the temperance people have lost ground in consequence of their agitation to put a law of that kind on the statute-book before the people are ready to receive it or to respect it. The ministers from the province of Quebec have been criticised for publicly opposing the plebiscite, I must say I had a good deal of sympathy with them. Their province has an enormous coast line open to the smuggler and they would be quite aware of the impossibility of controlling him under a prohibitory liquor law, which is really free trade in liquor if you evade the law. What can be more demoralizing to a population? Those who have the real interests of the people at heart could not regard it as a wise law. Then there are a large number of people who do not believe in the right of a section of the people controlling their habits

or freedom by legislation when they are inoffensive to the public. I would suggest as a measure of reform for the temperance people to consider, and that is that the government should control the manufacture and sale of spirits throughout Canada, leaving wine and beer to the trade. That would be a practical step in temperance reform and would not be objectionable if it could be properly conducted, which there is no reason to fear. It only requires an honesty of purpose in the government and their officials. There are only eight distilleries, the government could purchase them and continue the manufacture and sale throughout the country, not to withdraw it from public use, but to check the evils connected with its consumption and keep it under control.

There is another question which is not mentioned in the speech but which is a practical question, so far as this House is concerned—that is the proposed reform of this honourable body.

Hon. Mr. MACDONALD (B.C.)—You had better leave that for another day.

Hon. Mr. BOULTON—I think this is a very good time to discuss it. There is nothing delicate in the subject, and there is no reason why we should not express our opinions and see what effect the proposed change would have upon the constitution of the country. We find that not only has the Premier brought into public discussion the question of the reform of the Senate, but an effort has been made to array the provinces under the same standard. My conception of the constitution of the country is this, that the Senate was wisely created an independent body at confederation, that the constitution of Canada is merely an extension of the British constitution. The constitution of Canada is identically the same as the constitution of the United Kingdom; the constitution of each province in Canada is identically the same as the constitution of Canada and Great Britain. There is a chain of connection between the various governing bodies that rests upon a very sound and safe basis. The powers may be defined as Imperial, National and Provincial with perfect freedom within their specified limits. The object of the British constitution is to have an independent check upon hasty or improper legislation, that the government of the country is merely the mouthpiece of its supporters, and if a sufficient number of supporters can be elected, out of which the cabinet are selected, which have improper designs upon the treasury or upon the resources of the country or for class or corporate legislation, it is most necessary, especially in a large country like this, that there should be an independent check which is the strength of any government, no matter how parties may vary in either chamber of the House. The people of Canada when the question as to the abolition of the Senate or of the undermining of the Senate is brought before them, the result of the discussion among themselves will be that an independent body in Canada is very esential to the safety of the country and the constitution and to the wisdom of the laws to be put on the statute-book. That is the way I feel with regard to the constitution of the Senate. So far as the motions that the provincial governments have passed are concerned, I think they are an interference and a very unwise step, got up more for a Liberal catch cry to distract the attention of the people. I should like to quote two or three expressions of opinion in regard to the upper chambers—Oliver Cromwell upon whom devolved the responsibility of reviving the Parliament he had destroyed was urged to revive it without an Upper House. His reply was that a Parliament unchecked by an Upper House could perpetuate its power subsersive to the constitutional liberty of the people. President Thiers upon whom devolved the responsibility of creating a constitution for France, in 1870, after the Commune, put it on record that he would Anglicize the French constitution if he had his way. Mr. Leckie, M.P., in the Imperial House of Commons, and Historian, is quoted as saying: Of all forms of government the despotism of a single elected and democratic chamber seems to be about the worst; and lastly we have the celebrated saying of John Burns the labour leader upon his return of a tour through the United States, with their elective upper chambers: Give me Albert Edward, limited, rather than the so-called freedom in the United States. And Sir Richard Cartwright seems to have returned from Washington lately with much the same view, as compared with the British constitution. The Ontario Legislature dispensed with an Upper House; the national government imposed no penalty on them, offered no opinion, and did not interfere

with them in any way whatever. The result of the resolution which they passed lately on the subject is not worth the paper it is written upon so far as having any constitutional or official effect. It has no way of reaching the Imperial Government in an official way, except the stereotype answer that such a communication has been received. It can only reach the Imperial Government through the Governor General and the cabinet of Canada. Any official communication to be made to the Imperial Government requires to be in the form of a joint address of both Houses of the Parliament of Canada which may contain or be accompanied by a provincial representation but the consent of the Senate has to be obtained before such a joint address can be sent there. When a joint address is sent there, I think the policy of the Imperial Government is to recognize that we are a thoroughly self-governing people that there is no necessity for concurrent legislation on their part and whatever we desire or wish for will be carried out by the Imperial Government quite irrespective of any policy they may have in view—as I understand the trend of their ideas, they go in that direction—that we are a completely self-governing community that the relation of the Imperial Government to Canada is as the relation of the Canadian Government to the provinces. The Senate is the guardian of provincial interests in their national life—the representatives of the contracting provinces thought it essential to guard their future status and the basis of their compact with one another by creating an independant Senate as a guardian of national rights. This Senate would be false to its trust to allow that independence to be impaired. A provincial representation to the Imperial Government against the disruption of the of the constitution of the Senate by this Parliament would have to be heard and respected, but a provincial representation to destroy it would be unconstitutional without the co-operation of this Parliament. The imperial Government has not only the power but it is its duty to veto any legislation that we may pass that is of an unconstitutional character or which threatens the impairment or disruption of the Empire. They have the right and would have the support of every part of the Empire in vetoing any such legislation, but where it only affects us individually as a nation my own impression is that the trend of the Imperial policy is in the direction that I have mentioned, to give the freest possible scope for the people of the British Empire to carry out in their own way their own destiny and their own designs so long as it does not interfere with the constitution or is not likely to impair or lead to the disruption of the British Empire. I took the opposite ground in discussing the bill to appoint a temporary speaker. The hon. member for Barrie, and I think one or two others, did the same in opposition to the opinion of the Premier, Sir John Abbott. The Act giving the power received the concurrent legislation of the British North America Act, but a communication appeared in the cabled press to the effect that it was an undue precaution. I should like to see the constitution of all self governing parts of the Empire stick close to the British constitution. Now, that is the opinion that I hold. I would say to the people of Canada from ten years experience in this House that the Senate is a most valuable adjunct to the legislation of the country for their protection ofth eir liberties and to insure sound legislation, and that even to attempt to alter its constitution by an appeal to the Imperial Parliament would be a useless bit of legislation—that we have the power within ourselves to build up precedent after precedent and work out our own career by experience as it occurs to us from one day to another. We have within ourselves at the present moment the right to hold a conference of the two Houses and it is quite possible that it may be necessary for us to utilize that power. Supposing the Dominion Government was to make use of the budget in order to get outside of the influence of this Senate by including things in that budget which heretofore have always come as separate enactments before this honourable House; in a case of that kind it might be necessary for the Senate to ask for a conference with the government, but to ask power to have the constitution amended so that the House of Commons or the government can force the Senate to a conference, that is quite a different thing. The majority of a House containing 215 members as against a majority of a House containing only 80 members would be out of all proportion and would stultify the founders of Canadian nationality, who determined to stick close to

the principles of the constitution under which they had attained to their national life.

Hon. Mr. MILLS—The majority in the House of Commons, if the country was not decidedly one way—that is assuming the vote was a fair vote and the constituencies fairly constituted—might be very small. The difference in numbers could not alter the majority.

Hon. Mr. BOULTON—But supposing it was the other way—supposing there was a majority of fifty or sixty in favour of the government in the House of Commons, or even a majority of thirty five, they could outvote any majority in this House at any time.

Hon. Mr. MILLS—Does my hon. friend think, if one or the other party should give way, that the House elected by the people and having a large majority in favour of the government should give way?

Hon. Mr. BOULTON—That is the British constitution, and the best of men in dealing with the public affairs of the people require a wholesome check in framing laws for the good government of the people.

Hon. Mr. MILLS—No, because under the British constitution the government may increase the number.

Hon. Mr. BOULTON—That power has been used on rare occasions, but in our case the government would have to bring forward some injury that the Senate has done to Canada and the Canadian people before they could persuade the Canadian people that it was wise to take away their independent powers. The whole value of the Senate is in its independent power.

Hon. Mr. MILLS—It does not take it away.

Hon. Mr. BOULTON—I beg pardon, sir, I do not agree with the hon. gentleman. We know very well that in the British Parliament there have been questions brought up and sent to the House of Lords where they have been thrown out year after year. Some matters have even gone before the House of Lords for twenty years and never found a resting place, and some of them were popular. But the whole object of the Senate is to throw back upon the people, to bring to the notice of the people the sort of legislation the government intends to put upon the statute-book, and the people in their domestic relations must turn these questions over in their minds and become thoroughly imbued with what is right or wrong, and so far as this honourable House to-day is concerned, I do not think there is a more fairly representative body of all classes than we have in this House to-day. There is no inferiority mentally or otherwise. There are some people who are so foolish as to criticize weaknesses of one or two members, and others to throw ridicule upon the body as a whole. But I will just say to those people that to criticize one of the hon. gentlemen who comes into this House with a clear brain and a good record and an honourable career, to say that he has to be wheeled into this House in his chair, and for that reason expose him to ridicule, as I understand has been the case in one public journal, I would call their attention to the Scripture and remind them of the fate of those who mocked the prophet Elisha in ancient times. It is on a par with that. So far as the constitution of the Senate is concerned, I have nothing to complain of in my relations. I have found the members are endowed with a large amount of legislative experience more than exists at times in the House of Commons, and are fairly representative of Canadian life. All that we have to do is to fulfil the duties of our position honourably.

There is another question which I wish to bring before the attention of the government, in which I have a personal interest, myself, and that is the question of the repatriation of the 100th regiment, which I had an opportunity of discussing in this House at one time and another. As hon. gentlemen know, I was a member of the 100th regiment in 1858, and joined a regiment that was raised in Canada at that time. It is forty-one years now since we marched out of Canada to take our place in the Imperial service. That regiment was not recruited in Canada after its formation, and it has lost its identity in its Canadian features, although at the unanimous voice of the regiment itself they pleaded when territorial districts were formed that they might have the title Royal Canadian still a portion of their designation. As hon. gentlemen know there was a large petition sent home two years ago to the Prince of

Wales, after whom the regiment was called, praying that a depot might be established in Canada for the purpose of recruiting the regiment here, to keep it up to its establishment in order that we might have a distinct and native regiment in the Imperial service, and that we might have also the depot established in some part of Canada to carry on that recruiting, and that a place or places in Canada might be established for the recruiting of that regiment, and for the occasional quartering of the regiment in Canada. It has gone on for years, and there has been a large amount of correspondence in regard to it. I bring it up in my address this afternoon because we are arriving at a critical point in the history of the question. The Imperial Government have, so far as they could in their power, shown a disposition to meet the views of those who brought this question before the Imperial authorities in a large petition which was signed by hon. members of the House, signed by members of the last Parliament and the present Parliament, signed from one end of Canada to the other, one of the largest petitions which has been gotten up. The expression of public opinion from those high in military authority is sufficient I think for the government of Canada to act upon, but there appears to be some influence of one kind or another, whether it is jealousy on the part of the organization in Canada or whether it is jealousy on the part of military organizations in the British service I cannot say. However, it has been hanging fire for some time. I will read to the House some communication that has taken place in the Imperial House of Commons that was raised during the present month when the army estimates were up for discussion. It is in the London *Standard* of 4th March, which has just arrived. The extract reads:

Mr. Arnold Foster asked the Under Secretary for War to make an announcement as to the destinies of the 100th regiment.

Mr. WYNDHAM—The hon. member had asked about the 100th regiment—Royal Canadians. The Inspector General's report stated that recruiting stations had been opened, but the results were of such a character that he (Mr. Wyndham) preferred not to discuss this experiment at this stage because he had hoped for much more than the results already achieved would lead them to attain. If the results attendant upon their efforts were not so good as they expected, he was in favour of the exercise of a little patience, and against the discussion of the matter until it had something to show. They wished that recruiting should go on in Canada, and that the measures in Canada to assist Imperial forces should be met half way, and that we should adapt our system to meet Canadian aspirations. They would proceed carefully to see if they could get to any common ground with Canada and of that he did not despair.

We are indebted to Mr. Arnold Foster for championing this important question in the Imperial Parliament. I am very glad indeed that he has drawn that statement from Mr. Wyndham, which is satisfactory, except as to the statement he made there as regards the recruiting. I have not heard of any recruiting station or any effort being made at recruiting for the 100th regiment. I am sorry the statement is put in that way that there should be any failure on the part of Canada to furnish the recruits, they certainly will not be obtained without some practical effort. We have in the United States army during the past year I think something like 2,000 Canadians who enlisted, which shows that the love of military adventure is very dear to them. I saw a friend from Winnipeg who has come back from there reports that there are a great number of Canadians in the American army in Manilla and he said in one company consisting of one hundred men there were thirty-eight Canadians. That shows that there is no want of material of those who would like to enlist. While that has been going on there has not been the slightest effort made in the western part of Canada, nor as far as I have heard even in the province of Nova Scotia of any attempt of a practical kind to get any recruits for this regiment at all, and, therefore, I hope the Imperial Government will not go upon any statement of that kind that has been given to Mr. Arnold Foster. Here is some private correspondence that I have in regard to the same matter, in which a friend of mine writes to me and says:

All the home service papers, the *Times*, and all the great English papers have loyally supported and advocated the move most warmly. How awful it would be for the Dominion to have the finger of scorn and ridicule pointed at her by the whole Empire, for getting up such a large and very representative petition from all parts of the Dominion for the restoration of the 100th, and then backing out of it, because no city or town in Canada will come forward with a few paltry thousand dollars for the erection of ordinary barracks or providing equivalent housing for the regiment, which is to have its ranks filled with their own flesh and blood. The move for repatriation is known all over the world, and has been spoken about and referred to in all the service journals and papers of the great powers. What a bad effect it would have on our other colonies, who are watching its progress, if it fell through! If Canada backs out of it after all her many professions of loyalty and repeated offers in men to assist, in our various campaigns, how do you suppose people in the old country will think of her? Recollect, also, that if the Dominion backs out of it, her reasons will be given out in the Imperial Senate.

Mind you, the fact that for years past young Canadians have been joining the United States service, does not absolve our Imperial authorities from the blame of not having provided the facilities to enable such men to enlist in the British service. Long-headed people at home have written and pointed this out for a long, long time. As I said before, it is bad for Canada that her rovi g young men should enlist under the Stars and Stripes. Judging by all one reads and hears about service under "Uncle Sam," it cannot be compared with the substantial benefits of the British service. The more one thinks of it, the more scandalous it is to think of the British army literally starving for a sufficient supply of recruits, and yet all this magnificent colonial "bone and muscle" is allowed to go off and enlist under an alien flag! I will not go over the old ground of the daily increasing advantages of the Imperial service, further than to let you know that even privates on the lowest rate of pay now receive from $1.75 a week upwards, to do absolutely what they like with; and, of course, non-commissioned officers, bandsmen, and men with good conduct badges get a great deal more in addition to their clothing and maintenance. And then consider the easy work they have! Will you kindly tell me how much "pocket money" the ordinary farm hand or labourer has wherewith to enjoy himself after paying all his keep and other expenses at the end of each week of hard work? Has he free medical attendance and an up-to-date first-rate hospital to fall back on when ill or injured like the soldier? Has he the comforts of a reading room, gymnasium, and all the adjuncts which go to improve his condition?

There is another letter from the *Broad Arrow* which I would also like to embody in this correspondence which is flattering to Canada but nevertheless true. The letter reads:

> There is in Canada a deep rooted patriotism of the very highest character. Canadian patriotism is not merely a selfish regard for Canada herself, but the far wider and more noble spirit of true Imperialism. Canada is indeed responsible, more than any portion of Her Majesty's dominions, for the re-awakening of the British nation to a true sense of its interests and its responsibilities. Good men and true have worked individually for this great matter here in Great Britain, but it is in Canada that the revival of Imperial patriotism first bore fruit amongst the people at large. The Canadian Pacific Railway demonstrated in concrete form a dawning genius for better things. That railway was the first stepping stone towards the establishment of organized co-operation for Imperial defence. That which was once looked upon as the idle dreaming of exuberant enthusiasts has taken shape and is plainly visible. Imperial federation, the goal upon which our eyes are fixed, is still distant, but we are daily drawing nearer and nearer to it, and before very long we shall actually reach it. But whenever that great day comes, a day so pregnant with beneficial results not only for the Anglo-Saxon race but for all the world, let us never forget that it was the example of Canada which served to maintain the loyalty of our colonies at a time when imbeciles at home were saying "perish India, perish the colonies."

That is pretty strong writing for one of our Imperial military journals. There is another article in the Ottawa *Free Press* of two or three days ago to show how the opinion in Canada is shaping itself. The article reads:

> Some discussion arose in the Imperial House of Commons a few days ago concerning the former 100th Royal Canadian Regiment. Mr. Arnold Foster very properly asked why the regiment should not be permitted to resume its own name, thus meeting the publicly expressed wishes of the Canadian people, and give a strong incentive to recruiting in the Dominion. He reasonably contended that to wait before the request was complied with until sufficient recruits were raised in this country would be to put the cart before the horse. It is to be regretted that Ottawa has not exhibited more zeal in the direction of supplying accommodation for the regiment, and obtaining the headquarter establishment as suggessted some time ago in these columns. There has been such a degree of apathy witnessed that it is no wonder if the Imperial authorities interpret it as national indifference and act accordingly.

Those are some public expressions of opinion from amongst numerous ones that have appeared in regard to this question. The British service is one of the most honourable services there is in the world; it has attained a degree of perfection and comfort for the soldiers engaged in it beyond anything that the world has ever known. You have only to look at the results of the British service with the reconquering of the Soudan, with its enormous mileage covered and its inland character, conducted successfully carried to a successful conclusion for an expenditure of one million pounds, I think—I forget whether it is one million or five million pounds, but if my memory serves me one million pounds represents the cost of last years campaign, which resulted in the overthrow of the tyrannical and obstructive rule of the Mahdi in the Upper Nile, compare that with the expenditure of the American army in Cuba, of something like one hundred or one hundred and fifty million dollars. That would show the power of organization and the great prestige that has followed the footsteps of the British army. The British Government have been most kind and generous in the openings they have made for Canadian officers to join the Imperial army, and I have the proud distinction to say, on behalf of the Canadian in Egypt, the success that Captain Girouard, of the Royal Engineers, the son of Judge Girouard of the Supreme Court, has met with in Egypt. He was selected by General Kitchener for the purpose of constructing and taking charge of the railway that was constructed under his direction as part of the military operations of the force. General Kitchener would have no other, and he would allow no other officer to be placed above him. The result has been that he has most successfully carried out the operations that were connected with the railway service in connection with the force, and he

has been appointed president of the railway system of Egypt at a salary of 2,000 pounds a year. There is a young Canadian not more than thirty-five or thirty-six years who has earned that honourable, responsible and remunerative position, at the hands of the British Government. I can mention many other instances not quite so prominent as that where Canadian officers have distinguished themselves and been rewarded. They have been lost in the service of Canada because there is nothing to distinguish them here from other officers and unfortunately some of them coming back here to give their services in their own departments as Canadians and as Imperial officers, that their identity is lost even there. What we are seeking for is that the opportunity shall be open to anybody who chooses to enlist in the British service? It is an honourable service and a well paid service and pensions are given for long service, and there is nothing that a man need regret in going and seeing something of the world by a three, five or ten year tour in the British army. I know ten years of my life was spent in it. It gives you travel and opportunities that you cannot attain otherwise on account of the expense attached to it. Several new regiments have been lately raised, and I see it stated that there were three or four regiments still to be raised. I observed also that it was the intention of the Imperial authorities or rather it was suggested that there should be a regiment of Irish guards as well as Scotch guards and the Horse guards and English guards and the Coldstream guards. The headquarters of the 100th regiment as it is constituted to-day are in Ireland and the depot is in Birr, and it is enlisted by men from Ireland. We want the 100th regiment as it exists to-day in the territorial district of Leinster to be recruited in Canada and its place supplied in Leinster by another regiment, or I would make this suggestion to the Imperial authorities that if they are going to raise a regiment of Irish guards that they could transfer the men from the present 100th regiment to that regiment and build up the old 100th with Canadian recruits. I know perfectly well that there will be no difficulty if the effort is only made in a proper way. The position in which it stands in the army list at present is as follows:—

The Prince of Wales Leinster Regiment (Royal Canadians).
Regimental District No. 100, Birr.
The Prince of Wales Plume,
A Maple Leaf.
NIAGARA.
CENTRAL INDIA.
1st Batallion, (100 Foot).
2nd " (109 Foot).
3rd " (King's County Militia).
4th " (Queen's County Militia).
5th " (Royal Mealte).
DEPOT, BIRR, IRELAND.
Uniform, Scarlet.
Facings, Blue.

I should like to see this read:

The Prince of Wales Royal Canadian Regiment. Regimental District, No. (Depot, Canada). Insignia, Niagara belongs to the 100th Colours.
Central India belongs to the 109th.
1st Batallion 100 Foot.
2nd " 100 Foot.

And three batallions of our militia attached from Ontario and Quebec where the 100th regiment was disbanded in 1818, and the present 100th Royal Canadian was raised in 1858.

That policy could be carried out. The Imperial Government as I have said before have shown all the disposition in their power. They have sent the Royal Canadian regiment to be stationed in Halifax some year or two ago to show their disposition in regard to it. I see unfortunately in the newspapers that in the list of exchanges, which they publish in the spring of the year in relation to the moves to take place in the fall of the year, moving from one district to another, that the 100th regiment is to be moved from Halifax. If that regiment is to be moved from Halifax we may give up all hope of instituting a broad policy with regard to our military life which is a policy that is worthy the consideration of our government, and I would respectfully ask you to give your best attention at this moment to the solution of this question. It would appear from the correspondence that I have read that it is partly due to the apathy or policy of the Canadian Government in regard to the matter, but it only just wants the Canadian Government to take the question up in a broad spirit to bring it to a successful conclusion, the supply of barrack accommodation and medical attendance is all that is asked for on the part of Canada. We have heard the criticisms made with regard to our Postmaster General when he said: "We hold a vaster empire than has been." If we do not pay one single solitary penny to the Imperial service and if we do not unite with Great Britain even to have a recruiting ground in Canada or to furnish the

accommodation necessary for the quarters of a regiment and its depôt, what right have we to have that motto on our stamp? If there is any one in Canada who should take this white man's burden upon his shoulders of bringing this matter to a successful conclusion it is the Postmaster General in order to make good in part the boast he has put upon his postage stamps that we hold a vaster empire than has been, he should support the Minister of Militia to bring the negotiations to a successful termination. When the doors open allowing commerce free, and from the standpoint of Imperial defence in the interest of the worlds civilization the lines are drawn closer together, and when we have cemented our union, so far as it is our duty to do, the boast may come in its proper place but it will not take place until we have made one step in the direction I have brought to the attention of this honourable House to-day.

Hon. Mr. SCOTT—It was not my intention to address the House on the Speech, or to make any observations on the present occasion, until my hon. friend from Shell River (Mr. Boulton) made certain statements which I thought should not go uncontradicted. I endeavoured at the moment to correct him, but the House evidently thought it was not proper or courteous in the middle of a speech to interject the arguments I wished to use. It, therefore, compels me to make some observations on the Speech. I take first the hon. gentleman's charge against the government of having abandoned the policy they advocated in opposition. It is quite true in 1881, 1882 and 1883, when the National Policy was being commenced, that we found it necessary to criticise very seriously and severely the departure from the lines which had previously prevailed in Canada. We thought it was very unwise. The argument used at that time was that it was being adopted to force the United States into reciprocity—"Reciprocity in trade or reciprocity in tariffs," became the war cry of the Conservative party. We all remember that even Sir John Macdonald announced at the time himself that it was not intended to permanently raise the tariff; it was to be rearranged. We have the celebrated telegram sent to a gentleman in the Maritime Provinces announcing that fact. I will point my hon. friend to a few instances where the present government have reduced the tariff. The farmers of the North-west use agricultural implements largely. They use ploughs, harrows, hoes, reapers, and many other articles of which iron forms the basis. The duty on iron, I stated to my hon. friend in the course of his remarks, was cut at least 50 per cent. He seems to deny that. I have sent for the statute showing what the duty was on iron under the tariff of 1894, and compared it with our tariff. I find scrap iron, &c., was $4 per ton. That was cut to $1 per ton under the tariff of 1897. Iron and steel ingots, blooms, slabs, puddles and so on, was $5 per ton, and that was cut to $2 per ton. Iron in pig was originally $4 per ton, and that was cut to $2.50 per ton. That shows a very substantial decrease in the duties imposed by the tariffs respectively of 1894 and 1897.

Hon. Mr. BOULTON—And a bonus was placed on it instead.

Hon. Mr. SCOTT—The farmers and manufacturers have the advantage.

Hon. Sir MACKENZIE BOWELL—Who paid the increase in the bounty?

Hon. Mr. SCOTT—The bounty was not equivalent to that, nor was the quantity turned out anything like the consumption of iron in Canada. It led to a large importation from the United States, because of recent years the United States is a larger producer of iron than Great Britain. I have called attention to the reduction in duty of certain articles. There are about four hundred items in the tariff, and a very considerable reduction took place in over one hundred of them. Take files, adzes, cleavers, hatchets, saws—they were reduced from 35 per cent to 23 and a fraction—that is, taking in the 25 per cent preferential. Tools, scythes, reaping hooks, edging knives, hoes, pronged forks, snathes, post hole diggers, agricultural tools, not otherwise specified—they were reduced from 25 per cent to 18 and a fraction per cent—that is, taking in the 25 per cent preferential. Binder twine was put on the free list, as was barbed wire.

Hon. Mr. McMILLAN—Still, it is dearer now.

Hon. Mr. SCOTT—Yes, in consequence of a large proportion of the raw material for binder twine coming from the Phillipine

Islands. You cannot say that putting an article on the free list makes it dearer.

Hon. Mr. BOULTON—Make it free to England, and it will get cheaper.

Hon. Mr. SCOTT—It is free to the world. You can buy binder twine in any part of the world, and it comes in free. Surely it is impossible to artificially help it beyond that plane. I will give another illustration to my hon. friend of the reduced taxation.

Hon. Mr. McMILLAN—I suppose my hon. friend saw the dividends that the institution at Stratford paid.

Hon. Mr. SCOTT—Yes, like all the other manufacturers they sent a deputation here and said we were going to slaughter the industry unless they were protected, and last year they paid 40 or 60 per cent dividends showing at least that they did not require protection. I have mentioned some of the actual reductions in the tariff. I will read now from the last volume of the Trade and Commerce Returns a statement of goods entered for consumption. I will take a year when the duties correspond with those of last year. The duties last year were twenty-two millions odd; in 1888 the duties were twenty-two millions odd. The importation in 1888 were $102,000,000 and in 1898 $130,000,000. The $130,000,000 paid no higher duty than the goods entered for consumption in 1888.

Hon. Mr. BOULTON—Is not that rather ancient history?

Hon. Mr. SCOTT—It shows that the consumers in Canada saved the duty on $28,000,000. On that amount of importations nothing was paid, because the same duty was paid on $102,000,000 as was paid on $130,000,000. There is a patent fact that no logic can possibly overthrow. There must have been a considerable lowering of duties or an increase in the free list, because the statement of goods entered for consumption embraces both.

Hon. Mr. BOULTON—Some of that lowering was done by the Conservative government before they went out.

Hon. Mr. SCOTT—No. I have referred to 1888 first. I say that under the tariff of 1888 goods to the value of $102,000,000 were imported into Canada on which $22,000,000 were paid as duty; and last year, after the new tariff had been introduced, there was an importation of $138,000,000, on which no more than $22,000,000 duty was paid, showing plainly that the tariff reform was carried out to that extent at all events. Our tariff reform, no doubt, does not come up to the desire of my hon. friend.

Hon. Mr. BOULTON—The Conservative party deserves some credit for that. The Conservative party made several reductions since 1888, and, therefore, should get credit for a portion of it.

Hon. Mr. SCOTT—No doubt they are entitled to credit for a portion of it, but it was not very material. My hon. friend criticises very severely the conduct of the present government in advocating free trade when in opposition. The present government would be derelict of their duty if they refused to recognize the conditions under which they found this country when they took office. Had they introduced free trade there would have been a terrible destruction of capital; industries that had grown up under the law, in which people had invested their money with the idea that there was some degree of permanence in the tariff, would have been ruined. Statesmen must recognize the surroundings. How many times did Sir Robert Peel change his policy? We know in one year he went over from protection to free trade, but he did not introduce free trade as rapidly as my hon. friend desires it.

Hon. Mr. BOULTON—Yes, at once.

Hon. Mr. SCOTT—No, it took sixteen years.

Hon. Mr. BOULTON—The reduction in grain was made in four years.

Hon. Mr. SCOTT—This government have only been in office a little over three years, and they think the reductions that have been made have been as rapid as the circumstances warranted. Had they gone faster they might have done irreparable harm. I do not consider the tariff permanent. If the tariff can be lowered it will be lowered, but it is our duty, and the duty of all statesmen, not to be bound by hard and fast rules. Men in opposition may give utterance to views which, under the responsibility of office, they cannot carry out.

Hon. Sir MACKENZIE BOWELL—Then they should not make them.

Hon. Mr. SCOTT—It is quite within their province to do so. It is the practice to do so. In a country that is growing and developing as rapidly as Canada is, you cannot lay down a policy that would be prudent four or five years from now, because you would be stultified. You might find the conditions so changed it would be impossible to carry them out. They were visionary at the hour probably and could not be carried out. I think it is clear that this government has gone as fast for free trade as was wise and prudent. No matter what their views were, they would have been guilty of serious dereliction of duty had they proceeded any faster than they have gone, and wrecked many industries that had the sanction of law for many years under various Acts passed, from time to time, and which had to be respected and could not be swept away by the change of government. A good deal of criticism has been passed by some hon. gentlemen on the action of the government of Canada in holding the conference at Washington. I do not think it quite lies in the mouths of my hon. friends to use any undue criticism in that direction. Their attempts at treaty making with the United States have not been attended with marked success. We know that in 1888 the present leader, in the other House, of the Conservative party went to Washington and, as he supposed, was successful in making a treaty. He came back, was duly applauded, and the Parliament of Canada was so satisfied with the result that they placed the treaty on the statute book. Needless to say it was not ratified in the United States

Hon. Sir MACKENZIE BOWELL—They succeeded in making a treaty and the President of the United States recommended to Congress the adoption of the treaty.

Hon. Mr. SCOTT—What was the use of that when they would not adopt it?

Hon. Sir MACKENZIE BOWELL—I say they made a treaty and the President of the United States recommended the conditions of that treaty to Congress for adoption as being fair and equitable to both countries; but the prejudices of the people of the United States, incited by the then opposition in this country of which my hon. friend was one, induced them to reject it.

Hon. Mr. SCOTT—It was not a success, at all events.

Hon. Sir MACKENZIE BOWELL—That is true.

Hon. Mr. SCOTT—In 1891 the Conservative party carried the election by the announcement that they had the power to make a treaty with the United States, and that they merely wanted the people of Canada to give them authority to conclude a treaty. That was announced in a very formal and official way, after which Parliament was dissolved. In the Speech from the Throne delivered in 1891, we have these words:

> My advisers, availing themselves of opportunities which were presented in the closing months of last year, caused the administration of the United States to be reminded of the willingness of the government of Canada to join in making efforts for the extension and development of the trade between the Republic and the Dominion, as well as for the friendly adjustment of those matters of an international character which remain unsettled. I am pleased to say that these representations have resulted in an assurance that, in October next, the government of the United States will be prepared to enter on a conference to consider the best means of arriving at a practical solution of these important questions. The papers relating to this subject will be laid before you. Under the circumstances, and in the hope that the proposed conference may result in arrangements beneficial to both countries, you will be called upon to consider the expediency of extending, for the present season, the principal provisions of the protocol annexed to the Washington Treaty, 1888, known as the *modus vivendi*.

On the strength of that the government went to the country and captured the vote because it was announced that the United States were quite ready then to enter into a treaty which was to be, no doubt, beneficial to Canada. We know that Mr. Blaine, the Secretary of State, repudiated any idea that they had entertained such a proposition—denied that there was any authority for the announcement that the United States contemplated making a treaty with Canada. It effected its purpose, however, and resulted as we know, in nothing. The present conference had for its source the circumstances which arose when the negotiations were entered into in 1893, under which the regulations of the Behring Sea in regard to seals were to be revised every fifth year. It was believed that, with the experience of five years, new regulations might be adopted with the object of preserving seal life. That

was the source and origin of the present conference at Washington. As hon. gentlemen know, in the last two years many other questions have arisen that it was of the utmost importance, in the interests of both countries, should be settled. Owing to the excitement in the Yukon district and Alaska, it became very important that the line of demarcation there between the two countries should be defined. An Alien Labour Law had been adopted in the United States and we had followed suit. The inland fisheries required attention because our lakes were being depleted of fish.

Hon. Mr. MACDONALD (B.C.)—Is it true that negotiations are going on in Washington in regard to a *modus vivendi* in connection with access to the Yukon.

Hon. Mr. SCOTT—I am not aware. The hon. gentleman knows very well that it was in consequence of a difference between the commissioners of the United States and those of Canada in reference to the importance of having at once the boundary delimited that the conference broke up. That was publicly announced. Our commissioners felt that it was exceedingly important that the line should be defined, and it did not seem probable that six commissioners on one side and six on the other were likely to reach a conclusion, and our desire was to refer it to an independent tribunal that would carry out the views of both parties and fix the line where it ought to be. The hon. gentleman is aware of that.

Hon. Mr. MACDONALD (B.C.)—I saw a reference to it in a newspaper.

Hon. Mr. SCOTT—That would show the absolute necessity that exists for the delimitation of the line; otherwise difficulties will arise. The miners of one country or the other may be encroaching over the line which should form the true boundary.

Some considerable discussion has arisen in reference to the plebiscite, and I desire to make a few observations on that subject and express what I think are the sound principles on which the government ought to act. The crucial point at the present moment appears to be what proportion of votes would have justified the government in adopting legislation in conformity with the desire of the prohibitionists. I have always held the view that a law of that kind could not possibly be enforced unless it had the moral support of a very considerable majority of the whole people of the country. Whatever views or feelings we may entertain on the subject, we must all admit that the great majority of the people do not regard drinking as a crime. A law against drinking is not on a plane with a law against burglary, larceny, or personal rights of individuals. It is what is called a sumptuary law, and one that each individual feels he is amply justified in resisting if it does not meet with his approbation. In a country like Canada, with a frontier, taking the Atlantic and Pacific coasts and the frontier of the United States, of 10,000 miles, it would be absolutely impossible to enforce such a law unless you had the great body of the people behind it. Some twenty years ago we had to consider what proportion ought to have the right to enforce prohibition on their neighbours under certain limitations only, because under the Scott Act an individual could buy and bring into the district for his own use any liquor he desired, but they could not have sold within the district or manufactured for sale within the district, and discussions arose in this chamber as to what proportion of the whole community would be fair and reasonable to bring a law of that kind into operation. The hon. senator for Toronto (Mr. Allan), who supported the measure, was strongly of opinion that at least a full majority of the whole vote should be recorded in favour of a law of that kind before it could be adopted; failing that, there should be a majority of two-thirds of the recorded vote; but all were agreed, and the temperance people themselves approved of the principle, that the law should not be initiated unless 25 per cent of the people demanded it. That is, before the petition could be entertained there must be sworn evidence that 25 per cent of the ratepayers and voters had approved of the Act and desired to have the question submitted, so that there was a basis laid down at all events for the initiation of it. It was regarded as so exceptional a law that at least 25 per cent of the voters must have asked to have the law put in force.

Hon. Mr. BOULTON—Where is that?

Hon. Mr. SCOTT—That is the Act of 1878. It cannot be brought into operation unless a

petition asking for the enforcement of the Act is signed by 25 per cent of the voters, and the signatures must be verified. The mere signing of a paper is not sufficient; every signature must be verified as a bona fide one, and the signature of a person entitled to vote. Now, I say that the temperance people regarded that as a reasonable proposition. There were present deputations of them from various parts of the country, from the time the bill was drafted and when it was before this House in its various stages. It was before the Senate for six weeks. The Senate took a deep interest in it, and every effort was made to have the Act as perfect as possible. Very many hon. gentlemen, some of whom are here to-day, will remember that we were, I think, five or six weeks discussing the measure. We had committee after committee on the subject, and every clause was carefully scanned. There were from one to two hundred of them—but all admitted that a law of that kind should not go into operation unless it had the moral support of a very considerable number of people in any district in which it was to be put in operation. Now, in the plebiscite the other day 56 per cent of the people did not vote at all. Of the vote that was recorded, the vote in favour of prohibitory legislation was not quite 23 per cent. In some districts of Canada the vote was very small, districts where they did not seem to think it was worth while going to the polls, where they did not regard it as a practical issue. Take for instance the province of British Columbia, the vote there was insignificant, a mere fraction of the community. The vote in Prince Edward Island was probably the largest of any vote relatively in any province. They have there the Scott Act in all parts of the province except Charlottetown. In Queens, although they had defeated the Scott Act only very recently, yet they seemed to have abstained from voting on this occasion. The vote was extremely small, and did not seem to indicate that there has been any active sentiment either way. The hon. gentleman himself explained that the liquor people did not think it worth while to oppose it. It has been stated that in the province of Quebec there had been some improper voting. That is not an element that need be considered when the answer of the government is based entirely on the proportion only of those who asked for legislation. But I think there is a great deal of misconception with regard to the voting in Quebec, as I find the percentage of voting is not any larger than the percentage of votes in Ontario In the province of Ontario the vote was carried by about 30,000 odd. When it was submitted before, under the provincial plebiscite, it was carried by 80,000.

Hon. Mr. BOULTON—And in the Dominion it was only 30,000.

Hon. Mr. SCOTT—Yes.

Hon. Mr. BOULTON—A great discrepancy.

Hon. Mr. SCOTT—The reason was that either the views of the people had changed or when this question was submitted to them in earnest they would not support prohibition. It was submitted simply as an abstract question in Ontario before, when this 80,000 majority was recorded. It was simply an abstract proposition. It was carried even in the city of Ottawa. The plebiscite was defeated in the city of Ottawa last September.

Hon. Mr. PROWSE—Was there not another election going on at the same time?

Hon. Mr. BOULTON—Yes, a municipal election.

Hon. Mr. PROWSE—And that brought the public together.

Hon. Mr. SCOTT—That probably would be it, but this legislation was asked for by the temperance people.

Hon. Mr. PROWSE—No.

The Hon. Mr. SCOTT—My hon. friend says no, but he does not speak for the whole community. It was announced by Liberal leaders on the platform that they would consent to the introduction of a prohibitory law if the people asked for it, that if the will of the people was so expressed they were prepared to legislate, and that is the pith of the resolution which was adopted at the convention in Ottawa. The important words were that the will of the people should be ascertained. No man will pretend to say that on a question of that kind the will of the majority is shown by only 23 per cent asking for it. It could not be argued

with any degree of fairness that it should be granted if only 23 per cent are asking for it, and a law of that sort could not possibly be enforced in a country like Canada under such circumstances. At the present time we have a very large amount of smuggling in the Gulf of St. Lawrence. I daresay my hon. friend from Prince Edward Island will confirm what I say that this country is now, and has been for many years, spending large sums of money in order to catch the smugglers who bring in spirits from St. Pierre, Miquelon and other points. The revenues are seriously affected by the smuggling which goes on and although large sums of money are expended there to put down smuggling, we are unable to check it absolutely. We may minimize it but cannot effectually stop it. There are so many opportunities of bringing liquor into Canada with its exposed border that it is absolutely impossible to prevent it being brought into the country. If that is the case when liquor can be obtained and bought within the limits of Canada in all parts of it freely to-day, how much more would the smuggling be if there was a law against its use in Canada. If there was a law that it could not be manufactured or sold in Canada, why 10,000 men would not be sufficient to keep out the smugglers.

Hon. Mr. DEVER—In fact I have reason to believe that a large number of people in the liquor trade voted for the plebiscite to show that people would then smuggle it extensively.

Hon. Mr. SCOTT—It has been found impossible in other countries. Maine has a stringent law that liquors are not allowed to be sold or imported, and yet, as a matter of fact, liquors are bought and obtained all through the districts. The government are powerless. I saw a letter from Governor Brading the other day where he sets out the difficulties of the situation, and he says it is absolutely impossible to keep the liquor out. He says that the judges appointed to try the liquor cases will not condemn. The detectives employed to prosecute the persons who sell the liquor will prosecute for the moment, and then will go to the bar next day and take part themselves in the drinking that is going on.

Hon. Mr. MACDONALD (B.C.)—The trouble arises from the fact that they are bribed.

Hon. Mr. DEVER—And so it has been in the state of Maine during the last fifteen years.

Hon. Mr. LOUGHEED—The hon. gentleman evidently does not believe in prohibition—thinks it is not practicable.

Hon. Mr. SCOTT—I believe in prohibition.

Hon. Mr. LOUGHEED—But you believe it cannot be carried out?

Hon. Mr. SCOTT—I believe it cannot be carried out unless you have a large proportion of the people behind you. I am a total abstainer. I do not believe that liquor is useful under any circumstances—a great many prohibitionists believe it is good as medicine. In the pledges that are given, and in the words of the vote submitted the other day, it was only to be prohibited as a beverage; it could be used in other ways. It can be used as a doctor prescribes it. I do not think it is useful when prescribed. I think it is poison to the human body. I have always been of that opinion. I know many hon. gentlemen will not agree with me, but that is my view of it, and I would like to live in a country where prohibition could be carried out. It is an ideal country, which I do not think I shall ever see.

Hon. Mr. LOUGHEED—You would not emigrate to such a country.

Hon. Mr. SCOTT—No; I would not like to leave Canada. Canada has improved. It is the most advanced temperance country in the world. We have gone on as fast, probably, as the most ardent prohibitionist could have hoped for. If you consult the returns of the liquor traffic in Canada, you will find the consumption of liquor has been going down till it is far below the average consumed by any other country in the world. There was a meeting at Berne of advanced prohibitionists of other countries and Canada got the palm for the lowest consumption per head of any country on the face of the globe. That is a most pleasant state of things. But the prohibitionists are not fair when they say the government ought to enforce prohibition. Governments are just what the people make them. Do hon. gentlemen suppose that if the government enacted a prohibitory law on the demand of 23 per cent of the electorate that it would be in existence at the next

election? Not at all. It would be swept away. The hon. gentleman from New Brunswick illustrated what I now say. In that province, under Sir Leonard Tilley and other advanced men, prohibition was introduced, and what were the consequences? The demoralization which prevailed was so great that the House had to be dissolved and a new House elected. Forty members out of forty-one who were returned were pledged to repeal the Act.

Hon. Sir MACKENZIE BOWELL—I suppose that is the reason why the government do not introduce a prohibitory law.

Hon. Mr. SCOTT—We know we could not enforce it unless the large majority of the people were behind us. Any sensible man would realize that. I give you the case of New Brunswick, where the people clamoured for prohibition and they got it and kept it for two years, and they found the drinking was worse than before. They could not enforce the law, although the public sentiment there was very much stronger in favour of prohibition than the public sentiment of Canada to-day.

Hon. Mr. DEVER—They only kept it nine months.

Hon. Mr. SCOTT—And forty out of forty-one of the members returned to the House were pledged to repeal the Act. I say the temperance people are inconsistent. They have the opportunity in every province of this country to reduce the drinking opportunities. They can reduce the saloons and reduce the taverns and the shops where liquor is sold, but they will not do it. They support aldermen who vote to keep up the taverns, and yet they denounce the government because they will not pass a prohibition law. The whole matter is in the hands of the people. I have always maintained that the true principle was to remove the opportunities for drink. I found that just according to the number of tavern licenses, and according to the number of saloons on the corners of the streets, just in proportion will the opportunity of drunkenness arise and drunkenness increase. But the temperance people are inconsistent. They go to municipal polls and they have the opportunity, wherever they are in a majority, to elect men who will refuse to give out licenses and yet they will not do it. They will not do it themselves, and why should they ask governments to do it, simply for the purpose of making them commit suicide, for that is what it would be. No government in this country even, though Canada has advanced to the extent that it has, could live if it adopted prohibition, because it is not possible to enforce it with 10,000 miles of frontier. You could not get officials honest enough to carry it out. Take the Scott Act and see how it was abused in many localities. Medical men were permitted to give certificates where they considerd the patients required it. I have brought out in this House evidence in hundreds of cases where medical men had prescribed a gallon of brandy, the patients to take two glasses a day, and where they prescribed two dozen bottles of ale, two tumblers to be taken per day. That was turning the law into a farce, and in a locality where the temperance sentiment was supposed to exist to a great extent. They carried the Act there and the temperance people stood by and they said "it is none of our business to enforce the law; get some one else to enforce it." We had provided machinery in the Scott Act. We provided that the Inland Revenue officer was to be the officer in each district who was to enforce it and to employ persons under it. What was the consequence? When the Act was adopted the Inland Revenue officer did not carry out the law and his chief did not direct him to carry it out, and there was no one behind the law to enforce it. It could not be carried out of its own motion, and it got into disrepute simply because there was not sufficient public sentiment behind it. I say advisedly that there is not sufficiently strong public sentiment in Canada to enforce a prohibition law, and it is perfectly idle to expect the government to attempt to carry into execution a law which the people are not behind. There are portions of Canada where the law can be enforced. I believe Prince Edward Island is sufficiently advanced to adopt a prohibition law. There are other portions of the country, probably New Brunswick, possibly Nova Scotia, but it would be idle to talk of enforcing it in British Columbia where you have not ten per cent in favour of prohibition. It is ridiculous to ask the government to enforce a law where the people do not want it enforced and where they will not sustain the government in the action they take. I simply rose on this occasion to correct the statements of

my hon. friend from Shell River, because I thought it was important that they should be explained from my point of view at all events.

After Recess.

Hon. Mr. PERLEY resumed the debate. He said:—It was not my intention to have spoken on the Address in reply to the Speech from the Throne, only for a few remarks which were made by the hon. Secretary of State just before recess. I felt, however, that if I did not make some few remarks in answer to statements made by that hon. gentleman, I would be remiss in my duty as a representative of the people whom I have the honour of representing in the Senate. I may say that I do not desire to speak as a party man, because I think that every hon. senator here should speak as one representing the interests of Canada and not in the interest of any particular party. It has always been my course to speak in the interests of the country and not in the interest of party. It is true I was appointed to the Senate by the Conservative party, but there was no condition when I was appointed that I should support any particular policy, and in all the elections with which I have had anything to do individually throughout my public life, I have only pledged myself to support two policies of the Conservative party—that is, a protective tariff and the building of the Canadian Pacific Railway. After that I told the parties who voted for me and whose candidate I was, that I should vote on every measure on its merits, and that I would not be tied to the apron strings of any party. I have voted in the House of Commons and in the Senate as my judgment dictated, on the various questions that have come before me. I have pursued that course in the Senate on all matters from the election of a page to the defeating of measures brought before this House. And I hope to continue in that course all the way through while I have the honour to hold a position in this chamber. Whilst in some respects I differ from the policy of the present government, it is not from a party stand point; I differ from them as I might differ from the directors in a corporation with which I might be connected, not in a spirit of opposition, but because I cannot approve of their policy. I do not desire to say an unkind or ugly word against the government of the day. I speak as one interested in the future of the country and having some stock in it. I look on the government of this country in the same way that I look upon my own private business, when I hire a man there has to be confidence between him and me. I hire him for certain wage and he expects that I shall pay him according to agreement. If I fail to carry out my agreement I forfeit his confidence and lose credit, and when I want to hire another man, I will find difficulty, because I am regarded as not being a man of my word. The same principle applies to the government of a country. The hon. gentleman who moved the Address the other day so very eloquently and ably—and it is a pleasure to know when a new member is appointed that he is able to take an active and creditable part in the proceedings in the House—said that Canada was enjoying a large measure of prosperity in every branch of trade and industry. I thought when the hon. gentleman made that remark that his object was to give the credit for that prosperity to the policy of the present administration. In my opinion the present prosperity of Canada is largely due to the policy of the Conservative party. I do not say that in a spirit of partizanship; I say it as an independent man. At the time the National Policy was adopted, great objection was taken to it, and very justly, because we cannot all expect to be of one opinion. The National Policy, so called, was a new departure. I remember in 1867 the possibility of higher taxation was one very great obstacle in the way of carrying confederation in the province of New Brunswick. My father was a candidate on the confederate side in that campaign, and I took a very active part in the election. One argument with which we were met was that the tariff would be very high, that the provinces of Quebec and Ontario would override us and we would have to pay tribute to them. The maritime provinces were in favour of a low tariff. After a few years depression and hardship came on the people of Canada. The manufacturing industries of the country were subjected to very unfair competition from the United States. To some extent, and in some industries, the same thing is occurring to-day. The Mackensie government favoured a revenue tariff, notwithstanding the hardships to which our people were subjected through Canada being made a slaughter market. The result was

that Sir John Macdonald offered then, as a remedy for the evils that existed, that if Mr. Mackenzie would introduce a protective tariff he would support that policy. Mr. Mackenzie was true to his principles and opposed that proposition. Sir John Macdonald was forced to go to the polls with that protective policy and was returned by an overwhelming majority. Then he inaugurated the National Policy. I was a candidate in New Brunswick and no one supported more firmly the policy of straight protection than I did on that occasion. The hon. Secretary of State referred to a letter sent by Sir John Macdonald to Mr. Boyd in which he said that it was only an adjustment of the tariff that was intended. I said I was in favour of a readjustment if it would establish protection and build up our industries and employ the labour of the country, so that they in turn would buy my products as a farmer. What was the result? When that policy was introduced in the House of Commons by Sir John Macdonald, the gentlemen who are now in the government opposed it. I do not find any fault with them for opposing it, if they believed they were right and felt that a protective tariff was not in the interests of the country or would build up the industries of the country. They did not believe that the railway policy would help the country. They abused both policies, not very effectively, but their opposition had this effect they weakened the confidence of the importers and manufacturers to the extent that they looked for a change of tarff. They promised to wipe the protective duties off the statute-book altogether. That discouraged those who desired to go into manufacturing. A man who, under the circumstances, would invest his capital would be unwise, because a change of government might take place, and the adoption of free trade would close up his factory. The importer of goods would have the same feeling in his mind. He would say what is the use of my importing a large quantity of goods when in a short time the tariff may be changed and I will have my shelves filled with goods on which 20 or 30 per cent duty has been paid, when the same class of goods will be brought in free of duty under a free trade government. That was the state of things that continued all those years from 1878 to 1896. The Liberal party preached this doctrine. I do not say they did not believe it but that was the doctrine they preached, and when the hon. gentleman referred to the measure of prosperity this country enjoys, I ask him how was it possible to expect, with one party declaring for and promising free trade, that business would be developed? Now, there is an entirely different state of things. The government came into power pledged to free trade. They found fault with Sir John Thompson for sending commissioners among the people to inquire how the tariff was working, and what improvements could be made for the benefit of the country. The late Sir John Thompson in sending the late Mr. Wood and Mr. Wallace to inquire how the tariff was working pursued a wise and proper policy, because the government were not all business men. They sent these commissioners to inquire of and receive suggestions from those who were engaged in the different industries how the tariff affected them. But what was the result on the other side of the House? They pooh-poohed the idea. They said: "you do not know how you should frame your tariff, and you have to get instructions from the business men of the country;" but the moment the hon. gentlemen get into power they had to adopt the same principles themselves and sent their Minister of Customs and the Finance Minister to get the very information that they said all those years they possessed, and the very information they pooh-poohed the other government for trying to acquire. They have come into power and they are in a different position from the Conservative party. There is no opposition now. The business men of the country have become satisfied—they have it from the lips of the ministers that they endorse the very policy which for years in opposition they had condemned. They have made some slight changes it is true, and I regret to say that wherever they have made those changes they have been a detriment to the country as I will show before I am done. The manufacturer to-day says: "I am satisfied; those men who have been preaching the destruction of the Canadian tariff for the last eighteen years endorse the policy of the Conservative party from beginning to end." The merchant who imports goods says: "I have no further fear, now." For eighteen months prior to the last election, I thought the Conservative party was going to be defeated. Not only were these men preaching against the Conservative trade policy, but there was a religious element in

the matter that was sure to defeat them. At least a large portion of the people believed they would be defeated, so the manufacturers and merchants arranged with the other party that they would not destroy their industries. The merchants got rid of their goods, emptied their warehouses and cleared off their shelves, not knowing, but rather expecting, that the policy of the men who were then out, when they came in, would be carried out—that is to say they would frame a tariff on a revenue basis. They also believed the opposition when they said they would not increase the public expenditure if they came into power; but what has been the result? These men emptied their warehouses and prepared for the coming event. In that way the farmers, the consumers, also prepared. They said we will do without these things four or five months longer; we can get them cheaper after the change of government. The importer, the manufacturer, and the consumer prepared for the change The present government came in, but they did not change the policy of their predecessors; they rather confirmed it in the strongest possible manner, and what was the result? Everything boomed at once; there was an empty market to be supplied. The manufacturer went to work with greater energy because the National Policy was not to be disturbed. He knew the policy of the Conservative party would be followed out and he could go on manufacturing. The importer said: "there is no danger now, I can enlarge my business," and, therefore, in that way I say the present prosperity is not due to the policy of the present government, because they have done nothing to change the policy of their predecessors. They have done nothing to improve the condition of things and create the great prosperity that they now seek credit for since they came into power. The hon. minister opposite referred to the binder twine industry. I am a farmer and know something about binder twine. The last year under the Conservative administration I bought all the binder twine I wanted at 6 and 6½c. per lb. This year, before I left home, I asked a dealer in binder twine how much he would charge me this year for it. We have 500 acres of grain, and it takes about 2½ lbs. of twine for an acre with a good crop. The agent asked me the night before I left home 12c. per lb. for binder twine. Under this free trade policy of the present administration the price of that article has doubled. Under the late administration, when these gentlemen who are now the administration, were in opposition, we know what a great hubbub was raised over combines in the country. There is the greatest combine on binder twine to-day that you will find in America on any article. The combine is not confined alone to the United States. This government, as well as the Ontario Government have done wrong in relation to this matter. They manufacture central prison binder twine in Ontario, and penitentiary binder twine in Kingston, and they have sold that binder twine to two men, thus enabling them to go into a combine with the United States manufacturers, and the result is that binder twine in the North-west is 12 cents a pound, whereas under the old tariff it was only 6 or 6½ cents. Under the free trade policy we are at the mercy of the United States and have to pay 12 cents, and it will amount in my case to $50 or $60 of a tax, and a great many farmers pay $100 more than if there had been a fair protection, and legitimate industry had been encouraged throughout Canada, leaving one manufacturer to compete with another. Instead of that, there is a combine by placing the trade in the hands of two individuals who have the opportunity of working with the United States combine, which could not be done if there was 12 per cent duty. In the matter of coal oil, the merchants in the town in which I live club together and buy a carload of oil in barrels. I do not know how many barrels it would be, but they take a carload and they get it at a reduction. When the farmer gets the oil it costs 45 cents per gallon. There is no reduction. It is 25, 30, 35, 40 and so on. I distinctly state to the honourable House that I have not bought a gallon of coal oil that I did not pay 40 cents for, wherefore, when the government made a pretense of taking off a cent in the tax on coal oil, they put it in the hands of a few merchants, and the great body who consume that article pay as much as they ever did.

Hon. Mr. DEVER—I only pay 25 cents a gallon.

Hon. Mr. PERLEY—The hon. gentleman does not get good oil.

Hon. Mr. DEVER—The best in the country.

Hon. Mr. PROWSE—What did the hon. gentleman pay for it before?

Hon. Mr. DEVER—Twenty-nine cents.

Hon. Mr PROWSE—Oh, no.

Hon. Mr. DEVER—Beg pardon, yes.

Hon. Mr. PERLEY—I live 2,000 miles from the hon. gentleman. He gets his coal oil in United States vessels and may get it cheaper, but we have to pay heavy freight.

Hon. Mr. LOUGHEED—We pay 50 cents a gallon.

Hon. Mr. DEVER—What has that to do with the government?

Hon. Mr. BOULTON—They do not allow tank cars to come into our country.

Hon. Mr. MILLS—The hon. gentleman supported that provision before the change of government and he is speaking for himself.

Hon. Mr. PERLEY—I speak for the North-west, and I say that at Qu'Appelle they charge still more. I am not speaking of one particular point, but speaking of the whole western territories, and it is well known that what I am saying is correct in every particular. Immigration is another matter about which I wish to say a few words. The policy of the Reform party in our country was against what they call pauper immigration, and they passed resolutions on the subject. They had hole and corner meetings in the country and were loud in their dnunciation of the government for permitting pauper immigration. There was no pauper immigration into the country until last year, I think. There were men who came into the country with very little means, and I think they would be desirable men to work for the farmers, but the hon. gentlemen opposite claimed that every man who came into the country should have the means to fit himself out to carry on agricultural operations, and not be an expense to the public. The present government have brought in a large number of Doukhobors and Galicians. I think the latter are a very undesirable class. They are very poor people, they are not good servants nor good citizens, and on the whole are very undesirable settlers and a class very much disapproved of by the whole people of the western country. The Doukhobors are different. I went down to Brandon the other day to the immigration sheds and saw a number of them, and I do not hesitate to say that they are a clean, tidy, well-behaved people, as far as I could see them and learn of them, but they are very poor. They are vegetarians. They will be a cheap class of people to keep. The government are feeding them and will, of necessity, be compelled to feed them for eighteen months, because they cannot grow a crop this year. If it is a good thing on the part of the government to bring in a lot of paupers whom they have to house and feed for eighteen months, I think they might have brought them a little later in the season, because they will cost the country a considerable sum of money. I do not think it was a good policy. It would have been better to bring in people of our own nationality, who speak our own language, and a thrifty people who are willing to abide by the law of the land. These men are exiles from their own country, and not desirable citizens, or they would not have been treated as they have been. I hope they will become good citizens. As far as working for the people in the North-west, they will not be good workmen. I would sooner have a Scotchman or an Englishman who would understand what you said to him than these men. It is better to pay good, fair wages and get a good day's work, than to employ a man who is no use at all at half wages, or perhaps, no wages at all.

On the plebiscite question I was sorry to hear the hon. Secretary of State speak in the way he did of the temperance people. He has given them cold comfort. If he had given them last session the same speech that he gave to-day, I think the state of affairs would be very different now, because it would have been a foolish thing for the temperance people to have asked for the plebiscite and vote in favour of prohibition if they had known the sentiments of the hon. gentleman. To-day he has spoken disparagingly of the temperance sentiment and of the temperance people. When I asked him last session what percentage he would require to carry out prohibition he could not give any answer. He and his colleagues are very flush with their answers now. The Hon. Prime Minister say it takes fifty per cent, which is a most unheard of thing. We cannot understand how any people can give a

vote of fifty per cent. It is more than they can possibly give, because there would be some sick, some absent and some unable, for other reasons, to go to the polls. If the government had told us this last session, it would have been fair and honourable, but the course they have taken only shows that they were willing to deceive the public. I am sorry to use that word, but that really is the true meaning of their conduct. They really deceived the people. We could not get from them what percentage of electors they would want in order to give us prohibition. When they made prohibition a plank in their platform they ought to have been willing to carry it out. But then it was on the principle that drowning men grasp at straws. They would put anything in their platform to get into power, when they came into power they had to carry out their promise to take a plebiscite vote, it was a promise made to a large portion of men they could not trifle with, the temperance men, but they have trifled with them more than any other class have been trifled with except the people who want free trade.

Hon. Mr. MILLS—The hon. gentleman talks very much like a party man.

Hon. Mr. PERLEY—No, I talk like a man who does not like to be humbugged. I am a temperance man. I am prepared to vote for this government on any measure which I think is right, and I do not care if every other man in the chamber votes against it. I am here to discharge a duty which I feel in my own breast I am discharging honourably and in the interests of the people I represent, and if I talk like a party man, I only speak as I do to my hired man or any one who disobeys my orders. If I tell my man to do anything, and he does not do it properly, he hears from me in the same manner and as strongly as the government hears from me to-day. I say the time has not come in the interests of the country when the bond of union, the bond of confidence, the bond of truth between the government and the country can afford to be broken. The great safeguard which the people have in this country is the confidence which they put in the word and the conduct of our public men. That is the true principle that a country should be governed on. When a class of men preach a doctrine for a great number of years, and when they get into power ignore and falsify every pledge they have made, then they betray the confidence of the great body of honest people who have confided in them. If you have forty men in a company, and they have half a dozen men managing the business, and the directors violate every pledge they made to the stockholders and break every promise, and do business which they said they would not do, and business contrary to their charter, how long would you have them in office? Not long, I tell you. Canada is the freest country in the world, and ——

Hon. Mr. MILLS—And has the best government.

Hon. Mr. PERLEY—That is based upon the fact that there is confidence between the government and the people. When a man deposits his ballot in the box, he does it because he believes the man he elects will carry out his pledges, and when the party of his choice gets into power and out of the reach of the people, where they cannot get at him for a certain length of time, and ignores all his pledges and treats them with contempt and ridicule—when that state of things exists, it is deplorable and must be lamented by every honest man in the country. I did not rise to make a speech. It was only a moment or two before the House rose for recess that I made up my mind to say a word, I want to correct the hon. gentleman when he says that the reduction on binder twine, coal oil and barbed wire, has redounded to the benefit of the consumers of the North-west. If they had left the duty on I would have got the binder twine cheaper, because the raw material from which binder twine is made in the central prison has been sold to two individuals. They had the raw material there and they could have gone on and manufactured it, but they did not do that. They sold the products to two individuals to foster a combine. There is no telling how much these two gentlemen will add to the election fund on account of the combine. That is the impression of the majority of the people in the country, and I am sorry to say that I think it bears that impression to me. I would like the hon. gentleman to explain to me one thing which I cannot understand that is, the duty on wire. They have left the duty on the raw material; that is the plain smooth strand of wire; and they have

made barbed wire free. If they had reversed that arrangement the matter would have been right, and would have shown that they knew what they were doing. You see in Winnipeg and the western prairies we are not as fortunate as you are in eastern Canada in getting fence posts. We get poplar poles and stick them in the ground thirty feet apart, and stretch the wire from one to the other, and consequently the farmers have more or less of this fencing, and when you consider the number of farmers we have there you can imagine what the industry is. The barbed wire is a cheap manufacture. I know one concern in Canada had fifteen or twenty machines. I never saw one of them work but it is a cheap machine; twisting two strands of wire together. But the government took the duty off the manufactured article and left it on the raw material. If they had reversed it they would have reached the same result and benefited the industry in Manitoba. But they have placed us in the position that we have to buy all our barbed wire fram the United States. Another combine in the United States is the iron combine. Our barbed wire is all manufactured in the United States and bought from a large combine. Therefore, on the barbed wire they have made a mistake in reducing the duty, because it has not worked to the advantage of the farmers, and this year we are paying more for our barbed wire than before the duty was taken off. Reference has been made in the Speech to the exodus out of Canada. It is quite well understood how there is no exodus from Canada to-day. The opposition party are not running down the country. We are all good citizens of Canada. Every man has a good word to say for the country. I have no fault to find with the tariff, except so far as it has been changed. The only thing I have to find fault with is that the policy which the hon. gentlemen advocated in opposition was not carried out. It might have been a good policy, and I had made up my mind firmly to support it. I announced that when I came down I would support the new tariff to the very letter, to see how it worked, and if it worked well I would continue to support it. My words are on record in a dozen places in the North-west. I also said that if the tariff did not work well I would oppose it. I say now that so far as they have changed it the tariff is working to the detriment of the people of the country. They are dissatisfied with the government, and the government will find that out when they come to appeal to the North-west at the next election. There was a member with whom I am very well acquainted, who was strongly opposed to the duty on binders. The binder and the seeder and those larger implements are the ones we are interested in. The hon. gentleman spoke about the hammers and axes and things of that kind, but they do not amount to anything. A binder costs $150, and a seeder costs $80, of course we have different kinds of seeders—the disc drill seeder and the shoe seeder and the hoe seeder. They have different prices, from $175 down. These seeders and binders are articles which cost a good deal of money. The government took the duty off the raw material and made the material to the manufacturer cheaper, but the price of the manufactured article is just the same. They charge just as much to-day as they charged three years ago. They charge more for a seeder I think, but they charge just as much, at any rate, for all those articles. Then take the matter of wagons. I paid $77 and some cents for a wagon before I came down here. That is the reason we find fault with the government. They have left the duty on the manufactured article the same, and have taken the duty off the raw material so that the manufacturer can produce the article for less money and have the benefit of the free trade, and we whose business it is to till the soil, those articles being our raw material, our stock in trade that should be made as cheap as possible, find they cost us just as much as before. When I was in the House of Commons, I opposed the government on the question of the thirty-five per cent duty. The duty was thirty-five per cent the first session I was there. I asked to have it twenty-five per cent, and voted against the government because they did not do it. I say that there is no wiser policy that the government could possibly adopt than to reduce the duty on binders, ploughs and wagons and articles such as we use in that country, because we are tilling the soil under adverse circumstances, and we are entitled to every concession they can give us to make us successful, and in proportion as we are successful the whole country will benefit, and if we are successful it would tend to bring in a good class of immigrants

instead of paupers, and operations could be carried on in that country at a profit.

Hon. Mr. MACDONALD (B.C.)—I have listened with a great deal of pleasure and attention to the speech of the hon. gentleman from Wolseley. His declaration of independence of party lines as far as this House is concerned, would operate very well, and I think the Conservative party in this House are perfectly free and independent, and have shown themselves so on many occasions. But the question of party lines, although perhaps working well in this House, would not be practicable in the parliamentary form of government. Supposing it to be the case in the House of Commons, you would have a new government coming into power every year and new elections taking place continually, so that adherence to party is an absolute necessity. But in this chamber, where we have not to go to the people and where we do not make or break governments, we are independent. His opinion on the operation of the tariff I believe to be thoroughly accurate, and I am fully in accord with every word he said on the subject.

I beg to offer my tribute of welcome to Their Excellencies on their return to Canada in the exalted and responsible position they now occupy, and may their administration be prosperous and agreeable. I also beg to welcome an old friend, Mr. Kerr, to this House, of which I am sure he will be a useful member.

First, I will deal very briefly with Yukon affairs. It is not my intention to do so in an acrimonious way, knowing, or at least surmizing, that the ministers on the floor of this House were not exercising their full will, but rather giving effect to party and cabinet exigency in their contention last session. On my return to British Columbia last year I did certainly expect that many of those who did not understand the question, who had not seen the Stikine-Teslin Railway contract, to be very indignant and displeased with the action of the Senate on that question; but I did not find the anticipated displeasure. Only one man who had a subcontract from McKenzie & Mann, uttered strong language about the Senate. The more we know of this question the more we are convinced that the Senate was right. At the best season for packing and travel—in that northern country, September and October, the water in the Stikine River was so low as to make navigation dangerous, and in some cases impossible. Even if navigation for six months in the year, the altitude to overcome between Glenora and Teslin would be a serious hindrance to construction and difficult to overcome. Then after all the route would not be an all-Canadian one. With all the information I now have, and with all my desire to have an all-Canadian route by rail into the Yukon, I would not give half a million acres of land in the Yukon, with the power of selection the contractors had, for the proposed narrow gauge road. A company of British capitalists, with commendable enterprise, have built and are building the White Pass Railway from the head of Lynn Canal. It is now in operation over the most difficult part of the route, and will be running to Fort Selkirk this year, a distance of 300 miles from the coast line. The great benefit of this railway to miners, merchants and others going into that country, will be that it gives speedy access to the Atlin gold fields of British Columbia, as well as to the Yukon. Another great benefit of this road is that its managers have relieved the mercantile community of much worry and anxiety by taking charge of goods at Victoria or Vancouver forwarding and bonding them through the fringe of United States territory to the Dominion boundary.

Last session I directed the attention of the government to the wisdom, and absolute necessity of preserving the timber in the vicinity of Dawson for the use of the mining population, but I fear this has not been done; favourites have been given undue advantage, causing much discontent owing to the increase in the price of fuel. The government has gone to great expense in connection with the Yukon, which, with prudence, may be recouped, but which cannot be recouped if the mining industry is crippled. Fuel at reasonable prices is the great and absolute necessity for mining, and for sustaining life, and should be prudently conserved for those purposes. I call the particular attention of the government to the unsanitary condition of Dawson, and the number of people in hospital. Simple municipal law, with moderate rates, should be instituted there at once. I ask the minister not to turn a deaf ear to this suggestion, it is a pressing necessity. I congratulate the government on the intention to get at the bottom of the official scandals in

the Yukon administration, but doubt whether the commissioner can conduct the necessary investigations to a satisfactory conclusion. He should be assisted by a prosecutor of legal standing. I am much pleased to see that it is the intention to extend the telegraph system to the Yukon, which will be a great benefit to all. I would suggest that a cable from Skagway to the north end of Vancouver Island would be safer than a land line in a wild unsettled country. I have to congratulate the Postmaster General, and again the government, for the introduction of the two-cent postage rate to Great Britain, and to other parts of the Empire. It is a bold and commendable step, and one of the class of cases where free trade can prevail without fear of outside competition.

The hon. mover of the Address alluded to the prosperous condition of our trade and of our manufacturers. That such is the case is very gratifying, but where would this prosperity have been if the government had kept to its oft-repeated pledges? The government could see the great benefits of the National Policy, and wisely made the choice of adhering to its principles rather than to their own previously expressed opinions.

I consider prohibition the most important subject to which reference is made in the Speech from the Throne—a reference brief, and insignificant considering the far rearching importance of the subject. The first promise for a plebiscite was a great mistake leading to results impossible of fulfilment. The Minister of Justice told us yesterday of the financial difficulties in the way of adopting prohibition. Such difficulties we know and the time to consider them was before the promise was made, and the vote taken, and not afterwards. Now the country stands facing an expensive deception. I listened with much attention to the academical sophistry of the Minister of Justice in his effort to show the difference between a vote taken on a specific subject, and that taken for the election of a member of Parliament. I cannot accept the hon. gentleman's conclusions, but believe the effect of a majority of votes must be the same in both cases, unless specified in the reference to the electorate. There can be no grounds for a difference in the effect and I think it will be difficult to convince the electorate that there is any difference. The Secretary of State freely admits prohibition to be an impossibility, and I fully agree with al! he said on that subject—which shows the unwisdom of making promises.

Hon. Mr. SCOTT—Would the hon. gentleman approve of a prohibitory law based on the wishes of 23 per cent of the population?

Hon. Mr. MACDONALD (B.C.)—I would not approve of the law in any case. If the whole of Canada favoured it, and I stood alone, I would oppose it. With a frontier of 4,000 miles and some 14,000 miles of sea coast, it would be impossible to carry it out. Even now smuggling is going on constantly; what would it be if we had prohibition? It would be the most demoralizing thing imaginable, it would be a monstrous evil, but that does not justify the promise that was made and the expense incurred in taking a plebiscite for the purpose of deceiving the electors.

With regard to the negotiations at Washington I rejoice, as a British Columbian, that no agreement was come to, or is likely to be come to, for the free admission of farm products, as it would be ruinous to our farmers.

The Alaska boundary is a matter of such importance as to demand a settlement as soon as possible, owing to the importance of the developments in the Yukon and northern British Columbia, and I regret that no agreement has been come to. I freely admit that any one who has read the treaty of 1825 between Russia and Great Britain, and who has studied the coast line, must see that there are difficulties in the way of the parties directly interested coming to a decision satisfactory to both. A disinterested tribunal will have to be called into existence to settle this question. I think the government is fully impressed with the necessity of closing this question, and I trust it will use every effort to arrive at such a consummation.

Hon. Mr. DEVER—After the grand rhetorical convolutions and shoutings that we have listened to for the last forty-eight hours, perhaps I may be permitted to make a few prosy remarks. I am sorry to see that my hon. friend from Wolseley (Mr. Perley) has gone out, because I do not care to speak about a man behind his back; still I cannot

allow his statements to go without some reply. I regret very much that that hon. gentleman has not confined himself to subjects about which he knows something. He is a man of good intelligence as a farmer no doubt, a good judge of lands, of hay, cattle, cereals, and I believe roots of various kinds, but when he comes to talk about trade and commerce he is out of his element. As a business man, he certainly stands in a ridiculous position when he comes to talk about the manufacturing and importing interests of this country. Any one knows that the manufacturing interest is hostile to the importing interest. In all cases the importers are opposed to protection; they prefer to import their goods from where they can be bought to the best advantage, and in this way control the merchandise of the country. The hon. gentleman spoke of the importers placing goods on their shelves and said that a suspension of their business was caused through indecision as to the trade policy of the government. He said further that the manufacturer was not ready to go on, and the importer was not ready to import, and the consequence was the shelves of the importers were empty instead of being filled for four or five years. Any one knows that an importer does not import stocks to last four or five years. With the present business arrangements and shipping facilities we import every four months and replenish stock; therefore, there was no necessity for hesitancy on the part of those gentlemen to supply themselves with ordinary goods. But to show you further how little the hon. gentleman knows of what he was talking about, I interrupted him, when I heard him state that he had to pay forty cents a gallon for common burning oil, because I thought he was going too far. I am prepared to say that the best burning oil, White Rose oil, is sold at present by the barrel for 20 cents a gallon, and is even lower wholesale.

Hon. Sir MACKENZIE BOWELL—Where is that?

Hon. Mr. DEVER—In St. John.

Hon. Sir MACKENZIE BOWELL—We can buy it for that in Belleville, but the hon. gentleman spoke of prices in the Northwest.

Hon. Mr. DEVER—It shows simply this, that these things are controlled by distance. Supposing he lived in some parts of British Columbia, he might have to pay fifty cents a gallon for his burning oil.

Hon. Mr. FORGET—How much did you pay for oil two or three years ago?

Hon. Mr. DEVER—I paid 21 cents; it is only 25 cents a gallon now by retail.

Hon. Sir MACKENZIE BOWELL—It is dearer now in Belleville.

Hon. Mr. DEVER—The hon. gentleman from Wolseley also spoke of free trade and protection. He belaboured the government because they put certain goods on the free list, and yet he claimed that the protection which exists led to combinations, so hon. gentlemen can see that he is very like a certain class of fly which passes over one's sound parts and lights upon the sores. I cannot sympathize with him when the flies settle on him, because he brought the trouble on himself. He and another gentleman, in front of me, hon. Mr. Macdonald (B.C.), did all they could to block the Yukon Railway Bill in this House, and the consequences of that has been that trouble has arisen in the Yukon country, such trouble that the British Government have had to send out one of their first jurists to help us out of it. If the hon. gentlemen feel as they ought to feel, they would know that they did their very best to bring about the difficulties which led to Lord Herschell being sent here, which brought his death upon him.

Hon. Mr. PROWSE—Do not charge them with that.

Hon. Mr. DEVER—Yes I do, because Lord Herschell was brought to this country to try and undo, as far as possible, what was done through the rejection of that bill. The defeat of that measure enabled strangers to take possession of that country, and now it is difficult to get them to leave. I sympathize with the latter hon. gentleman (Mr. Macdonald B.C.), in the way he suffers, and I do not wonder that he tries to retrace his steps before the House. He should seek to get back, if possible, without being exactly seen as others see him, but I assure the hon. gentleman it is well understood what has been done against the peace and prosperity of the Dominion, and the people when they get an opportunity will show again that they are displeased with a certain class. The hon. gentleman from Wolseley

in the opening part of his speech said that he was not a party man, but he took very good care before he was long speaking to stab and strike under the belt all he could. Men cannot be considered friends who hold out their hands with a smile and at the same time stab when they get an opportunity.

I have been in the neighbourhood of thirty years in this honourable chamber, I am free to state that the speech of the mover of the Address gave me about as much satisfaction as any I have ever heard in this House. He spoke well and logically; he kept his temper, and at the same time made his points in such a manner that he must have brought conviction to this House that he was speaking the truth. The seconder of the motion is a gentleman I have known for a good many years, and he spoke with the grace and dignity peculiar to the French members of the Senate. Whenever they address the House, expressing themselves clearly and forcibly, they avoid giving offence to any one, I cannot help wishing that the mover of the Address had been less emphatic in expressing what he called his Anglo-Saxon feelings. I have never yet met such a hybrid as an Anglo-Saxon, and I hope I shall never see one, because he should be red-haired on one side and flaxen-haired on the other. As I look around me I cannot see any one who answers that description in this House, not even the hon. gentleman himself. On the contrary, I find that he has dark hair and eyes, and from his manly and outspoken address, I would take him to be an Anglo-Celt, or an Anglo-Scot, or an Anglo-Norman as I have the honour to be myself.

Hon. Sir MACKENZIE BOWELL—He is a descendant of the Danes.

Hon. Mr. DEVER—Then he ought to have red hair, but his is black. I know in Ireland they are all looked on as red-headed people, and when met, by the peasants, the sign of the cross is put on the forehead, to keep away the evil one. But in speaking of the races that inhabit this Dominion, whilst I am willing to give fullblooded Englismen, such as the leader of the opposition, credit for all they are and all they have done, I have no desire that the Anglo-Saxon shall flippantly and without any consideration for the feelings of other races, claim all the honour, glory and loyalty due to the people of this great country. Canada will be built up of all our races and especially with the assistance of our French Canadians who have shown that they have representatives fit to take the highest positions in the land.

My next remark will apply to our new Governor General. I feel that it is my duty, as far as in me lies, to invite, compliment and welcome that gentleman amongst us. I have not the slightest doubt that the government of Great Britain made the selection of the present Governor General keeping in view the record of his predecessors, and if he should prove equal to them this country will have no reason to complain. If ever people were blessed in that respect, it is the people of Canada, from the days of Lord Dufferin to the present time. I hope that His Excellency will meet with the same success and win the same confidence of the people that his predecessors did; if so he will have no reason to complain of his sojourn in Canada. With reference to Lord Herschell, who lost his life at Washington, I had the honour of sitting near him at an entertainment given in his honour at St. John when he was passing through that city. A dinner was given in his honour, with the mayor of St. John presiding as chairman, and such citizens as felt disposed to be guests. I had the honour of sitting on the left of our Mayor whilst Lord Herschell sat on the right. For two hours I had the satisfactory pleasure of sitting near a gentleman elected by his sovereign as being one of the greatest jurists and diplomats of his day, a man full of knowledge, full of patriotism, coming out to the assistance of our, and his country, to adjust, if possible, the differences that exist between Great Britain and the United States. In listening to that man speaking, and observing him for two hours, I came to the conclusion that he was a man of most astonishing simplicity of character and yet fullness of knowledge. The unassuming character of his intercourse with us was such that it would be hard to forget it afterwards, knowing the sad end he had after six months of worry and care on behalf of his and this country. I feel, hon. gentlemen, that we have lost a friend, and if it were permissable to give expression to my feelings of respect for his manly conduct and patriotism, I would hope that in another world he shall reap a high reward. I shall now make a few remarks

with regard to the personnel of the present government. It is my duty to state that I feel we are blessed with a government, from the Premier to the youngest member of the cabinet, that any country might feel proud of. I believe that they are men of honour, men of ability, men of truth and honesty. I believe they are men anxious to promote the best interests of this country, and that the people of Canada feel that they are the right men in the right place. Having these people in power has given confidence to the country, and there will be prosperity under their administration. Complaint has been made that the present ministry have been pursuing the policy of their predecessors. While it is rather flattering, I should think, to those members of the former government who sit in this House and also in the other House, I do not see why they should take umbrage at it. There is one thing, certainly, they are not following them in, and that is in their throat-cutting amongst themselves —in not having amongst them what is called a nest of traitors. We have heard no complaint of treachery; no drumming of drones from the hive, and I, for the life of me, cannot see why a proud Englishman, such as my hon. friend on my right, would allow himself to be bottle holder for such a crowd, who, he knows, looked upon him as being unfit to associate with and unfit to be leader of the government of this country. I am glad to say that this House did not look upon the hon. gentleman in the same light, for they gave him an opportunity of going to the country, and I think declared to him from both sides of this House that if he went to the country we would stand to his back and return him triumphant as Premier of this Dominion if we could.

What I would suggest is that we should have less enmity to each other. What we want is more fair play, more charity, and not so much spite. I know it is very hard for men who have fallen from the high places to forget, but still forgiveness and charity are garments that cover with glory those who suffer. If this feeling were carried out we could legislate, I think, with some credit to ourselves, and there would be no necessity for an agitation to be gotten up to reform the Senate. There is another remark I would like to make, and that is with reference to the winter port of Canada.

No credit is given to a government, who have been largely instrumental and are following up the good work, for making one of our Canadian ports one of the most prominent ports on this continent, a port for the last two seasons that has been issuing from its harbour and wharfs cargoes of food of every description, even the very turkeys for Christmas dinners for the proudest and wealthiest nation in the world. Hon. gentlemen from the west may not see the importance of this, but I assure hon. gentlemen that merchants and people who have the well-being of the whole of this Dominion at heart will have the greatest respect and regard for the men who have given this winter port that attention, and will appreciate the efforts of the government to introduce into the city of Montreal the Intercolonial Railway, because it is known that the Intercolonial cost this Dominion fifty million dollars, and from the time it was built to a very recent date it is well known that it has never given any returns on the vast amount of money invested in its construction. The great cause of this was that while it started from the Atlantic, it terminated somewhere in the woods in the neighbourhood of Quebec. In was met by the Grand Trunk Railway, and the Grand Trunk Railway, protecting itself, naturally, charged for freight delivered to the Intercolonial such a rate that it was impossibe for the Intercolonial Railway to place it at the point of delivery without having to charge more freight on the goods than merchants could afford to pay. In this way the Intercolonial Railway was a non-paying investment, and this government, after some twenty-five years, was the first to make an effort at all events to improve it, and I hope—and I think we all hope—that their effort will be successful. At all events it is an effort, and an effort in the right direction. There is another remark I desire to make, and it is this: Complaint has been made that the business between Great Britain and Canada, notwithstanding the twenty-five per cent preference given to goods of that country, is not as extensive as it should be. This is rather bad, I admit, and unsatisfactory, but in looking into this matter more closely it will be seen that there is a sufficient cause for it, and the cause, in my opinion, is that the exports of Great Britain, if hon. gentlemen will take the trouble to look, are not nearly so great for

the last two years as they had been. In fact, they are for the first time superseded by the exports of the United States; in other words, goods of the same class in the United States can be got to better advantage, and consequently importers must necessarily import their goods from that country which gives the best value. To show that this is no supposition I would read a small paragraph showing that the exports of Great Britain for 1898 were less than the exports of the United States which is something that hon. gentlemen may not yet have realized. In fact, when I saw the returns I was astonished myself, because I did think that Great Britain was the greatest exporter of merchandise in the world, but I find the last year or two that the United States are exceeding them extensively. The paragraph reads:

March 18th. Ambassador Choate's remark that the United States and the United Kingdom would doubtless continue a friendly rivalry in regard to the world's commerce, is quite justified by the latest figures on the commerce of the two countries, as compared with the treasury bureau. The exports of domestic merchandise from the United States in the eight months ending with February, amount to $829,336,141, and those from the United Kingdom amount to $798,960,427. In the calendar year 1898 the domestic exports from the United States amounted to $1,233,564,828, while those from the United Kingdom amounted to $1,161,944,331.

Showing that there is a cause operating against the preference we give to Great Britain. There is a cause operating against us to keep down the imports of that country in our returns, and therefore it is rather an answer to those gentlemen who complain that the preference has not done any particular good to Great Britain. They will see that it did do good, because if they had not the preference there would be a further reduction according to these returns from Great Britain.

Hon. Mr. MACDONALD (B.C.)—It is a very small difference.

Hon. Mr. DEVER—It is an immense difference when you come to take it as against the returns of a few years ago. It shows that the United States are going up and Great Britain is coming down.

Hon. Mr. MACDONALD (B.C.)—How do you account for that?

Hon. Mr. DEVER—It is the great prosperity of the United States. They are shipping all over the world, and to-day they are the great competitor of Great Britain.

Hon. Mr. MACDONALD (B.C.)--And Germany too.

Hon. Mr. DEVER—I was going to say, in answer to the complaint that the present government do not stand well with the United States, that I have no proof of that further than this, that I am not aware that they have been ejected from the United States yet, or that they were brought to account for any information that they had unauthoritatively given during former meetings of some of our delegates in that country. They have been wise enough to hold their tongues, and I believe that if the present government do not succeed in making a treaty with them, that no other government will ever succeed, because in my opinion the present government are looked upon as men of honour, not a tricky lot, telling one story here and another there. They are men who have stated what they want, and the United States representatives know it, and will treat them accordingly. With reference to the temperance question, that is a matter I would rather not touch upon, but really I do think there is a class of men who call themselves temperance men who are not temperance men, who in my opinion are half crazy men who speak for the temperance men because we must all respect temperance men, and people who are reasonable and moral, who want to carry moral reformation, but we are not in favour of anarchists and bomb throwers, or men such as Mr. Bulmer who wrote the letter that has been read by the hon. leader of the opposition. The man quotes the language that has been appropriated from the language of the Jews at the Crucifixion—of whom? At the Crucifixion of Christ, when Pilate was asked to have him executed, he said: "No, I wash my hands clear of this transaction." "Oh," they said "crucify Him and let the sin be upon us and our children." Those are about the words of Bulmer from Victor Hugo, and are these the kind of men that are going to carry temperance in the country. He boasts that he has a thousand churches at his back. I have some knowledge of the religious people of this country, and I do not think any church will give credit to such a man as that. I hope they will not. I hope there is too much feeling

of christianity to tolerate firebrands of that kind, men throwing bomb shells and slander broadcast without any foundation for it, because nobody is opposed to him if he goes about the matter properly. All the religious people in Canada think we should be a temperance country, and we are a temperance country.

Hon. Mr. LANDRY—Better answer the letter in the press.

Hon. Mr. DEVER—Would the hon. gentleman like to hear it read?

Hon. Mr. LANDRY—No.

Hon. Mr. MACDONALD (B.C.)—It was read here the other day.

Hon. Mr. DEVER—I am sorry the letter was read, because reading the letter was endorsing it.

Hon. Mr. LANDRY—Then the hon. gentleman was endorsing Pilate?

Hon. Mr. DEVER—The hon. gentleman does not know what he is talking about. He is all adrift on the school question.

Hon. Mr. LANDRY—But my hon. friend is quoting Pilate.

Hon. Mr. DEVER—I have detained the House some time in presenting my views to hon. gentlemen, but I did so in all good feeling, because I am most desirous that we should have good feeling in this chamber.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. DEVER—And if we carry on our debates we should carry them on with a spirit of fair play and each and all of us support those views of politics that we think are best calculated for the largest number of this Dominion. If we do that we will do our duty, and I think we will also give an opportunity to the gentlemen that the people of the country have selected by their votes to carry on the public business and in whom, in my humble opinion, the people have entire confidence.

Hon. Mr. CLEMOW—It is with some diffidence that I arise at this late hour to make a few observations on the question, before us. I thought, on reading the speech of His Excellency, there was so little in it that it required very little discussion, but I have been wrong in that assumption, as I possibly may be in others with respect to the general outline of the matters under the consideration of the present government. The mover of this Address in reply to the Governor General's speech is a man familiar with the political life of this country, and he showed by his course that he was an ardent supporter of the present administration. That is his right. Nobody can find fault with him for that. He has a perfect right to have his own opinion on these matters. But he went a little further. He considered we would justify him in saying that the present government was the best government the country ever had. Well, he may be of that opinion, but I do not believe that that opinion will be generally entertained by the great majority of the people of this country. If the violation of all the pledges that were made by these gentleman for the last eighteen or twenty years, if the introduction of very crude and un considered measures for the consideration of this Parliament and the increasing of the debt of the Dominion entitle them to be considered the best government of this country, then these gentleman are entitled to that distinction. With respect to the speech itself, we are told that the commissioners who attended at Washington have not been able to accomplish anything. This must have been a great disappointment to those gentlemen, because we all know that they have persistently for years and years declared before the House and before the country that the United States people were so enamoured with them that they would consent and agree to any proposition that might be submitted to them for their approval, but they have found by sad experience that our neighbours are not made of that kind of stuff, that they have always looked after their own interests, and it is utterly impossible to conceive anything more foolish than to suppose that they would be actuated by any other course than the course that they would consider beneficial to themselves and their own country. That is perfectly right, and nobody can find fault with it, but the government in power at present, when in opposition, made the charge that the United States were so adverse to the members of the Conservative government and their policy that they would not listen to any recommendations they might make, and

therefore, reciprocity or the settlement of any difficulties between the two countries could not be expected until there was a change of government. There has been a change of government, and the hon. gentlemen have been to Washington and have come back and I believe that the United States will never give fair value in return for what we may give them. That is the course they have pursued for a great many years, and they will continue it to the end of the chapter. I believe our commissioners came in contact with these eminent men in the United States and won a certain amount of admiration from those gentlemen, which may be productive of good results in the future. I think that Sir Wilfrid Laurier's words will have the effect of smoothing the way for those gentlemen in the future. But there is an outside pressure bearing on them, and I do not care what these gentlemen in authority do, there is a power behind them controlling them, and it is useless to go to the United States and beg for some concession. I do not think we require it.

Hon. Mr. MACDONALD (B.C.)—Hear, hear.

Hon. Mr. CLEMOW—I think we are better without it.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. CLEMOW—And if we had gone on in our own way this country would have been as prosperous or even more prosperous than at the present time. It is a consolation to me that the hon. gentlemen on the opposite side admit that this country is prosperous. It has taken the Liberal party twenty-five years to find out that fact. We have been claiming it from year to year. We have been quoting statistics to prove it was correct, but they never would believe it till they assumed the reins of power. I am glad to hear it. We will hear nothing more in the future of blue ruin and men decrying the country. That is a source of satisfaction and consolation to me as a loyal man. These gentlemen went to Washington and were very cautious no doubt. We may benefit by it in the future, but it seems to me most extraordinary that under all the circumstances this conference was not held in this city, the capital of the country. I cannot understand it. I always thought these negotiations, being of a semi-national character, should be conducted at the capital of the country. I am almost beginning to think that we are not the capital of the country. If any great affair takes place it must be removed from Ottawa to some other city. I do not object to Quebec, but upon principle I think all these negotiations should take place at the capital of the country where the discussion is carried on. I had hoped and expected that Sir Wilfrid Laurier would have insisted on this as a principle, because he has shown a great desire in the past to make this city the Washington of the North. I hope the effect of his visit to Washington will open his eyes. He will study the system pursued in Washington, and will yet carry out the promise he made at the time of the election some years ago. We are the capital of the country, and I think we ought to enjoy all the benefit of it. But I am told that the reason he did not ask the commissioners to come to Ottawa was owing to its want of attraction and the want of proper accommodation. I cannot vouch for the truth of that, but it was generally promulgated here, and I believe it gained some currency in the United States newspapers. If that is the case, it is most deplorable that the capital of the Dominion of Canada has not sufficient accommodation to attract the people to the south of us. I do trust the visit to Washington may have a beneficial effect upon the hon. gentlemen who represented us there duringthe last five or six months. They had a very pleasant six months outing, enjoyed themselves in Washington I have no doubt, as princes. It is true an unfortunate circumstance took place in the death of two very prominent men. Lord Herschell is reported to have said that he was there six months, and received nothing but a broken leg. We have not had that misfortune to complain of, because our representatives are back in robust health, and have enjoyed themselves, and all we have to do in the future is to pay the piper, to pay the expenses of these gentlemen and their large retinue and staff of officials, and an army of underlings, I suppose, that were necessary for the purpose of carrying on the negotiations in Washington. It may have one good effect at any rate: it may show the people of this country that whether they are desirous of obtaining some concessions in the

right direction from the United States or not, it is impracticable, and they will no longer endeavour to carry out a thing which cannot be accomplished. That is the result of the conference, and I believe the country will rejoice at the ending of the negotiations. Such being the case, the collapse of these negotiations will be a source of benefit to us in the future.

Hon. Sir MACKENZIE BOWELL—Hear, hear. I believe that myself.

Hon. Mr. CLEMOW—There is one important matter which I think might receive some little consideration at the hands of this administration. It is a subject which is now engaging, and has been engaging, the consideration and attention of the people of this country for a great many years: I allude to the Ottawa and Georgian Bay Canal. No work was ever devised that will be of such permanent benefit to the general prosperity of the Dominion as that canal. I admit that a great deal has been done by this country in affording necessary means of transportation, but still the facilities are insufficient to meet the great and increasing requirements of the country, and the sooner the government recognize this fact and make some provision for the construction of this canal the better for the country. As hon. gentlemen all know, a committee was appointed last year by this Senate, and their report has been largely circulated throughout the length and breadth of the Dominion, and has had the effect of encouraging to such an extent the promotors of the scheme that they are now in England for the purpose of having it fully carried out. I believe when the names of the eminent men who will take an interest in this project become known, there will be no further loss of time in carrying it to a successful conclusion. I hope and trust that the gentlemen controlling the destinies of this country will show that they are alive, to the importance of this matter, not because it happens to be a local measure, for it has now become a national question, and one that the people of England are taking a great interest in, and one, I think that would do more to benefit the material interests of the country than any work which has been undertaken by this or any other government. I will not even except the Canadian Pacific Railway, because when this canal is constructed, it will be the means of transporting cheaply the heavy articles which are so much required in England. We were told to-day by the hon. gentleman from Shell River (Mr. Boulton) that the demand in England for iron ore was becoming greater every year, and this iron ore cannot be transported except by water at a low freight rate. Railways cannot transport it at a remunerative rate, and therefore it is of the utmost importance that this canal should be undertaken and constructed as soon as possible. We know that there is a company formed in England. We know they have made a certain proposition to this country, and it is only waiting the final decision of this country to say whether the matter will be undertaken within a very limited period of time. I consider it my duty, as one of the representatives of this section of the country, to bring it to the notice of the country at large. I hope and trust that we will continue, as we have always boasted in the past that we have been, to pose as a non-partizan body. We have acted upon that principle for a great many years, and I think with beneficial effect to the country at large. We have not been partizan in any sense of the word. We have endeavoured to discharge our duties. We have looked at every measure irrespective of the source from which it emanated, and given it our best consideration in disposing of it. I hope that may long continue to be the course pursued in this chamber.

Hon. Mr. BAKER—Hear, hear.

Hon. Mr. CLEMOW—Of course we know politicians are sometimes led away by force of circumstances. That I suppose applies more to the Lower House than to the Senate; but still we can all enjoy our own rights. We can have all the privileges we desire. We can express our views, and still we can maintain that dignity that ought to pertain to a high chamber like the Senate. It is true we are told that some great change is to take place. We do not know exactly what that may be. We hear it heralded forth through the papers of this country. At one time it was said that we were to be hanged, for the purpose of getting rid of us. Another time we are told that some reform is to take place. I do not know whether they consider abolition necessary or not;

but there is a scheme on foot to dispose of this chamber, or destroy the influence it has had in the past. In my opinion a check is necessary in our system of government, it has been employed on some occasions and I believe with advantage to the country. I think that is the general opinion of the entire country. Whether I am right or wrong is a matter that is capable of being demonstrated by facts to the whole people of this country, and I believe that you will find in place of 22 or 23 per cent of the people as in the case of the prohibition plebiscite that there would be 75 or 90 per cent in favour of retaining the Senate for the purpose of checking legislation from the Lower Chamber. The more people object the better will be for the Senate. In your private business you must have checks. You need them in legislation as in other matters. If you hold that the Senate is not needed as a check, you might as well say there should be no checks of any kind; dismiss the Auditor General, let the Lower House manage the affairs of the country, just as they desire, without check of any kind. A great deal has been said with reference to the proposed Gerrymander Bill. I do not know whether I am in order in speaking of this matter, because it is not before us, but I have been told on very reliable authority that the introduction of such a measure at this time is illegal. If such is the case, it would be a great misfortune if a bill of this kind were rushed through the House and found to be illegal. Would it not be within the range of parliamentary procedure that this measure should be submitted to the Supreme Court, in order to ascertain their views as to whether this measure could be passed by Parliament at this time. I am not a lawyer, and I cannot tell whether it would be legal or not. I hear such a strong opinion expressed outside, however, that I should like to hear what the opinion of the Supreme Court is. With reference to the plebiscite I have very little to say. I never took any stock in it. I did not think it was a measure that ought to have been submitted. However, the government in their wisdom thought differently. They had a right to do it, and the only advantage we have now is that we have to pay about a quarter of a million dollars for the purpose of gratifying——

Hon. Mr. SCOTT—About $181,000.

Hon. Mr. CLEMOW—That is a small difference. Two or three millions make no difference to this government. They were going to reduce the expenditure, but they increased it two millons: but that is nothing. They have large expansive ideas, and they will increase the liabilities of this country to such an extent that they will frighten people away.

Hon. Mr. MILLS—My hon. friend thinks there is no difference between $181,000 and $250,000.

Hon. Mr. CLEMOW—However, that money is spent and gone. The Secretary of State told us to-day frankly that he did not think it was possible to carry out the measure even if Parliament passed it. Why did he not give us that information before? It seems to me if he entertained those views, then it was his bounden duty to come forward and say "It is useless, because supposing you carry it by 75 per cent of the people of this country it would not be possible to enforce it."

Hon. Mr. SCOTT—I did not say that.

Hon. Sir MACKENZIE BOWELL—But your argument led to that.

Hon. Mr. SCOTT—I did not say any number, but certainly it should not be less than 75 per cent.

Hon. Mr. CLEMOW—If you had told the people that, would they have gone and risked their money and their reputation if they had known it would require a seventy-five per cent vote in favour of it? Would they have taken that course if they had been told that? I do not belong to either party. I am on the fence.

Hon. Mr. MILLS—Oh, Oh!

Hon. Mr. CLEMOW—I never took any stock in it. I thought the Scott Act was a perfect humbug. The people were humbugged and they got so disgusted with it that they either annihilated it or would not re-enact it. I believe, as this matter is now settled, it rests altogether with the government and their friends to carry out their own views just as they please. As far as the Conservative party are concerned, they have acted an honest, independent part in this whole matter. They have been perfectly free to say from the beginning "It is

a matter for yourselves, and it is your own funeral; dispose of it as you think proper." The present government have taken that course and gone to the people and spent their money, and they now return in the same way as they came back from Washington with nothing accomplished, and the only result is the payment of this large sum of money, which must be taken from the pockets of the poor people of this country.

With respect to the postal system, there is a differenee of opinion. There is no doubt that the reduction of postage, so far as domestic letters are concerned, may be right enough, but I doubt the policy of extending it across the ocean. If what the Postmaster General says is correct—if there is sufficient revenue to meet the expenditure, it is right enough, but it will take some time to make up the difference, the reduction is so great. But I suppose the people are always satisfied to have a reduction, no matter how it comes. They will always take a reduction rather than an increase. It is difficult to get an increase when they require additional revenue, and when they have to put up the rate they will find it extremely difficult to persuade the people that they are acting in the public interest. It is a question, therefore, whether it was not in advance of what the people expected of the government. Our postal service has been well managed, and no one found fault with the small exaction of three cents for carrying a letter from one end of Canada to the other. Perhaps in the future, when our resources are larger, some further reduction may take place. However, we will take what we have. The government are entitled to the credit of initating this reform, although I see some papers prefer to give credit to people on the other side of the Atlantic. The Postmaster General is entitled to some consideration for the steps taken, and if it should turn out as he expects it will, there will be no reason to complain; but if it should result in a further deficit in the revenue of the Post Office Department, there will be an outcry against the government for having acted precipitately in this important matter.

Hon. Mr. BERNIER—On account of the general desire that exists for closing the debate to-night, I shall not detain the House long; but I ask to be allowed to make a few remarks in connection with the question which has been agitated for some years, which is still unsettled, but which is put in jeopardy by the course taken by the government. I refer to the Manitoba school question. This year as last year, the Speech from the Throne has omitted any reference to this question. I am not surprised at that. I expected the government would take that course; yet it is precisely against that course I enter my protest. There are no rights belonging to any individual or section of the country which are so clear, so well defined, and so indisputable as the rights of the minority in Manitoba, yet these rights have been trampled upon for ten years. These rights have been secured by Imperial promises, by Federal promises, by provincial promises. They have been embodied in the constitution, and they are within the spirit of the principles underlying the whole political fabric of this country; yet these rights have been trampled upon for the last ten years, and I am bound to confess that the chance for the minority to recover their rights is losing ground on account of the course taken by the government. The policy of the government is to do nothing for the relief of the minority. It is to force, as it were, upon the people, the belief that the school question is settled. It is my duty to protest against that course, and if you want to know in what shape the school question is at present, whether it is settled or not, I beg you to hear the latest utterances of Mr. Greenway on the 13th of February last, in which he said:

> There were people who at the present time were making it their business to cast insinuations at the government's attitude on the matter of public schools. These people did not hesitate to say that the government had weakened in the position it had all along adopted, and of these he wished to say that they never made a greater mistake. It was impossible for the government to keep officials watching at the door of every school, but one thing the government would and could do was to see to it that if the regulations governing the management of these schools were violated, the government grant would be withheld. The government stood to-day where it has always stood since the passing of the Public School Act. Its aim was to make the people of this province one in education, and one in helping to develop the country, and it would brook no interference in carrying out its policy along these lines.

This is the way the school question is settled. We are expected to drop our claims and submit quietly to that law which for ten years we have been fighting with all the energy we could. This we cannot be expected to do, and I want to enter, at this stage of the debate, my protest against the

government and against their policy. It will be our duty, again and again, until the question is settled, as it ought to be settled, to affirm our rights, to affirm the jurisdiction of this parliament, and to demand that this Parliament exercise their powers by providing a true and constitutional remedy for the grievances of the minority, and a remedy of a permanent character.

The motion was agreed to.

VACATION OF HON. MR. SUTHERLAND'S SEAT.

The SPEAKER read a statement from the Clerk as follows:—

In conformity with the 99th Rule of the Senate, I have the honour to report, for the information of the Senate, that the hon. John Sutherland, member of the Senate, for the province of Manitoba, has failed to give his attendance in the Senate for the last two consecutive sessions of the present Parliament.

Firstly. For and during the second session of the Eighth Parliament, which was opened on the twenty-fifth day of March, one thousand eight hundred and ninety-seven, and prorogued on the twenty-ninth day of June of the same year.

Secondly. For and during the third session of the Eight Parliament, which was opened on the third day of February, one thousand eight hundred and ninety-eight, and prorogued on the thirteenth day of June of the same year.

Hon. Mr. MILLS—Following the practice that was adopted in former cases, as for instance in the case of Hon. Geo. Alexander in May, 1891, I move, seconded by Hon. Mr. Scott, that the report of the Clerk be referred to the committee appointed to consider the Orders and Customs of this House and the Privileges of Parliament, the committee to meet to-morrow, at a quarter to three o'clock, in the Senate Chamber.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, 23rd March, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

THE COMMITTEE OF SELECTION.

REPORT ADOPTED.

Hon. Mr. SCOTT, from the Committee of Selection, presented their first report and moved that it be adopted. He said:—Perhaps it would be more intelligible to the members of this House if I explained the changes on the different committees, and hon. gentlemen will see that there has been as little displacement as possible. The Library Committee remains unchanged with one exception. The Hon. Mr. Miller, as ex-speaker, claims the privilege of being placed on the Library Committee and his name has been substituted for Mr. Wark's. On the Joint Committee on Printing the only change is the substitution of Mr. Cochrane for Mr. Perley, with the approval of the hon. gentleman, if I am correctly advised. They make an exchange which I will explain later on. On the Standing Orders Committee, Mr. Yeo, the new member, takes the place of Mr. Aikins. On the Committee on Banking and Commerce Mr. Perley takes the place of Mr. Cochrane, making the exchange I spoke of. Mr. Paquet takes the place of Mr. De Blois. We thought proper to put him on the Committee on Railways, Telegraphs and Harbours, I will advert later on to a suggestion that the committee desire to make to the House. On the Miscellaneous Private Bills Committee, Mr. McSweeney takes the place of Mr. Adams and Mr. Carmichael takes the place of Mr. Macfarlane. On the Internal Economy Committee Mr. Paquet takes Mr. De Blois' place and Mr. Kerr is substituted for Mr. Baird on the Divorce Committee, as Mr. Baird is quite willing to retire. The committee, I may add, have suggested a change in the rule restricting the number on two important committees, Banking and Commerce, and Railways, Telegraphs and Harbours. It was quite impossible to take in the new members without creating considerable friction in the older committees, and it was thought advisable to recommend to the House to allow the Committee on Banking and Commerce to be increased by five members and the Committee on Railways, Telegraphs and Harbours to be increased by an equal number, making the Committee on Banking and Commerce thirty instead of thirty-five, and the Committee on Railways, Telegraphs and Harbours forty instead of twenty-five. The names proposed to be added to the Banking Committe are the Hon. Messieurs Carmichael, McSweeney, Dandurand, Yeo and Kerr, and on Railways, Telegraphs and Harbours, Hon. Messieurs,

Kerr, Mackeen, Kirchhoffer, Villeneuve and Baird.

The motion was agreed to, and the report was adopted under a suspension of the rules.

CUSTOMS AND EXCISE DUTIES IN THE YUKON DISTRICT.

MOTION.

Hon. Sir MACKENZIE BOWELL 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, a return showing the amounts of customs and excise duties collected on goods imported into that part of the Dominion known as the Yukon and Klondike country, from the first day of September, 1898, to the first day of March, 1899, specifying the character of the goods so imported, and the countries from whence imported; together with a statement showing the quantity and character, as far as practicable, of Canadian goods sent to the said Yukon district during the same period.

He said :— I have no desire to make any remarks upon this motion further than to express a doubt as to the ability of the department to furnish the latter portion of the information asked for, but I thought that if any system has been adopted by which goods passing in transitu from one province to another, which did not exist while I was at the head of the department, they might be able to give the information. If it is not given I shall not be at all surprised.

Hon. Mr. MILLS—I may say to the hon. gentleman that there will probably be considerable delay in obtaining the information which he seeks by this motion. My hon. friend is asking for a return to the 1st day of March, 1899. As communication between the capital and the Yukon country is very slow, I do not think that that information is on hand at the present time down to the period which my hon. friend mentions, and so there may be some delay in getting the information for that period.

Hon. Sir MACKENZIE BOWELL—I should be quite satisfied, as suggested by my hon. friend, if they cannot bring it down to a late period, if they would bring it down to the first of January, or I am quite willing to wait, provided we can get the information asked for before the discussion takes place upon the subject of the Stikine route.

Hon. Mr. MILLS—I shall endeavour to see that the information is brought down to the latest period in our possession.

Hon. Sir MACKENZIE BOWELL—That will do.

POST OFFICE EMPLOYES.

MOTION.

Hon. Sir MACKENZIE BOWELL 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 a return showing :—

1. The number of persons in the employment of the Post Office Department on the 30th of June, 1896, and the total amount paid to said employees for the year ending said 30th June, 1896.
2. A similar return giving the same information for the year ending 30th June, 1898.
3. The number of employees in the said service on the 12th day of July, 1896, and on the 16th February, 1899.

The motion was agreed to.

AN ADJOURNMENT.

MOTION.

Hon. Mr. MILLS moved :

That when the Senate adjourns to-morrow it do stand adjourned until Wednesday the 5th day of April next at 8 o'clock p. m.

Several Hon. MEMBERS—Too short! Too short!

Hon. Mr. DANDURAND—I quite understand that the leader of the House would not like to take the responsibility of asking for an adjournment to a later date, but I have had a conference with some members of the House who desire to have the adjournment to the 18th April. I do not know if that would meet with the views of the majority of the House.

Hon. Sir MACKENZIE BOWELL—Would that not be too much of a reformation?

Hon. Mr. DANDURAND—I have been asked by several members to suggest a longer adjournment. Would the hon. leader of the House consent to an adjournment to the 12th of April?

Hon. Mr. SCOTT—A longer adjournment than that proposed in the motion would be exceedingly unwise and undesirable The

committees will meet to-morrow and organize, and if we adjourn for such a length of time no possible progress can be made. Those who are applying for bills will be very seriously embarrassed by a longer adjournment, and it would really justify the statement, which has been made outside, that the Senate is not a very important body. We had better adhere to the motion as it stands.

Hon. Mr. PROWSE—It has been the practice of the Senate to leave the question of the length of the adjournment to be determined by the government, and if the government do not wish to have it extend longer than to the 5th of April, I am disposed to support the government. My own opinion is that our adjournment begins really a week too early.

Hon. Mr. DANDURAND moved that the adjournment be to the 12th of April.

Hon. Mr. McCALLUM—What necessity is there to adjourn at all before next week?

Hon. Mr. MILLS—I trust that my hon. friend will not persist in his amendment. The proposition that I have made is the one that I think should be adopted.

The amendment was declared lost, and the motion was agreed to.

Hon. Mr. KIRCHHOFFER—I think it is not too late to have a vote taken on the amendment.

Hon. Mr. MILLS—Yes, it is too late.

Hon. Mr. KIRCHOFFER—I did not hear the amendment put. I move that the vote be taken on the amendment.

THE SPEAKER—Unless notice is given to reconsider the matter, it cannot be done.

Hon. Mr. DEBOUCHERVILLE—I do not think the question is settled. Before the Speaker can decide he must say those who are in favour say Content, those who are opposed Not content. The hon. the Speaker did not put the amendment that way to the House, and I do not think under the circumstances, that because he says it is carried, it precludes the possibility of taking a vote on the question.

Hon. Mr. KIRCHHOFFER—I did not know that it was carried.

Hon. Mr. BOULTON—If the government say that we should meet on the 5th of April, they are responsible for the legislation and we should accept their view.

Hon. Mr. DANDURAND—I move to extend the adjournment, because of my experience of last session. I remember we sat there for some weeks after the adjournment from day to day with little or nothing to do. The leader of the House did not take the responsibility of moving for a longer delay and I thought the amendment would be accepted. I did not know that my amendment had been put and voted upon.

The SPEAKER—I put the amendment regularly and asked is it your pleasure to adopt this motion. There were cries of carried and lost and in my opinion the majority were opposed to the motion and no vote being demanded I declared the amendment lost. I then put the main motion, which seemed to have the support of the majority and declared it carried. Personally I should have preferred to see the amendment carried and I am sorry that those who favour a longer adjournment did not insist on a vote being taken.

ANTI-JAPANESE LEGISLATION IN BRITISH COLUMBIA.

INQUIRY.

Hon. Sir MACKENZIE BOWELL inquired:

Whether any answer has been given to the protest of the Japanese government against the anti-Japanese legislation by the British Columbia Legislature, during the past year? If so, what is the nature of said answer?

Hon. Mr. MILLS—I may say to my hon. friend that no answer has yet been given to the Japanese government. We have discussed the question with the British Columbia Government, but have not yet answered the Japanese government on the subject, nor have we taken any final action with respect to the British Columbia legislation.

The Senate adjourned.

THE SENATE.

Ottawa, Friday, 24th March, 1899.

The SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

THE STOCK DIVORCE CASE.

MOTION.

Hon. Mr. LOUGHEED, from the Committee on Divorce, presented their second report, recommending that the fees in the case of David Stock be remitted. He said:—I believe that evidence was submitted before the committee showing the very limited circumstances of the petitioner, and such a case was established as to warrant the committee in making a report asking the House to concur in the petition that the fees be remitted.

Hon. Mr. AIKINS moved concurrence in the report of the committee.

The motion was agreed to on a division.

Hon. Mr. AIKINS introduced Bill (A) An Act for the relief of David Stock."

Hon. Mr. McMILLAN—I should like to ask if the concurrence in the report of the committee grants the prayer of the petitioner. If it does I shall oppose it. I think it is opening the door to too many of those cases and it would be well to stop it at the threshhold.

Hon. Mr. LOUGHEED—The report recommends that the $200 fee payable to Parliament on the presentation of the bill be remitted to the petitioner. I might, in presenting the report, have stated that the petitioner is a man with seven children working his day's labour in the gas construction works in Toronto. He has a very limited income, probably not exceeding $2 a day. Evidence was brought before the committee establishing conclusively that he was not possessed of property to prosecute his case if called upon to pay the fee. There seemed to be no difference whatever amongst the members of the committee as to the desirability of remitting the fee. The Minister of Justice was present when the matter was discussed, and the committee felt thoroughly warranted in pursuing this course. I might further say that a number of precedents have been established by this House which are of a nature similar to that which we now ask the House to concur in, and therefore the committee felt justified in asking the Senate, in this particular case, owing to the circumstances which have been set forth in the petition, to remit the fee of $200, and allow the petitioner to proceed in *forma pauperis*.

Hon. Mr. McMILLAN—I have no doubt the statement by the hon. gentleman is quite correct, and I agree with the idea that there might be an invidious distinction between the rich and the poor man; but there is always a danger that you may increase the number of applications to this House for divorce if you allow it to go forth that we are at all times willing to remit the fees to men or women that may petition the House upon the basis on which this petition is founded. The precedents to which my hon. friend has referred have only been in the cases of women, who are not, as a rule, in a position to prosecute. Under such circumstances, I believe the House was compassionate enough to remit the fees and ascertain the facts, but I do not know of an instance where a man who made an application for divorce had the fees remitted.

Hon. Mr. ALMON—We have had no statement of the views of the wife of the petitioner in this case, and I think it would be a mistake to remit the fees.

Hon. Mr. LOUGHEED—The evidence before the committee established this fact, and the wife, from whom the divorce is sought, being the mother of seven children, deserted not only her husband but her family, to secure a license for marriage with another person. Both the woman herself and the man whom she married on the second occasion suffered imprisonment for six months by reason of their having committed bigamy. So that, under the circumstances, I think the House cannot be carried away by undue sympathy for the mother who deserted her family. I might say, in answer to the hon. gentleman from Glengarry, that the decision of such a question should not be a matter of false sympathy. It should be based entirely on the facts submitted to the committee. I do not think the committee ought to take into considera-

tion whether it be a man or a woman who makes the application. If the facts warrant the husband making such an application, the House should weigh those facts precisely in the same way as they would in the event of the petitioner being a woman. The question of sex should not determine the course which this house should pursue in the matter.

Hon. Mr. MILLS—I agree with the observations made by the hon. gentleman from Calgary. I was present in the committee and heard the papers read and the evidence produced, and I think that so long as you permit divorce at all, what is proposed in this case is a proper proceeding. The woman, I think in 1893, deserted her husband, and married another man. Both were prosecuted for bigamy and sentenced to six months' imprisonment. The woman had two children, it is stated, by her second husband. The petitioner has his family of six or seven chidren to provide for. He is working as a day labourer in the employ of the gas company in the city of Toronto, and it was stated had no means beyond what was necessary for the maintenance of his family. It did seem to me a proper thing in this case that he should obtain a divorce, so long as divorce is recognized by law. I am perfectly aware that a large section of our population are opposed, on principle, to divorce from the marriage bond. There is another large section, the Protestant section, who think that for the cause of adultery there ought to be provision made for a dissolution of the marriage bond. In this country no section of the population has ever proposed to carry the principle further than a divorce for adultery, and it is most fortunate for the country that that is so, because I see, while in this country during a period of twenty years 116 divorces have been obtained in this House, that in the United States, during the same period, over 400,000 divorces have been granted. So it is very well, indeed, that the power to obtain a divorce should be confined, if permitted at all, within the very narrow limit to which it is now restricted, and if we do grant divorces—and we are doing it now—it seems to me that the man who applies in this case is entitled to obtain divorce, and if so entitled, looking at his circumstances, we ought not to demand from him the usual fee.

The bill was read the first time on a division.

Hon. Mr. AIKINS moved that the bill be read the second time on the 10th of April next.

Hon. Mr. ALMON—We have heard from the husband ; we have heard nothing from the woman. It is very possible that this man may not have supported this woman, that he may have turned her adrift and may be as guilty as she is. We all know that those whom God has joined together we should not put asunder: we are putting these people asunder and doing it without sufficient evidence.

The motion was agreed to.

THE FENIAN RAID MEDALS.

NOTICE OF MOTION.

Hon. Sir MACKENZIE BOWELL gave notice

That he will call the attention of the Government to the following proceedings of a joint meeting of the special committee appointed by the Toronto '66 Veterans' Association and the Red River Expedition Association, 1870, held at Toronto, on the 22nd of March, 1899, for the purpose of considering the best steps to be taken for securing an early issue of the Canada General War Medal. These were present:—

Representing the Toronto '66 Veterans' Association.

Major Dixon, Past President.
Capt. George Musson, Past President.
Lieut. Fahey, Past President.
Alexander Muir, President.
R. C. Marshall, 1st Vice President.
Lieut. Kingsford, 2nd Vice-President.
Capt. Stinson, David Creighton and E. A. Crossman, Members of Executive Committee.
James Constable, Secretary.

Representing the Red River Expedition Association, 1870.

Capt. S. Bruce Harman, President.
Capt. J. J. Bell, Secretary.

Capt. Musson was appointed Chairman of the joint meeting, and Capt. Bell, Secretary.

After discussion, the following resolution was adopted unanimously:—

Moved by Lieut R. E. Kingsford, seconded by Major F. E. Dixon, and carried:

That this meeting deeply regrets the delay which has occurred in the issue of the Canada General Service War Medal, and draws attention to the following facts:—

1. The Memorial from the people of Canada to Her Majesty, praying for the issue of a Canada General Service War Medal, was presented to His Excellency the Governor General in May, 1897. This Memorial was signed by Lieutenant Governors of Provinces, Ministers of the Dominion and of the Provinces, Mayors of Cities and Towns, Wardens of Counties, Boards of Trade and many other representative bodies, and was a truly national representative Memorial.

2. The memorial was forwarded by His Excellency within a very short time after its receipt, and on the 20th October, 1897, a cable message was received to the effect that Her Majesty had been graciously

pleased to authorize the issue of a Canada General Service War Medal.

3. In November, 1897, the Imperial War Office requested the Canadian Government to forward a design for the reverse of the medal.

4. In June, 1898, the Militia Department announced that a board of officers had been appointed to consider claims.

5. In November, 1898, one year after the Militia Department had been asked for a design for the medal it was announced that the Ward Department had approved of a design furnished from Canada.

6. It thus appears that a lapse of over a year took place between the announcement that the medal had been granted and the anouncement that the design had been approved of.

7. Application was made to the Minister of Militia in March, 1899, the present month, for information as to when the medals might be expected, and the reply was made that no satisfactory information could be given as to when the medals may be issued.

8. It is now over a year and five months since the first announcement was made that the medals had been granted and so far as the committee can ascertain no definite progress in the actual delivery of the medals appears to have been made.

9. During the interval many of those who were entitled to this medal have died and their comrades have seen, with bitter regret, these old friends depart this life without receiving this honourable distinction which they so fairly earned.

10. The committee would respectfully call the attention of the Minister of Militia and of the Members of the Senate and House of Commons of Canada to this deplorable delay, and request that urgent measures be taken to obtain the issue, or distribution, of the medals on Her Majesty's next birthday, 24th May.

11. The committee feel strongly that this medal having been granted by Her Majesty in Her Majesty's Jubilee Year, it should be presented on Her Majesty's birthday, and that if one anniversary has been unfortunately allowed to pass, no time should be lost in making quite certain that the medals be distributed on the 24th May next.

12. That copies of this resolution be transmitted to Sir Wilfrid Laurier, Hon. R. W. Scott, Sir Mackenzie Bowell. the Hon. Minister of Militia, Sir Charles Tupper and the daily press of Toronto and Montreal.

The secretary was requested to take immediate steps to forward copies of above resolution to parties named.

GEORGE MUSSON, Capt.,
Chairman.

J. J. BELL, Capt.,
Secretary

And inquire whether the medals referred to in the above resolutions have been received by the Department of Militia? If so, when will they be ready for distribution? If not, what steps have been taken to secure them, in order that the prayer of the petitioners may be complied with?

He said:—My only reason for placing this on the notice paper is to give the government an opportunity of making a public statement with reference to these medals, as there are a great many who are interested in receiving them, and, as one of the resolutions points out, some of the older men are dropping off and would like to have the medals in their families.

THE ADJOURNMENT.

Hon. Mr. LOUGHEED—Before the Orders of the Day are proceeded with, may I claim the indulgence of the House to make an observation or two with regard to the question of adjournment, which was discussed yesterday afternoon and settled amid some little confusion. I have been approached by some hon. members of the House who suggest the propriety of this matter again being brought before the House this afternoon, and the attention of the hon. leader of the House directed to the fact that the House of Commons will very soon adjourn for a week. Hence, if the adjournment, which was decided upon yesterday is brought into effect, it will result in our meeting a week from Wednesday next without any practical object. I would, therefore, with all due deference to what was said yesterday by the hon. leader of the House, ask him to reconsider the step which was taken, and, if possible, concede to the members of the House, what a majority of them seemed to be in favour of obtaining if possible, a longer adjournment than that which was agreed upon. It must be manifest to every one that if we meet again on the 5th April, as was yesterday determined, it cannot be with any good result. I do not think the public service will be injuriously affected if we adjourn a week longer than was determined on yesterday.

Hon. Mr. MILLS—I stated my views to hon. gentlemen yesterday. I believe, as my hon. friend says, that the House of Commons is not making the progress with the discussion of the Address that was anticipated, and it may be that they can not get through with it before the Easter adjournment. Of course, we are in the hands of the House, but in any event, if the House desires it, we would not like to adjourn longer than Tuesday the 11th at 8 o'clock. If that is the wish of the House I have no objection to make the change.

Hon. Mr. LOUGHEED—That being the case, I move that the motion adopted by the Senate yesterday to adjourn from to-day until the fifth of April next be rescinded.

Hon. Mr. ALLAN—Before voting for that, I should like to know, for my own satisfaction, whether the course now proposed meets with the approval of the hon. gentle-

men who represent the government in this House, or whether the public business will be prejudiced by the adjournment.

Hon. Mr. MILLS—I do not think that the public business will be prejudiced by the adjournment.

Hon. Mr. PROWSE—I am very sorry that we had not that statement from the leader of the House yesterday. I think that we were entitled to it. I expressed my desire to carry out the views of the government, and if the change that is now proposed had not been favoured by the government I should have opposed it, but the government having declared that the public interests will not suffer by the adjournment, of course I am not disposed to vote against it. At the same time, the Senate has been placed in an anomalous position by this proposal to rescind the action taken yesterday, and to adjourn to a later period. In future, when an adjournment is proposed, more time should be given to enable the Senate to come to a decision. I think it is a mistake to bring on an adjournment this week; it would have been better to sit a week longer and then adjourn. The probability is that when we return and sit here for a few days, with little or nothing to do, there will be a clamour for another adjournment.

Hon. Mr. McCALLUM—The Minister of Justice has further information since yesterday as to the progress of business in the House of Commons and instead of finding fault with the government for granting the request of the House to extend the adjournment a week longer, I think it is a good thing in itself, because when we return we will probably find very little business here to be attended to.

Hon. Mr. ALMON—If the leader of the House says that the business of the country will not be interfered with by the extension of the adjournment, I have no objection to the motion being carried, but if it would delay the business of the House I should certainly oppose it.

The motion was agreed to.

Hon. Mr. LOUGHEED moved that when the House adjourns to-day it stands adjourned until April 11th at 8 p.m.

The motion was agreed to.

THE ALASKAN BOUNDARY.

INQUIRY.

Hon. Mr. MACDONALD (B.C.)—The hon. Secretary of State may remember that in the debate on the Address I asked him if he was informed if any discussion was going on between the Imperial Government and the government of the United States with reference to the *modus vivendi* in that matter of the Alaskan boundary. I see by a dispatch published in this morning's paper that a question was asked on the subject in the House of Commons yesterday, and that the answer was that proposals for a *modus vivendi* had been made to the United States Government and that they were now under consideration. It is strange that the government here should not be aware of that, because it is a matter of greater importance in Canada than it is in the mother country. Perhaps the government have heard since then what negotiations are going on. There must be something in it from the information that appears in the newspapers.

Hon. Mr. SCOTT—We have had no information beyond what we have seen in the public press. I have no doubt the facts are as stated in the press. The attention of the government of Canada has not been called to the question. It is very well known that the minister, when in Washington, had pressed on his colleagues in the commission the importance of having this question settled and had suggested a tribunal to settle it, but they were unable to convince them that it was necessary to do it. From the published telegram it appears that the matter has been taken up by the Imperial Government in that direction.

WINNIPEG REPRESENTATION IN PARLIAMENT.

INQUIRY.

Hon. Mr. PERLEY rose to inquire:

Is it the intention of the government to give to the city of Winnipeg representation in the Dominion Parliament during the present session? If so, how soon will the writ for the election be issued; and if no representation, why not?

He said:—It has been a source of great regret to the citizens of Winnipeg that since the last session of parliament they have lost their representative. It is in view of that fact that I now ask the question, notice of which appears on the Order Paper.

Hon. Mr. MILLS—The matter is in the hands of the Speaker of the House of Commons and the members of the House of Commons. If any hon. member moves that the writ be issued, there is no doubt a writ will be issued. That has not been done, so far as I know. When that is done the government may take action, not before.

ALLEGED CABINET MEETING IN NEW YORK.

INQUIRY.

Hon. Mr. PERLEY inquired :

If it is true the Dominion Government held an Executive Council meeting in the city of New York, one of the cities of the United States of America; further, if said meeting was held on the Sabbath day; and furthermore, if the minutes of said meeting are entered as official records in the Privy Council?

Hon. Mr. MILLS—I may say to the hon. gentleman that it not true that the government held a meeting of the Privy Council in New York, and so there is no record called for.

Hon. Sir MACKENZIE BOWELL—You only had a talk.

Hon. Mr. MILLS—I suppose my hon. friend did not find it is impossible to talk beyond the boundary of his own country.

THE YUKON-TESLIN ROUTE.

MOTION.

Hon. Sir MACKENZIE BOWELL 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 correspondence with, and instructions given to Louis Coste, late engineer in the Public Works Department, with reference to the Yukon-Teslin route, and the navigation of the rivers and lakes connected therewith, and all reports thereon, made by the said Louis Coste.

The motion was agreed to.

INSPECTOR OF MINES IN THE YUKON.

INQUIRY.

Hon. Sir MACKENZIE BOWELL, in the absence of Hon. Mr. Kirchhoffer, inquired :

1. Was James D. McGregor appointed Inspector of Mines in the Yukon district? If so, what was the date of his appointment? Is he still employed in that capacity? If not, when was his appointment terminated?

2. What was his salary?

3. Was he allowed his expenses in addition, and if so, what was the amount paid for his expenses while so employed?

4. Did his duties comprise the collection of ten per cent royalty on the output of the mines? If so, what was the amount of royalty collected.

Hon. Mr. MILLS—I might say in reply to the hon. gentleman's questions :

1. That James D. McGregor was appointed Inspector of Mines on the 28th of September, 1897.

2. That his salary was $1,500 per annum.

3. That he was allowed his expenses in addition to the salary, and these amounted to $916.50.

4. His duties comprised the collection of 10 per cent royalty on the output of the mines, and to examine the records of the miners in order to see that they have paid the royalty, and if not, to collect it, and to issue the gold commissoner's receipt for the same. The amount of royalty collected up to the 31st of January, 1899, was $396,462.36.

ROLLING STOCK OF THE INTERCOLONIAL RAILWAY EXTENSION.

MOTION.

Hon. Sir MACKENZIE BOWELL, in the absence of Hon. Mr. Kirchhoffer, 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, a statement showing the quantity of rolling stock purchased in connection with the extension of the Intercolonial Railway from Lévis to Montreal; from whom it was purchased, and the price paid therefor; also, the number of passengers and the quantity of freight carried, and the expense of working the said extension since the date when it passed into the hands or control of the government.

The motion was agreed to.

VOTERS' LISTS IN NOVA SCOTIA.

Hon. Mr. MILLS moved the adjournment of the House.

Hon. Sir MACKENZIE BOWELL—A motion has been made in the House of the Assembly in Nova Scotia to which I desire to call the attention of the Minister of Justice. I wish to ask him whether the promise of last year in reference to the request that was to be made by the Dominion Government to those provinces in which there was no appeal from the voters' list to the judge, has been carried out. I notice that Mr. Kendall has given notice of a bill to extend the time for the completion of the electoral lists in the

county of Cape Breton. Perhaps it is not necessary for me to read the discussion that took place at the time, unless it has escaped the memory of my hon. friend. I called attention, however, to the statement made by the Premier in the other House that representations would be made to different provinces, Manitoba, Nova Scotia and, I think, New Brunswick, of the fact that there was no appeal to the judge by those whose names had been left off the lists. It will also be remembered that the Senate thought it was well that such a provision should be contained in the bill which adopted the franchises of the different provinces; but after consultation certain concessions were made by the House of Commons and also by the Senate. In this case the House of Commons declined to accept that amendment, and the question was put to my hon. friend by myself whether the promise which had been made by the Premier would be acted upon in this case, and if that promise was given it would justify the Senate in not insisting upon their amendment. My hon. friend the Secretary of State also acquiesced in this way:

I suppose (I said), we have the assurance that this will be accepted by the hon. gentleman's colleagues in the House of Commons?

Hon. Mr. SCOTT—I think so.

What I wanted to ask the hon. Minister of Justice is whether any representations have been made, in accordance with this promise, to the different provinces, and, if so, what has been the result? Have they promised to adopt the system which prevails in Ontario, or any other system by which a disfranchised man would be enabled to appeal to the judge in order to secure those rights of franchise to which he is entitled.

Hon. Mr. MILLS—I cannot say to my hon. friend what communication has taken place. I shall make inquiries and be able, I hope, to give the hon. gentleman the information which he seeks immediately after we meet again.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, 11th April, 1899.

The SPEAKER took the Chair at Eight o'clock.

Prayers and routine proceedings.

SALE OF KINGSTON PENITENTIARY BINDER TWINE.

INQUIRY.

Hon. Mr. PERLEY inquired:

What quantity of binder twine was manufactured, during the past season, in the Kingston Penitentiary? If it has been sold? And if so, to whom, and at what price per pound?

Hon. Mr. MILLS—I may say to my hon. friend that I am not able to answer the question to-night. I forgot about it being on the paper, and the inspector, whose business it would have been to have brought this matter before me, is away in the North-west Territories at the present moment. However, I will inquire into the matter and give him the information to-morrow.

ANTI-JAPANESE LEGISLATION BY BRITISH COLUMBIA.

INQUIRY.

Hon. Sir MACKENZIE BOWELL inquired:

If any correspondence has taken place between the Canadian Government and the Japanese authorities since the receipt of the despatch from the Right Honourable the Secretary of State for the Colonies, conveying the protest of the Japanese Government, protesting against the anti-Japanese legislation by the British Columbia legislature? If so, what is the nature of such communicatien, and will it be laid upon the Table of the Senate?

Hon. Mr. MILLS—I may say to my hon. friend that we have had correspondence, I think about contemporaneous with the letter of the hon. Secretary of State to which my hon. friend refers, but I am not prepared to lay it on the table at the present time, because we have not yet acted on the matter to which the Japanese Government have referred. As soon as action is taken and the matter dealt with, I see no objection to bring the correspondence down.

Hon. Sir MACKENZIE BOWELL—Might I ask if the correspondence is still being continued, or whether it has been

completed and is awaiting the action of the government?

Hon. Mr. MILLS—The correspondence is not being continued in the sense in which my hon. friend uses that expression. It simply is awaiting the action of the government here to see what may be done and I may say to my hon. friend that we communicated the action of the local government, and our report to the Colonial Secretary, for any observations that he may be disposed to make, and to the present time we have had no further communication.

LA BANQUE DU PEUPLE SUSPENSION.

MOTION.

Hon. Mr. McMILLAN 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, a return showing:—

1. A copy of the last government return made by La Banque du Peuple before that bank suspended payment, as well as the name of the bank official and a copy of the declaration made by him.
2. A copy of the different statements of the affairs of said bank submitted by the directors at each of the public meetings of the stock holders and depositors which were held since the date of suspension.
3. A list of the names of the directors of the bank at the date of its suspension, and the number of shares held by each of such directors at that date.
4. A list of sales or transfers, if any, that may have been made of the stock of any one or more of the directors since the date of the suspension, and to whom made.
5. A list of any vacancy or vacancies that may have occurred since the said date and the cause or causes thereof, as well as the names of those who have been appointed to fill any such vacancy.
6. The prices as near as can be ascertained from the quotations of the stock of any sales or transfers that were made within the last month immediately before such suspension, and the prices paid for any such transfer of stock that may have been made since the date of suspension up to 1st April, 1899.
7. A list of the names of the stock holders of the bank on the 1st day of April, 1899, and the number of shares held by each on that date.
8. A statement in detail of the assets and liabilities of the bank, excepting therefrom the liabilities to the depositors and stock holders which may be given in the aggregate.

Hon. Mr. MILLS—I would say to my hon. friend that I do not know how far we may be able to give him the information which he seeks; but I shall make inquiry of the Finance department, and as far as that information is in the possession of the government, I see no objection to its being brought down.

The motion was agreed to.

FENIAN RAIDS MEDALS.

INQUIRY.

Hon. Sir MACKENZIE BOWELL rose to:

Call the attention of the government to the following proceedings of a joint meeting of the special committee appointed by the Toronto '66 Veterans' Association and the Red River Expedition Association, 1870, held at Toronto, on the 22nd March, 1899, for the purpose of considering the best steps to be taken for securing an early issue of the Canada General War Medal. These were present:—

Representing the Toronto '66 Veterans' Association.

Major Dixon, past president.
Capt. George Musson, past president.
Lieut. Fahey, past president.
Alexander Muir, president.
R. C. Marshall, 1st vice-president.
Lieut. Kingsford, 2nd vice-president.
Capt. Stinson, David Creighton and E. A. Crossman, members of executive committee.
James Constable, secretary.

Representing the Red River Expedition Association, 1870.

Capt. S. Bruce Harman, president.
Capt. J. J. Bell, secretary.

Capt. Musson was appointed chairman of the joint meeting, and Capt. Bell, secretary.

After discussion, the following resolution was adopted unanimously:—

Moved by Lieut. R. E. Kingsford, seconded by Major F. E. Dixon, and carried:

That this meeting deeply regrets the delay which has occurred in the issue of the Canada General Service War Medal, and draws attention to the following facts:—

1. The memorial from the people of Canada to Her Majesty, praying for the issue of a Canada General Service War Medal, was presented to His Excellency the Governor General in May, 1897. This memorial was signed by Lieutenant Governors of Provinces, Ministers of the Dominion and of the Provinces, Mayors of Cities and Towns, Wardens of Counties, Boards of Trade and many other representative bodies, and was a truly national representative Memorial.
2. The memorial was forwarded by His Excellency within a very short time after its receipt, and on the 20th October, 1897, a cable message was received to the effect that Her Majesty had been graciously pleased to authorize the issue of a Canada General Service War Medal.
3. In November, 1897, the Imperial War Office requested the Canadian Government to forward a design for the reverse of the medal.
4. In June, 1898, the Militia Department announced that a board of officers had been appointed to consider claims.
5. In November, 1898, one year after the Militia Department had been asked for a design for the medal it was announced that the War Department had approved of a design furnished from Canada.
6. It thus appears that a lapse of over a year took place between the announcement that the medal had been granted and the announcement that the design had been approved of.
7. Application was made to the Minister of Militia in March, 1899, the present month, for information as to when the medals might be expected, and the reply

was made that no satisfactory information could be given as to when the medals may be issued.

8. It is now over a year and five months since the first announcement was made that the medals had been granted and so far as the committee can ascertain no definite progress in the actual delivery of the medals appears to have been made.

9. During the interval many of those who were entitled to this medal have died and their comrades have seen, with bitter regret, these old friends depart this life without receiving this honourable distinction which they so fairly earned.

10. The committee would respectfully call the attention of the Minister of Militia and of the members of the Senate and House of Commons of Canada to this deplorable delay, and request that urgent measures be taken to obtain the issue, or distribution, of the medals on Her Majesty's next birthday, 24th May.

11. The committee feel strongly that this medal having been granted by Her Majesty in Her Majesty's jubilee year, it should be presented on Her Majesty's birthday, and that if one anniversary has been unfortunately allowed to pass, no time should be lost in making quite certain that the medals be distributed on the 24th May next.

12. That copies of this resolution be transmitted to Sir Wilfrid Laurier, hon. R. W. Scott, Sir Mackenzie Bowell, the hon. Minister of Militia, Sir Charles Tupper and the daily press of Toronto and Montreal.

The secretary was requested to take immediate steps o forward copies of above resolution to parties named.

GEORGE MUSSON, Capt.,
Chairman.

J. J. BELL, Capt.,
Secretary.

And inquired whether the medals referred to in the above resolutions have been received by the Department of Militia? If so, when will they be ready for distribution? If not, what steps have been taken to secure them, in order that the prayer of the petitioners may be complied with?

He said:—Might I ask if the hon. minister is prepared with an answer to this question?

Hon. Mr. MILLS—No; allow that to stand.

Hon. Mr. SCOTT—I have had some correspondence myself on the subject and I find that the delay is due to the officers of the Mint. They have been pressed from time to time to get out the medals, and Lord Strathcona has been appealed to to hasten, if possible, the completion of them. The delay is there, and of course we can do no more than press them, and explain that the delay is very much regretted on this side of the Atlantic.

Hon. Sir MACKENZIE BOWELL—The answer will be satisfactory to those who complain. I have received some letters lately, stating that some others have departed this life since the notice was given, and I am glad to learn that it is not the fault of the Canadian Government, but rather of the Mint at home that the delay has occurred. I think that the answer will be quite satisfactory to those who are interested.

GOVERNMENT BILLS IN THE SENATE.

Hon. Mr. MILLS moved that the House do now adjourn.

Hon. Sir MACKENZIE BOWELL—I understood the hon. Minister of Justice to say that he intended to introduce a number of important bills in this House. Has he any objection to tell us what the character of those bills is, and when they will be submitted to our consideration?

Hon. Mr. MILLS—I expect to introduce some of them to-morrow.

The motion was agreed to, and the Senate adjourned.

THE SENATE.

Ottawa, Wednesday, 12th April, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

THE PACIFIC CABLE.

NOTICE OF MOTION.

Hon. Sir MACKENZIE BOWELL read the following notice of motion:—

On Monday, 17th instant, I will move that an humble Address be presented to His Excellency the Governor General, praying that he will cause to be laid before the Senate, copies of all correspondence and communications bearing upon the subject of the proposed Pacific cable between Canada and the Australian Colonies, not already laid before Parliament, together with a copy of the agreement entered into between Her Majesty's government and the Eastern Extension Company, bearing date the 28th day of October, 1893, granting to that company exclusive rights to land a cable in Hong Kong; also, the report of the Imperial commission on the subject of the laying of a submarine cable between Canada and Australia.

He said:—My intention was to have given notice of this motion prior to the adjournment, but I neglected it. I see, however, by this morning's paper, that the government have come to a decision as o

the course they intend to pursue on this important project. It was a question with me whether, if that report be correct, my motion would be necessary, but, on reflection, I see that no harm can arise from my making the motion and discussing the question. It would be gratifying to many of those who have taken a very deep interest in what I might term a matter of great Imperial importance to know if the reports, which appear in to-day's paper, are correct as to the course the government have determined to take upon this question.

Hon. Mr. MILLS—I might say, in reply to the hon. gentleman, that the subject is under the consideration of the government, I may say under the favourable consideration of the government, but further than that I am unable to express any opinion.

Hon. Sir MACKENZIE BOWELL—Probably the hon. gentleman will be prepared on Monday, when we discuss the motion, to give us some information.

KINGSTON PENITENTIARY BINDER TWINE

INQUIRY.

Hon. Mr. PERLEY inquired of the government:

What quantity of binder twine was manufactured, during the past season, in the Kingston Penitentiary. If it has been sold? And if so, to whom, and at what price per pound?

He said:—The hon. Minister of Justice said he would answer this question to-day.

Hon. Mr. MILLS—With regard to the quantity of binder twine, I may say the quantity on hand at the end of February was 534,800 lbs. Tenders were called for, and it was sold to the Hobbs Hardware Co. The prices cannot be given until the twine is marketed by the purchasers, because it is contrary to the practice to do so.

CITY AND TOWN POST OFFICES.

INQUIRY.

Hon. Sir. MACKENZIE BOWELL rose to inquire:

Whether the Postmaster General has, during the the past year, or any other time, reduced any city post office to that of a town office, as was done on the plea of economy in the case of the city of Belleville? If not, why have not those cities which the public accounts show cost a greater percentage of the revenue collected to perform the duties of said offices, then did that of Belleville reduced?

Hon. Mr. MILLS—In reply to the first part of the question, as to whether the Postmaster General has, during the past year or at any other time, reduced any city post office to that of a town office, as was done on the plea of economy in the case of the city of Belleville, the answer is no. With regard to the second part of the question, if the hon. gentleman will name the particular post offices to which he alludes, it will be possible for the Postmaster General to give the information. Then with regard to the further question—

Hon. Sir MACKENZIE BOWELL—I think it will be better to wait till the questions are put; or there may be some irregularity in regard to the matter. An irregularity occurred yesterday which prevented the Clerk putting the question which I submitted, with reference to the veterans' medals, upon the journals. It is not a matter of very much consequence I dare say, but the question really was not put, although my hon. friend the Secretary of State answered it and his answer was accepted by myself, but the Clerk informed me that not having the document in his hand, and the question not being put in regular order, it could not be put on record. The course adopted to-day may have the same result. I think I understand the answer given by my hon. friend. He says, in the first place, that no city office has been reduced as was that of Belleville. He also says that, not having given the names of the cities to which I refer in this motion, he is not in a position to answer. I gave all those facts last session and I presumed my hon. friend was in possession of them, or the Postmaster General was in possession of the facts, because I not only gave the names of the cities in the different sections of the Dominion, but I also gave the amount collected and the percentage of the expenditure in collecting it, showing that there were several in a much worse position than Belleville. However, I will accept the suggestion of my hon. friend and put another notice upon the paper. The hon. gentleman has answered my second question first: I have therefore to ask the government:

How many new post offices have been opened since the 12th July, 1896; the names of said post

offices; where situated; the names of said postmasters, and the additional number of miles which have to be travelled to serve said offices?

Hon. Mr. MILLS—The answer that the Postmaster General has put in my hands is that this queston will have to stand for a few days, as it will take a good deal of the time of the staff to make the necessary extracts to give the hon. gentleman the information which he seeks.

Hon. Sir MACKENZIE BOWELL—Whenever the hon. gentleman is ready.

The question was allowed to stand.

DISMISSAL OF POST OFFICE MAIL CLERK KETCHESON.

MOTION.

Hon. Sir MACKENZIE BOWELL 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, the complaints and all correspondence relating thereto, which led to the dismissal of Mr. Freeman Ketcheson from the position of post office mail clerk, including the statement or statements of the said Freeman Ketcheson in reply to said complaints.

He said:—I do not know that it is necessary that I should discuss the facts in connection with this dismissal. They were fully considered during the last session of Parliament. What I am desirous of obtaining now, is the complaints which were made against Ketcheson and his reply thereto together with the evidence submitted.

The motion was agreed to.

THE BINDER TWINE QUESTION.

Hon. Mr. BOULTON—I should like to ask the hon. leader of the government if I correctly understood him to say that the government refused to disclose the prices at which penitentiary twine was selling.

Hon. Mr. MILLS—Yes, we have never done so in the department. It would be prejudicial to the parties purchasing.

Hon. Mr. BOULTON—What about the other parties who are interested?

Hon. Mr. MILLS—There are a great many competitors on the market.

Hon. Mr. AIKINS—It would be interesting to know how the sale was made—whether by competition or by private sale.

Hon. Mr. MILLS—By tender.

Hon. Sir MACKENZIE BOWELL.—I think the better way to get that would be to move for the tenders. I suggest that course to my hon. friend, because the position taken by the government is very extraordinary.

SECOND READING.

Bill (A)—"An Act for the relief of David Stock."—(Mr. Aikins.)

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, 13th April, 1899.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

SENATOR SUTHERLAND'S SEAT DECLARED VACANT.

REPORT ADOPTED.

The SPEAKER presented the report of the Standing Committee on the Orders and Privileges of the House, recommending that the seat of the Hon. John Sutherland be declared vacant.

Hon. Mr. MILLS moved that the report be adopted.

Hon. Mr. SCOTT—When a member of this House who has been so long associated with it as Mr. Sutherland—I think for upwards of twenty-five years—severs his connection with this body, it is only right and proper that those who knew him should bear testimony to the worth and esteem in which he is held. I have had the pleasure of knowing him for nearly a quarter of a century, and during that time formed a very high opinion of his honour and integrity. He had a kind, gentle disposition, and although he did not take a very active part in debate, when he did so he always spoke

with judgment and good sense and commanded the attention of the House. Mr. Sutherland, before entering the Senate of Canada, which he did when Manitoba came into Confederation, held the position of sheriff of Winnipeg. He had before that been associated with other distinguished citizens in advancing that province, having been born in the neighbourhood of Winnipeg before the city was founded. I think his father emigrated there at a very early period, and Mr. Sutherland was born somewhere in the neighbourhood of Fort Garry, before Winnipeg became known to the world. I am quite sure that the resolution which I propose to submit to the House—and which I trust will be communicated to his family—will receive the universal approval of every hon. gentleman present, and I trust it will be seconded by the hon. leader of the opposition. I propose the following resolution :—

Moved by Hon. Mr. Scott, seconded by Sir Mackenzie Bowell, that the members of the Senate beg to convey to their late colleague, the Hon. John Sutherland, the expression of their sincere regret at the severance of the tie which has hitherto connected them, which has been occasioned by his failing health, and beg to assure him that they will cherish pleasant recollections of their association with him for so many years in the Senate of Canada.

Hon. Sir MACKENZIE BOWELL—I second the motion with pleasure, while regretting very much the causes which have prevented our late colleague from attending the sessions of the Senate for the last few years. It has not been my privilege to know him so intimately as the hon. Secretary of State who has moved this resolution, but my limited acquaintance with him was of a character similar to that which has been expressed by the mover of this resolution. I regret his absence all the more from the fact that he was one of the older members of the Senate and a representative of the Western province to which his father moved in 1815, and in which country, as the hon. Secretary of State has stated, Senator Sutherland was born, within the precincts of the present limits of the city of Winnipeg. He has occupied, as I stated in the Committee, a number of very important positions in his own province. He was at one time a director of a Trust Company, a director of the Commercial bank, and a member of Council of Assiniboia until it was abolished, and also held the high office, to which the hon. Secretary of State has referred, of sheriff of Winnipeg. Everyone who had the privilege of his acquaintance must have formed a high opinion of his character, and we cannot but deeply regret that failing health prevents him from attending to the duties which pertain to a member of the Senate. I do not know that I can say more than to hope that his successor may succeed in securing the good opinion of both political parties as Mr. Sutherland has done. If he does, we certainly shall have no cause to regret his appointment. I still hope that, although in failing health, Mr. Sutherland may be spared to his family for many years to come, and I cordially join with my hon. friend the Secretary of State in the expressions of regret that we are losing such an estimated colleague.

Hon. Mr. ALLAN—As has been mentioned by the Secretary of State, Senator Sutherland was one of the oldest members of this body, and as I am fast in the way of receiving that same reputation myself, I think it would not be out of place to add a word to what has been said with respect to the hon. gentleman. As the hon. Secretary of State has mentioned, Mr. Sutherland did not very often take part in the debates of this House, but when he did so, the sound common sense with which he expressed himself always commended what he said. He was always a useful member and a constant attendant of committees on which he was placed, and few members of this House commanded more thoroughly the respect and kindly feeling of this body. In common with all our friends, I am sure, I regret the cause which has led to the necessity of filling his place, and I would add also the expression of my hope that although he may no longer sit with us here, his life may be spared to his family and friends.

Hon. Mr. BOULTON—Coming from the province of Manitoba, where the hon. Senator Sutherland has resided so long, and of which he was one of the founders, I cannot let the present opportunity pass without adding a few words to what has been said by the hon. Secretary of State and other hon. gentlemen who have expressed themselves on the departure of Senator Sutherland from amongst us. I have had the pleasure of knowing the Hon. Mr. Sutherland ever since the year 1869, when it was still the Selkirk Settlement, before the province came into confederation and before

he became a member of this House. I have also had the pleasure of knowing his family, and I might say that a more representative, a more highly respected family, does not exist in Canada than that of Senator Sutherland's. As the previous speakers have already said, it would be difficult to find anyone who will occupy such a warm place in the hearts of the members of this House as Mr. Sutherland has done by his consistent character and impartial conduct while he was a member of the Senate.

The motion was agreed to.

Hon. Mr. SCOTT moved that His Honour the Speaker be requested to communicate a copy of the foregoing resolution to the Hon. John Sutherland.

The motion was agreed to.

Hon. Mr. MILLS moved that an humble address, based on the resolution of this House be presented to His Excellency the Governor General.

The motion was agreed to.

EXCHEQUER COURT ACT AMENDMENT BILL.

FIRST READING.

Hon. Mr. MILLS moved the first reading of Bill (B) "An Act further to amend the Exchequer Court Act." He said :—The first provision of the present bill is for the purpose of facilitating the work of the Exchequer Court in the province of Quebec. Hon. gentlemen know we have one judge of the Exchequer Court, who finds it possible to discharge all the judicial functions of that court, but in the province of Quebec, in some districts, where it is necessary that the court should sit, it is found inconvenient sometimes, in consequence of the fact that the judge of the Exchequer Court is not familiar with the French language ; and therefore I propose to enable the local judge of the Admiralty Court to undertake, when asked to do so in the province of Quebec, the work of the Exchequer Court judge, and the bill also provides that there shall be paid the judge for holding such court in the province of Quebec the usual sum of $100 that is allowed for holding the court. I also propose to provide by this bill some amendment of the law in respect to the assessment of damages for injury to lands affected by public works. The law as it now stands is found unsatisfactory, and the government often has judgment given against it for very much larger sums than it is of opinion the party who is seeking damages from the Crown ought to receive. I therefore propose to amend the law in that regard in this way :

If the injury to any land or property alleged to be injuriously affected by the construction of any public work may be removed wholly or in part by any alteration in or addition to any such public work, or by the construction of any additional work, or by the abandonment of any portion of the land taken from the claimant, or by the grant to him of any land or easement, and if the Crown by its pleadings or on the trial or before judgment undertakes to make such alteration or addition or to construct such work, or to abandon such portion of the land taken, or to grant such lands or easements, the damages shall be assessed in view of such undertaking and the court shall declare that in addition to any damages awarded the claimant is entitled to have such alteration or addition made or such work constructed, or such grant made to him.

The last clause provides that this bill shall apply to pending cases as well as to future claims. No injustice can be done to parties in this regard if the law itself, as proposed, is perfectly just.

The motion was agreed to, and the bill was read the first time.

PRESERVATION OF HEALTH ON PUBLIC WORKS BILL.

FIRST READING.

Hon. Mr MILLS moved the first reading of bill (C) "An Act for the preservation of health on public works."

He said :—This measure has been suggested by the events, with which hon. gentlemen are familiar, that occurred in the construction of the Crow's Nest Pass Railway. There were a number of cases of serious illness, and there did not seem to be the necessary hospital accommodation that ought to have existed for the protection of the health and the preservation of the lives of those who were in the employ of companies. Since last session a very full and careful inquiry has been made of all the events associated with the death of certain parties on that work, and we have endeavoured to avail ourselves of the information contained in the report of the commission with a view to meeting cases of that sort which may arise in the future. Hon. gentlemen will understand that a law of this sort is necessarily tentative. We are travelling over a way which has hitherto been but very imperfectly

marked out. It will be necessary to acquire experience in order that our legislation may be efficient and may exactly meet the requirements of the various public works or undertakings in the country. We therefore have not been in a position to make the provisions of our bill in this regard as specific as they otherwise might have been made.

Hon. Sir MACKENZIE BOWELL—Might I ask is that provision to be made applicable to both contractors and builders?

Hon. Mr. MILLS—To both.

Hon. Sir MACKENZIE BOWELL—Both to be held responsible?

Hon. Mr. MILLS—Certainly, all parties, to the extent that may be necessary.

Hon. Mr. ALLAN—For instance, the railway companies.

Hon. Mr. MILLS—Yes, and a contractor may himself become criminally liable by failing to act in accordance with the provisions of the bill.

Hon. Sir MACKENZIE BOWELL—But do I understand the bill makes it a criminal offence?

Hon. Mr. MILLS—It is rather in the nature of a police offence than a criminal offence for the protection of the health of the parties along the line of the work, or undertaking. Where the hospital accommodation is inadequate, we provide for punishment by imprisonment not to exceed three months, and we provide for forfeitures; that is, where subsidies are granted to a railway, and where the company undertaking the work of construction altogether fail to meet the requirements of the law in this regard. It is necessary to adopt a somewhat stringent measure in order that there may be little temptation to disregard the provisions of the law. I was saying a moment ago, that we have our experience in this regard to acquire, and there is no doubt whatever that it will be important to supersede any regulations that the Governor in Council may make, under the authority of this bill, by legislation as soon as the government, or any one else, is in a position to submit to parliament proposed provisions of the law to supersede ordinances or Orders in Council, and so I say in this 4th clause that the Governor in Council may, until Parliament otherwise provides, do so and so. I have indicated that as soon as the necessary information is had, and Parliament is in a position to legislate fully upon the subject, then the function and power that will be conferred by the Governor in Council by the bill should come to an end. This, I think, is as far as it was possible for us to go under the circumstances, and all our Orders in Council must necessarily be of a tentative character.

Hon. Mr. MACDONALD (B.C.)—Could not that bill deal with the quality of food supplied by contractors to workmen in cases like that?

Hon. Mr. MILLS—Possibly.

Hon. Sir MACKENZIE BOWELL—I am inclined to the opinion, from hearing it read, that the bill is in the right direction. It is impossible for any member of the Senate to commit himself to the details until we have had an opportunity of seeing it, but from what I can understand of it, I think it is not only in the right direction, but is of a practical character, which will meet the approval of the people generally. I might say that the other bill which has been introduced strikes me as being of a somewhat similar character, to meet a difficulty which I know has arisen in the province of Quebec, where it is necessary that the person holding the inquiry should understand the language of the people; and although I know it is not strictly in order, while I am on my feet, I may add that if I understand the bill, it does not give the Governor in Council powers to appoint any new judges, but to relegate the duties of the present judge of the Exchequer Court to a judge of the Admiralty Court in the province of Quebec.

Hon. Mr. MILLS—Yes, we confer that power upon the Exchequer Court judge himself.

The motion was agreed to, and the bill was read the first time.

The Senate adjourned.

THE SENATE.

Ottawa, Friday, 14th April, 1899.

The SPEAKER took the Chair at three o'Clock.

Prayers and routine proceedings.

EXPROPRIATION ACT AMENDMENT BILL.

FIRST READING.

Hon. Mr. MILLS introduced Bill (D) "An Act to amend the Expropriation Act." He said:—This bill is complementary to the bill that I introduced to the House yesterday upon the subject of the Exchequer Court Act. As the bill is short I shall read its provisions. The first clause amends section 8 by adding the following subsection:—

"2." When any land taken is required for a limited time only, or a limited estate or interest therein only is required, the plan and description so deposited may indicate by appropriate words written or printed thereon that an estate for years only or some other limited estate or interest in the land is taken, and, by the deposit in such case, such estate for years or other limited estate or interest shall become and be vested in Her Majesty.

"3." All the provisions of this Act shall, so far as the same are applicable, apply to the acquisition for public works of such estates for years or other limited estates or interests in lands.

Hon. gentlemen will see that the object of that provision is to enable the Crown to take a less estate than the fee in the lands which they may expropriate—take an estate for years, or as a simple easement, as, for instance, a railway being constructed at high level may require to go over one's property which would be an interference with the proprietory interest of the owner, or it might be necessary to tunnel under it. In either case, although his proprietory rights would be interfered with, the easement which the Crown might require to take might not affect the surface at all. Then there are other instances, as in the case of quarries, where the Crown might require the use of property for a period, or it might become manifest, after the property had been for a time in the possession of the Crown, that a less interest, or an interest in a smaller portion, was required than that which was originally taken. Clause 3 provides as follows:—

The fact of such abandonment or revesting shall be taken into account in estimating or assessing the amount to be paid to any person claiming compensation for the lands taken.

It does not take away his right at all to compensation, but it may affect the amount of compensation to which he is entitled.

Hon. Sir MACKENZIE BOWELL—Does that refer to the clause which the hon. gentleman read previously?

Hon. Mr. MILLS—Yes. The last clause provides that the provisions of sections 2 and 3 shall apply to lands heretofore taken as well as to lands hereafter taken for public works. It does not, of course, refer to lands that were finally dealt with and disposed of, but such as are under consideration as between the former proprietor and the Crown.

Hon. Sir MACKENZIE BOWELL—How would that affect the proprietor of an estate from whom land was taken, and subsequently it was ascertained that the Crown did not require the whole of it? If I understand the provisions of that bill it goes on to say that under the hand of a commissioner he may declare that a certain portion of the land is not required and that it then reverts back to the original owner. That property may have been depreciated in value owing to the uses to which the portion retained may have been put. Are there provisions which would affect the damages that the proprietor might claim, or do I understand that the land reverts back to him after having been paid for by the Crown without refunding any portion of the amount paid to him?

Hon. Mr. MILLS—The bill contemplates lands which are not dealt with finally. The fact of such abandonment, or re-vesting, shall be taken into account in estimating or assessing the amount to be paid.

Hon. Sir MACKENZIE BOWELL—That is originally taken: I am speaking of lands which are abandoned. Is the Crown to have any of the fund paid for the land, remitted or refunded?

Hon. Mr. MILLS—The bill does not contemplate the case of lands finally dealt with. It deals with lands still in controversy between the government and the parties. In many cases it is found that a larger area of property was taken by the Department of Railways and the Department of Public Works than was actually required, and before it is finally dealt with they desire to

amend their claim and to take a smaller amount than the one for which the plan was filed. Then they may also require to take a smaller estate—to take an estate for years instead of taking the fee, and the object is to enable the Crown to abandon the larger estate for which it filed the plan in the first instance. My hon. friend will see that when the plan is filed the title passes to the Crown and the party may say it is so vested and decline to receive the lands back. The object is simply to protect, as far as possible, the public interest in dealing with these matters without doing any injustice to the proprietor, and for that reason clause three is put in. That the fact of such abandonment or re-vesting shall be taken into account in estimating or assessing the amount to be paid to any person claiming compensation for land so taken. There are many instances, I dare say my hon. friend remembers some of them, when the Crown has been compelled to pay a very much larger sum than it ought to have paid, simply because it is shown on the original plan.

The bill was read the first time.

THE FRANCHISE ACT.

INQUIRY.

Hon. Mr. MILLS moved that the House do now adjourn.

Hon. Sir MACKENZIE BOWELL—Before the House adjourns, I should like to call the attention of the Minister of Justice to a question which I put to him on the 24th of March, just before the adjournment, as to whether the promise, which was made during the discussion last session on the Franchise Act, that representation should be made to the different provinces in which no right of appeal to a judge existed, had been carried out.

Hon. Mr. MILLS—I think so.

Hon. Sir MACKENZIE BOWELL—I called his attention to the matter at the time as to whether the promise to adopt the system which prevailed in Ontario, or any other system by which a disfranchised man would be enabled to appeal to the judge in order to secure those rights of franchise to which he is entitled—whether those representations were made.

Hon. Mr. MILLS—Yes, representations were made.

Hon. Sir MACKENZIE BOWELL—Is that all the information the hon. gentleman has?

THE SENATE.

Ottawa, Tuesday, 18th April, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

COMMERCE AND REVENUE OF BRITISH COLUMBIA.

INQUIRY.

Hon. Mr. MACDONALD rose to :—

Call attention to the increasing commerce and revenue of British Columbia as set forth in the following comparative statement taken from the Trade and Navigation Returns for the year ending 30th June, 1898, and ask if the Government intends making an expenditure this year on necessary public works, commensurate to the needs of the country and to the large revenue produced; and whether it is the intention to give that province such representation in the Government of the Dominien as it is justly entitled to from its geographical position and its expanding commercial importance :—

COMPARATIVE STATEMENT.

TONNAGE.

British and Foreign Ships—Inwards and Outwards.

	Tons.
Victoria	1,914,672
Vancouver	835,573
Nanaimo	717,119
Comox	246,520
	3,713,884
Quebec	1,066,312
Montreal	2,181,148
	3,247,460
Halifax	1,239,478
Yarmouth	380,137
North Sydney	314,476
Sydney	181,930
	2,116,021

IMPORTS.

British Columbia, 1896	$ 5,566,238
do 1898	8,690,263
Nova Scotia, 1896	$ 8,336,820
do 1868	6,949,216
New Brunswick, 1896	$ 5,406,648
do 1898	4,925,662

COMPARATIVE STATEMENT—*Con.*

EXPORTS.

British Columbia, 1896	$	10,576,551
do 1898		16,919,717
Nova Scotia, 1896	$	10,999,160
do 1898		10,930,936
New Brunswick, 1896	$	7,907,911
do 1898		11,166,218

CUSTOMS DUTY.

British Columbia, 1896	$	1,306,738
do 1898		2,213,593

INLAND REVENUE.

British Columbia, 1896	$	294,483
do 1898		423,792

POST OFFICE REVENUE.

British Columbia, 1896	$	156,882
Commission on Money Orders		9,600
	$	166,482
British Columbia, 1898	$	257,282
Commission on Money Orders		11,839
	$	269,121

FISHERY REVENUE.

British Columbia, 1896	$	26,410
do 1898		47,864

RECAPITULATION.

British Columbia.

Revenue 1896.

Customs Duty	$	1,306,738
Inland Revenue		294,483
Post Office Revenue		166,482
Fishery Revenue		26,410
	$	1,794,113

Revenue 1898.

Customs Duty	$	2,213,593
Inland Revenue		423,792
Post Office Revenue		269,121
Fishery Revenue		47,864
	$	2,954,370
Chinese tax		81,152
	$	3,035,522
Increase in two years	$	1,241,409

He said:—The necessity does not arise for the representatives of any other province doing what I am now doing—placing before this House, the government and the country, the position and progress of the province from which I come, for the reason that every other province is represented in the government by cabinet ministers, who, being in the inner circle where the good things are apportioned, look after the interests of their own province.

It is not possible, taking human nature into account, that a province so unrepresented will receive fair and adequate treatment, or its legitimate rights, the rights of a revenue producing province to a fair share of public expenditure. The right of representation in the government of the country is denied to British Columbia because our voting power is not strong enough to insist on our rights; but a just and benign government should not keep a progressive province under a great disadvantage. The three maritime provinces on the Atlantic coast have four ministers in the cabinet, and the volume of commerce and the revenue contributed by those provinces are not larger than that of British Columbia with not even one minister. I believe I am correct in stating that the revenue of British Columbia with a population of 150,000, for the year 1898, is equal to that of Nova Scotia and New Brunswick with a population of about 700,000. I will be told, in this connection, that these provinces import largely duty paid goods from Quebec and Ontario. So does British Columbia; to what extent, I do not know. I have placed a comparative statement on the Order Paper, as being the most accurate way of showing what progress we have made.

The hon. gentlemen who were in this House at the time the province entered the federation, and are still here, will, I am sure, feel gratified at the continuous upward strides we have made. At that time our imports and exports and revenue were insignificant; to-day we stand in the proud position of being third in commercial importance, and as a revenue producing province. The members of the government should feel gratified at this position also and should feel that any encouragement given this province will be repaid ten fold. In asking for public expenditure I may be told we gave $3,000,000 to build the Crow's Nest Pass Railway. That road is partly in the North-west, and as much for the whole Dominion as for British Columbia. The share of British Columbia of the three millions Crow's Nest Railway grant is about $90,000. Estimating our population at 150,000, the annual interest would be $3,150. It is also said and thought

by some persons that the cost of building the Canadian Pacific Railway through British Columbia might fairly be charged to that province, but such an idea is entirely falacious. That railway is a national and interprovincial work for the benefit of the whole Dominion. Estimating the cost of this work to be fifty-six millions, the cost per head to the population would be $11.20, and to the 150,000 population of British Columbia the capital would be $1,680,000, and the annual interest would be $58,800. The total amount chargeable to us for these two railways is $61,950 for interest. Hon. gentlemen will see that these amounts, taken together, are small compared with our contributions to the Dominion treasury.

Hon. Mr. BOULTON—The question that my hon. colleague from British Columbia has brought before the House is one, I think, of considerable importance and one I should not like to let pass without expressing my views upon it. British Columbia is a port of export to the outside world in the same way that Quebec is, or any of our ports are. Now, the province of Manitoba is an inland province and cannot show exports and imports to the same extent, or from the same standpoint. That is a question that is often brought up and has never been fairly discussed. The government do not wish to tackle it, but the evidence of prosperity that the hon. member from British Columbia brought before this House is a matter of very great congratulation indeed. It is a matter of very great congratulation indeed that they have so increased. His complaint that the province of British Columbia has not a representative in the cabinet is, under our system of government, hardly a proper one because I do not see yet how we can alter the system of representation by population. While these revenues have increased in the way shown, the population is only small in proportion to the rest of Canada. Our western population is now, I suppose, taking the North-west Territories, Manitoba and British Columbia, close upon half a million of people, and naturally, as the population increases in those countries, the representation in one form or another must necessarily increase, although I see in the province of British Columbia that a local law has been passed to exclude a certain class of immigration—and it is very questionable whether that action has been a wise one or not or whether such exclusion is constitutional from a national standpoint. So far from desiring to increase their strength by admitting an industrial population, so far as that law is concerned, it is evidence to the contrary. What I wish to observe is that we are not represented fairly in the Trade and Navigation Returns with regard to the exports and imports of Manitoba. I mentioned in a former speech on the Address that our exports, during the year which the Trade and Navigation Returns represent, our exports from Manitoba and the North-west Territories together were $16,000,000. That is based upon an estimate of the amount of grain that we know has gone out of the country, the report of which we have from the inspector at Port Arthur, who inspects the grain, and the inspector at Winnipeg, and the return showing the destination of the grain. We also exported in the neighbourhood of 50,000 head of cattle and a variety of other produce. Very fortunately for us, the price of grain that year was good. So, taking the price of our grain and the quantity of our exports, we had a total of $16,000,000 worth, which went out of the province of Manitoba. It is not reported in the Trade and Navigation Returns as exports from Manitoba, because it finds its way to the exporting ports of Quebec or Ontario or some of the ocean seaports; and it is credited to them rather than Manitoba. The only direct imports shown are those which come from the United States through imports to the city of Winnipeg—imports of agricultural implements, machinery, corn and articles of that kind. These are shown in our Trade and Navigation Returns because they are entered by the Customs-house officers at Emerson, the only inlet into the province from a foreign country, The only other inlet is the Canadian Pacific Railway which comes from Ontario and the other provinces. It is the same with regard to our exports. The returns show that for the year 1896 the total exports of Manitoba were reported at $2,000,000 and the total imports at $2,704,000. The duty collected was $615,218. In 1897 the imports were $2,858,000 and the exports were $1,965,000, the duty collected was $644,000. In 1898, the year for which these Trade and Navigation Returns are given, the total exports were $3,472,000 and the total imports were $4,432,000; duty collected $907,000—a large increase in the duty

collected on imports into Manitoba over the two preceding years. Now, if that shows anything for us to draw a lesson from, it is that our imports from the United States are increasing, because, as I said before, the imports are represented as coming in from the United States, and I know myself that the imports from the United States of agricultural machinery and a variety of things of that kind are increasing very much, that notwithstanding the duties which were put upon these articles to keep them out of the country and to protect our own manufacturers, still the imports of agricultural and labour saving machinery of all kinds and a variety of other imports from the United States had been increasing which shows that under our present system at any rate our manufacturers are not keeping pace with the manufacturers south of the boundary. We do not complain of that. People only buy United States manufactures because they think they are more suitable or better. I know that binders made in the United States cost on an average $30 each more than Canadian binders, and I think that there is an arrangement between Canadian manufacturers of agricultural machinery and United States manufacturers, by which the Massey Manufacturing Company, which at one time threatened to build agricultural machine shops in Buffalo to compete with the McCormick Company of Chicage, made terms that occasion, by which United States machines should always charge greater prices than Canadian machines. Whether that was the result of a compromise or not, I cannot say. The hon. gentleman from British Columbia, is advancing an argument why more money should be expended in his province.

Hon. Mr. ALMON—I rise to a point of order. The hon. gentleman's speech gives a great deal of information, but has it any thing to do with the question raised by the hon. gentleman from Victoria? I think the whole discussion is out of order. When a discussion does take place on a question, I think it should have something to do with the question before the House.

Hon. Mr. BOULTON—On the question of order, I would call the attention of the hon. gentleman to the fact that the question is put this way: that the Hon. Mr. Macdonald will call the attention of the government, &c.

Hon. Mr. DEVER—You are doing well; go on.

Hon. Mr. BOULTON—I think when an hon. member calls attention to any important matter, it enlarges the scope of the debate to an unlimited point. I do not wish to offend the susceptibility of the hon. gentleman or to call attention to the fact——

Hon. Mr. DEVER—You are exporting more solid stuff than the whole of them put together.

Hon. Mr. BOULTON—I think the question is an important one as bearing exactly on the point that my hon. colleague has brought forward. I was showing that we have exported $16,000,000 worth of produce for the benefit of the country as a whole—that a large portion of these exports go through the ports of Buffalo instead of coming this way. That I do not propose to deal with, but what I do want to deal with is the fact that the exports that we send out to the extent of $16,000,000 are well returned to us in time in the necessaries of life for the carrying on of our operations and the support of our families—that we are not an exporting country having credit of our own. We are a borrowing country. The loan companies operating in Manitoba have $20,000,000 out on loan in the province to-day, and therefore so much has to go out to meet the payment of indebtedness for these loans. I mention that in order to show you that the $16,000,000 must be returned to the country in time and that we do not import any free goods. That is to say, the main portion of the free goods that come into the country are imports of raw material for manufacturing purposes, and we receive no benefit from that whatever—that the great bulk of our imports are of the actual necessaries of life, and that therefore we are contributing to the revenue directly and indirectly to the extent of imports to the value of $16,000,000. I do not think hon. gentlemen will deny for a moment that under our present system our taxation is divided between the manufacturers who manufacture the raw materials and the government who receive a portion of it as revenue. I do not think there is any dispute about that at all, and I am prepared to acknowledge that a large proportion of the imports which come into the province of Manitoba from the east come

in as manufactured articles—manufactured in the eastern province, but, nevertheless the province of Manitoba in purchasing the necesseries of life, whether they are manufactured in the country or whether they are imported directly, pay a duty, under the present system, of 28⅜ per cent on all that comes back to them, and to that extent we contribute to the revenue of the country on direct imports. Now, if we contribute on $4,400,000 entered for consumption a revenue of $907,000, I contend that as we are entering for consumption into the province, goods to the extent of $16,000,000——

Hon. Mr. McCALLUM—Never mind parish politics.

Hon. Mr. BOULTON—It is not parish politics. You are getting the money and we are paying it. It is a very serious question for us, and those who receive the benefit have to show whether it is just or not. The revenue we are contributing from the province of Manitoba is something akin to the revenue that the hon. member for British Columbia has represented as coming from the province of British Columbia, $2,944,000. If my contention is correct, we are contributing a revenue of $2,000,000, so that between the provinces west of the great lakes there is in the neighbourhood of $6,000,000 of the $20,000,000 of revenue collected coming from the western country —a very large proportion indeed if you take the population that supplies it into consideration and in addtition to that there is the manufacturers tax. There have been complaints out west against the present government. There is a small bit of public work that the people of Winnipeg have been asking for, that is, the deepening of the canal at Selkirk Rapids, which would enable steamers to come all the way from Lake Winnipeg to the city of Winnipeg, instead of which Winnipeg is cut off from any trade in lumber and fish in consequence of those rapids. These public works have been before the government for many years. Nothing has been done. The present government have given no pledge or promise, even to that small extent, of carrying on any public work. There is no money expended on public works out there, and if there is reason for complaint from the province of British Columbia as to the amount of public work done there, certainly there is good ground of complaint for the province of Manitoba under the same circumstances. I do not propose, however, to go into any long speech upon the subject I have brought before this House on several occasions. I will bring it forward, whenever an opportunity presents itself in a decent and proper way, in order that I may impress on the people more and more the justice of our claim. The policy of the Conservative party has been to wait upon the British Government to get a preferential tariff from Great Britain and postpone any action in regard to the regulation of our domestic mode of raising a revenue and diverting directly into the treasury the taxes imposed upon the people instead of dividing it up with the manufacturers as is being done to-day. But I think if the hon. gentleman from British Columbia would only support me in the contention I raise and say, remove the tariff altogether from the necessaries of life, he would not have the complaint to make that he is making to-day, that his province is contributing $2,900,000 to the treasury and getting practically nothing back from it except the per capita contributions from the Dominion. If he would adopt that system I think he would find the relief given to the promotion of industries in British Columbia would multiply them many fold. It certainly would be the case in the province of Manitoba. To wait on the British Government to do what they expect is I think, futile. We have seen what Sir Michael Hicks-Beach has said about expenditure in Great Britain, and the mode of raising an increased revenue for the forthcoming year.

The free trade policy of Great Britain has this year maintained its character, and has produced a surplus revenue of $7,500,000. In consequence of increased expenditure for naval affairs it is anticipated that the revenue next year, without new taxation, would not be sufficient. Has the British Government put forth the slightest idea that they propose to tax the food of the people or put any tax on the necessaries of life? No. The adoption of the resolutions of Sir Michael Hicks-Beach in the Imperial Parliament for the raising of fresh revenue for the coming year in view of the continued naval expenditure by an increased duty on wines and an increased tax on foreign and colonial bonds should open the eyes of those who are striving to base the commercial policy of Canada

upon the assumption that it would be to the advantage of the British Empire to cause the British Government to tax their import of bread stuffs and provisions for the benefit of the colonies by a discriminatory tariff in their favour. I have long since learned to realize that like Sampson of old when the secret of his great strength was discovered and he was rendered powerless by the cutting off of his hair, so it would be to the British Government should they change their policy to one of protection, and through that policy the secret of their present day financial strength should be discovered, and it is unwise for her family of nations to unwittingly act the part of Delialah in laying a foundation for her commercial prostration. To ask her to discriminate against the world would unite the world against her in commerce and as protection is the parent of war, while free trade is the husband of peace, what proportion is Canada prepared to bear of the war debt that would be created in fighting the united nations of the earth should such a misfortune occur? The day is gone by when war is to be fostered for its own sake. To trade with our best and most profitable customer upon an equal basis strengthens our united trading powers, but to ask the people of Great Britain to weaken their commercial policy for our benefit would prove unprofitable for us in the long run and would show little self-reliance on our part. I am not in sympathy with any effort to cause the British Government to put Canada upon any different footing with the rest of the world in the taxation of joint stock enterprises floated there. I have no sympathy with the Hooleys who make themselves wealthy in in one day by the floating of securities, which as a general rule become wealthy monopolies in the home of their birth or die a speedy and unnatural death, and if the promoters of these enterprises are taxed five shillings in the one hundred pounds on their bonds, stocks and shares, to strengthen the revenues of the mother country very few in Canada will be affected by it, and the fair fame of Canada will not be so much jeopardized by the attempt to impose wild cat schemes upon the British public, which legitimate Canadian enterprises suffer from in credit.

Hon. Mr. MILLS—I have been unable, although I suppose it is due to my own want of intellectual acuteness, to trace the connection between the speech of the hon. member from Marquette and the inquiry which the hon. gentleman from British Columbia has put to myself and my colleagues. I could not help remembering a funeral sermon that I heard delivered a great many years ago that occupied a good deal more time perhaps than it ought, and an old gentleman, who was intensely interested in the Oregon question at the time pending between the United States and Great Britain, said "we have listened to this gentleman for an hour and a half talking to us most earnestly and he has not said a word about the question in which we are all interested—the Oregon question." Now, my hon. friend has spoken of a subject in which I think we are interested, and which does not happen to be strictly pertinent to the question which the hon. member from British Columbia brought before us for our consideration; but I do not exactly understand the position of the hon. gentleman who is making this inquiry, nor do I strictly see the relevancy of the question and the observations which he has addressed to this House on the present occasion. My hon. friend complains that the British Columbia people are not represented in the present administration. My hon. friend thinks the British Columbia Government is one in which neither the British Columbia people nor any others ought to have any confidence.

Hon. Mr. MACDONALD (B.C.)—I did not say so.

Hon. Mr. MILLS—Why should he desire that some British Columbia representative in Parliament should have the evil fortune of being a member of this administration? My hon. friend does not wish ill to any one, and yet if he is correct in his view of the administration, he certainly is wishing somebody ill when he desires that a member returned to the House of Commons from British Columbia, or any gentleman who sits in this House on behalf of that province, should become a member of the government. My hon. friend does not repudiate the doctrine that evil communications corrupt good manners. He does not suggest that we should take into the present administration a pure minded man from British Columbia without having himself condemned by him as a member of the administration. I am inclined to think that,

notwithstanding his disposition to be always against the present administration, he, nevertheless, has not so great a want of confidence in it as he has from time to time enunciated in this House. My hon. friend has spoken of the remarkable progress that British Columbia has made during the past two years and has referred, not only to the progress of British Columbia, but to the progress of several provinces on the Atlantic coast. The progress as indicated by the imports and exports of these provinces is very considerable. It has been a remarkable progress, such as the country has never exhibited before. That progress has taken place under the administration in which my hon. friend nas no confidence.

Hon. Mr. MACDONALD (B.C.)—I did not say so.

Hon. Mr. MILLS—What else has my hon. friend always said? Is the hon. gentleman prepared to declare that he has confidence in the present administration?

Hon. Mr. MACDONALD (B.C.)—Yes, when it is right.

Hon. Mr. MILLS—But the hon. gentleman thinks it never is right. Then there is another thing that I notice about the observations which the hon. gentleman addressed to the House. He says in effect that we are not spending money enough in British Columbia. I do not know how that may be; I thought we were spending pretty generously in every province of the Dominion, but my hon. friend will see that we proposed an expenditure last year in British Columbia which he fiercely fought, and therefore I am not at all sure, if we were to propose an expenditure in that province now, whether there is a single expenditure which we could make that would meet with his approbation.

Hon. Mr. BOULTON—Did not the hon. minister say last year that that enterprise was not going to cost the country a penny?

Hon. Mr. MILLS—I suppose while it would cost the country not a penny in money, the hon. gentleman would not say that the road would be built for nothing. If there was to be no public expenditure upon it, he would not say that the purchase of rails, the work done on the track, the building of embankments, the employment of labour, and the consumption of food and clothing within the province of British Columbia did not mean anything to British Columbia. I need say nothing further on that question. My hon. friend who has interrupted me will understand that an expenditure may be one of vast importance to a country—may be one involving a very large sum of money in outlay, and yet, after all, not cost the public treasury anything. That was the position in which the case to which I refer stood. The hon. gentleman says, Why don't you give representation in the cabinet to British Columbia? I am not in a position to answer the hon. gentleman's question at this moment. I have no doubt British Columbia will obtain representation, but let me say to the hon. gentleman that I suppose if his wishes were met and a member of the House of Commons was offered a seat in the cabinet, that he would abandon his place for the time being in this House, would go back to British Columbia and, after complaining that British Columbia was not represented, he would do his best to prevent her being represented and defeat any one who might be offered the position. Does my hon. friend say he would not do that? Let me say further, the hon. gentleman has spoken of the very large imports in British Columbia. British Columbia is growing rapidly. British Columbia is a prosperous province, quite as prosperous as any other province in the Dominion. I am sure I rejoice, as I hope every hon. gentleman in this House does, that British Columbia is making rapid progress, that it is growing in wealth and population; but my hon. friend has a curious way of counting what the benefits are that British Columbia has received, and I am perfectly sure that he would find very few in this House, whether from British Columbia or elsewhere; who would agree with the views he has expressed. He has referred to the Crow's Nest Pass Railway as if only a small section of that were in British Columbia, and he undertakes to aportion out the advantages to be derived for all time to come in proportion to the population of the entire Dominion. I do not think my hon. friend from Prince Edward Island would be willing to admit that that road is of the same consequence to Prince Edward Island as it is to British Columbia and that she should pay because she has a larger population perhaps at the moment than British Columbia, a larger sum towards

the construction of the Crow's Nest Pass Railway. I do not think that is the rule which would be applied to the construction of public works in any part of the Dominion of Canada. I apprehend that the fair way to ascertain on the whole the value which public improvements are to any section of the Dominion is to look and see geographically in what section of the Dominion those improvements are being carried on, and while I hope the construction of the Crow's Nest Pass Railway will be of the greatest value to British Columbia in developing its resources and in securing to it an additional population, I at the same time maintain that it is of far greater consequence to British Columbia than it is to my other portion of the Dominion. Then my hon. friend has referred to the imports as though all the imports landed at Victoria or Vancouver were imports for consumption at home. My hon. friend will not say that the teas imported from China and Japan, which are landed at Vancouver and Victoria to be transhipped eastward are all confined to the province.

Hon. Mr. MACDONALD (B.C.)—No, they do not count at all in our figures. Those goods go through in bond and are not entered at the customs-house at all and are not taken into account.

Hon. Mr. MILLS—The tonnage the hon. gentleman gives is 1,942,672 tons. Surely the goods imported, whether consumed in the province or brought further east, are included in that tonnage.

Hon. Sir MACKENZIE BOWELL—That is simply the tonnge?

Hon. Mr. MILLS—Yes. I may make a similar observation with regard to what the hon. gentleman has said with reference to the construction of the Canadian Pacific Railway. While the Canadian Pacific Railway cost a great deal more in the mountainous country than in the prairie section, its estimated value to British Columbia and the North-west Territories and all other portions of the Dominion is, on the whole, fairly determined by the cost of construction of each particular portion. That may not always measure the precise value, but it is the only way you have of estimating with any degree of approximation, and I think the hon. gentleman will see that although at the present moment British Columbia is not represented in the government it has not been neglected on account of that. British Columbia has a number of able and active members supporting the present government, who keep the administration constantly informed of the interests of the province. There has been a continuous effort to keep in touch with the people of British Columbia, and to ascertain as far as possible the wants of that province, and one thing is perfectly certain, that with the present representation from British Columbia supporting the administration, that support would not be long continued if the wishes of the province were disregarded. It is of consequence that the interest of every section of the Dominion should be carefully considered. All that, perhaps, it would be in the public interests to do for the time being cannot be undertaken because our revenues and our resources are limited. Those which are of the greatest consequence, having due regard to all portions of the Dominion, are those which must first be considered, but the progress which the hon. gentleman has given figures to show, has been so great within the past two years, and the progress is so certain that I have no doubt that all the wants of every section of the Dominion will at no distant day be fully considered. We have drawn to British Columbia a very large population by the variety and wealth of her mineral resources. We are having a large population invited to our North-west Territories by its agricultural possibilities. We have a considerable population drawn to the older provinces by the resources in pulpwood and in agriculture, and I have no doubt whatever, with the careful consideration that is given to our immigration requirements, that Canada will during the next 5 years make a progress more rapid than it has hitherto known in its history.

Hon. Sir MACKENZIE BOWELL—It was not my intention to take part in this discussion for many reasons. The same question has often been brought before this House, but the hon. gentleman who has just resumed his seat has attributed motives to the hon. gentleman from Victoria which are not at all justifiable. He insinuated that because the hon. gentleman was not a supporter of the present government, therefore he should not advocate the admission to the cabinet of a representative from

British Columbia for fear of the contamination, which he might receive by association with the hon. gentleman who made that speech. If he had any recollection of the past history of the Senate and the action of the hon. gentleman from Victoria upon the question which is now being discussed, he would not have attributed to him such motives. Ever since I have had the honour of a seat in this House, no session was allowed to pass, while I was in the government, without a demand being made by the hon. gentleman who has made this claim for representation of the province in the cabinet of the country; and when a representative of British Columbia was selected to assume a very responsible position in the government and given a portfolio, the opponents of the then government opposed his re-election when he went back to the people of British Columbia for approval. Now the hon. Minister of Justice has attributed the action of his own political friend, and the course which he pursued, to the hon. gentleman who has just delivered his speech and made this motion. I refer now to the gentleman who occupies the important position of Lieutenant Governor of British Columbia. We know with what persistency that gentleman urged upon the late government the same policy that has been urged by my hon. friend. I know also the many times that I had to rise in the seat now occupied by the hon. Minister of Justice to combat the contentions of my hon. friend who sits on my left, so that he is perfectly consistent with what he has done to-day, comparing it with his past record. I am in accord to a very great extent with the closing remarks of my hon. friend as to sectional representation, but unfortunately it has been the practice in the past and I very much fear it will be the practice in the future. I may say that while I was at the head of the Customs Department I was gradually bringing them down to adopting the system of making returns that is pursued by the United States, that is to say, to eliminate as far as possible that sectional character that has characterized not only our politicians, but all of us from each section of the country, and to give the trade and navigation returns of the Dominion as a whole, so as to avoid as much as possible the sectional views which many of us held upon that question; but my hon. friend thought he was making a good hit I suppose on the Yukon question. There is a difference between legitimate and advantageous expenditure of the public funds and the squandering of public funds for a work which would be absolutely useless. I mean, to say further, that if the reports come down for which I have moved, of the engineers who were sent out by this government to explore and investigate that route, it will be shown that the action of the Senate in reference to the Yukon district will be approved by the people now and for all time to come. The very fact that they gave a monopoly for five years to contractors, the fact that those contractors refused to enter into the bargain without that monopoly, is the best possible evidence to the people of this country who have paid any attention to it that they looked upon the road as utterly useless. I am not permitted to give the opinion that those gentlemen expressed to me in conversation, but this I do know, that they would not have accepted that contract even at the enormous price which they were to receive, had they not had that monopoly for that length of time, for the simple reason that they knew the Stikine route to Teslin Lake never can be made to compete with that from Skagway or Dyea or Pyramid Harbour, and so does every one else know who has given the subject the slightest attention, so that my hon. friend was perfectly correct in the position he took that money should be appropriated for the development of the country, and opposing that, which he knew, from his personal knowledge and from the representations which had been made, and even from the reports published by the government—the hon. gentleman's report in 1874, where he pointed out in the map shown in the records that there was only about two feet of water in the Stikine in certain seasons of the year—that that route was useless, and that any money expended on it would be wilfully wasted under the circumstances. My hon. friend is extremely dexterous in changing from one point to another. He pointed out what the effect of the bonding system was. That may be true, but what about the tonnage? What has that to do with the question? We know hundreds of ships come into the provinces in ballast, the tonnage is credited to the port, but that has nothing to do with the imports. The one shows the tonnage of the shipping coming into the port, and the

other shows the imports from different parts of the world to the port. There is no relation of the one to the other so far as statistics are concerned. I was glad to hear the admission made by the hon. gentleman in his closing remarks. He said, in reply to the demand made by the senator from Victoria, that at no distant day all sections of the country would receive consideration. That implies, that they have not received that consideration in the past. That is what my hon. friend complains of, that they have not received that consideration in the past either under the old administration or present government, but he has this gratifying reflection, that in future they are going to look after the interests of all. Let us hope, if they continue to occupy the places they now hold, they will look after all the sections of the country and treat them all alike. British Columbia is not on a parallel with the other provinces, but there are reasons for that. The development of her mineral resources, her great wealth, in fisheries and lumber, all tend to the advancement of that country, and it is only another evidence of the wisdom of the late Premier of this country, Sir John Macdonald, in pushing through the construction of the Canadian Pacific Railway at almost any price. These developments have resulted, to a very great extent, from the facilities which have been given to get into that country. He says that my hon. friend to my right (Mr. Ferguson) would probably not take the same view as to the proposed railway as my hon. friend to my left. The gentlemen in Prince Edward Island who have an interest in the mines of British Columbia, and more particularly in the Kootenay district—and many of them have invested largely in those mines—take just as much interest in the construction of the road and the benefits to be derived from it as my hon. friend does.

Hon. Mr. MILLS—That was not my point at all. My hon. friend in speaking estimated how much of the Crow's Nest Road might be fairly charged to British Columbia, and he was estimating on the basis of so much per capita, and I pointed out that that was not a fair way of estimating, because the hon. gentleman from Prince Edward Island would scarcely agree to assume all that expense in proportion to the population.

Hon. Sir MACKENZIE BOWELL—The question is how far the people of the Dominion are interested in the construction of that road, and whether the people of Prince Edward Island are prepared to pay their share. A broader view should be taken of all these questions, and that view should be, what is the result that is to follow from the expenditure of money either in the construction of the Canadian Pacific Railway or the Crow's Nest Pass Railway, or a branch line on the Island of Prince Edward, and if it is for the benefit of that particular section, and it is also for the benefit of the whole Dominion, then we should be quite satisfied each and individually to pay our share. That is the position I take in reference to that matter. I do not propose to continue the debate any further, but I repeat that the Minister of Justice was unfair in attributing to the hon. member from Victoria——

Hon. Mr. MILLS—No.

Hon. Sir MACKENZIE BOWELL—The hon. gentlemen, may shake his head, it does not make any difference; the shake of a wise head will not change the fact—he attributed to the hon. member from Victoria that which he was not justified in attributing to him. My hon. friend from Victoria was perfectly consistent in what he did to-day, as will be seen by looking back at his record in the past; and whether he has confidence in my hon. friend or whether he thinks the hon. gentleman who sits to his left will be contaminated by sitting with him, or not, is of no consequence; but he believes that if the hon. gentleman sitting by his side, or any of the gentlemen who were elected to the other House, were in the cabinet, British Columbia would get more consideration than she does now.

Hon. Mr. TEMPLEMAN—They would raise the standard of the government.

Hon. Sir MACKENZIE BOWELL—I have heard of raising standards before, and I have heard of raising standards of purity, but I am not going to be led into a discussion of that subject just now, but if this is a raising of the standard, God help the future.

Hon. Mr. MILLS—I just wish to correct one word. My hon. friend from British Columbia, complains there was not anything

of an expenditure there, and he claimed that only some $1,900,000 of the Crow's Nest Pass expenditure ought to be considered as pertaining to British Columbia. My hon. friend has evaded that statement. It was that statement I had in my mind which I wish to correct.

Hon. Sir MACKENZIE BOWELL—He has been complaining of that for years.

Hon. Mr. MILLS—Of what?

Hon. Sir MACKENZIE BOWELL—Of the expenditure.

Hon. Mr. MACDONALD (B.C.)—I was not surprised at the answer given by my hon. friend the Minister of Justice. I did not expect any definite answer, but I did expect that a gentleman in his position would not always make a personal attack on myself. But the argument amounts to this, that because I do not support the government of the day I have not a right to stand up and advocate the interests of my own province. On this occasion I did not say one single word against the government, and as I said in reply a few minutes ago, I am perfectly willing on all occasions, when there are measures before the House which are in the interests of the country, to give my support to those measures. I do not care if my own friends were in office to-morrow, I would oppose them if I thought they were wrong and trying to injure the country. The hon. gentleman said that I do not support the government and therefore have no right to claim representation in the cabinet for British Columbia. I do not expect to be called into the cabinet, either by this government or any other government; but there are supporters of the government in Parliament—men capable of taking seats in the cabinet, and I am speaking for them and for the province, and I should be perfectly willing to see any of those gentlemen called into the cabinet. They would be part of the government and would look after the interests of the province. The hon. Minister of Justice accused the hon. gentleman from Shell River of bringing in extraneous matter, yet he follows the same course himself. He brings in the Yukon Railway project, a matter outside of British Columbia.

Hon. Mr. MILLS—How much of the 150 miles was in British Columbia?

Hon. Mr. MACDONALD (B.C.)—I do not know how much of it; the boundary of the province in that direction has yet to be determined. The first part of the route was in United States territory, although it is spoken of as an all-Canadian route by the hon. gentleman and his friends. It is a North-west matter, not a project in the interest of British Columbia.

Hon. Mr. MILLS—The road was to extend southward.

Hon. Mr. MACDONALD (B.C.)—Some of us cannot forget being pedagogues and bringing up matters extraneous to this question. While I am here I shall stand up for my province whether I gain anything by it or not. With all the hon. gentleman's anxiety to find fault with me, he had to approve of those figures set forth in my motion. There is evidence of what the province has done, whether it receives justice from the government or not.

Hon. Mr. DEVER—As I understand this question, the hon. minister said he did not think the hon. gentleman for Victoria represented his province.

Hon. Mr. MACDONALD—That is not what he said at all.

Hon. Mr. DEVER—On the contrary, I claim that the hon. gentleman misrepresents it. He has gone against its true interests. The real representatives of British Columbia, when they speak to the government, will be listened to, but when an hon. gentleman who does not represent British Columbia, but is an enemy of British Columbia, rises to speak for the province, he should not be listened to. The Minister of Justice is perfectly right in not paying the slightest attention to men who act and speak here merely from an opposition standpoint, and who opposed the true interests of British Columbia last year in this House when the Yukon Bill was before us, and when that hon. member went back to his own province, as I am informed he had good reason to regret the course he pursued here. These are the views which make the Minister of Justice assume the position he has taken, and very properly so.

PENITENTIARY BINDER TWINE.

INQUIRY.

Hon. Mr. PERLEY rose to :

Ask the Government, how the price obtained this year for the output of Binder Twine from the Kingston Penitentiary compared with the price obtained for the twine sold from the same factory in 1895 and 1896?

He said : This question was to have been asked the other day but was overlooked. In the meantime, the hon. Minister of Justice has given me the prices that the twine was sold for in other years previous to this year. The price of binder twine this year is what I should like to know. I may say in this connection that I do not think the policy of the government in selling twine this year has been a good policy. I do not say this in the way of opposing the government at all, but in my judgment their policy is a bad one and does not compare favourably with the policy of the late government. The former administration sold the twine, not to one individual but to several individuals. I know it was sold in car load lots, and in that way the twine was not placed in the hands of one concern who could make a monopoly of it. It would be very much better, in my opinion, in the interests of the farmers, who have to buy the twine, and of the country generally, if this twine had been sold in smaller quantities, in car load lots, so that there would be competition. It is not the duty of the government to see that men make money out of the twine. The object of having it manufactured at the penitentiary is to keep down monopoly. The late government sold it at the lowest possible cost with a reasonable profit, and in that way sold it to different men who were competing with each other, and the farmers could get it at a reasonable price, and the merchants were not in a position to make extravagant profits. I am informed that the price of twine this year is double what it was last year, because the twine manufactured at the penitentiary does not come into competition with other makes, and in that way keep down prices. I do not know why the government should sell any article under such conditions that the country should not know the price of it. I do not know why the interest of one individual should be more than the interests of the great mass of the people. When articles are sold at public auction, everybody knows the price and on what terms the twine was sold. I think the system of selling to one individual is detrimental to the best interests of consumers of binder twine in Canada.

Hon. Mr. MILLS—We have adopted the system of advertising and accepting tenders for twine as one which, on the whole, was the best in the public interest. The hon. gentleman refers to the practice that prevailed of selling the twine in smaller lots to accommodate those who were in the business. It is just a question whether you deal with the primary dealer or with those parties with whom the primary dealer has transactions. The reason for abandoning the former practice before I came in was, that a good deal of that twine is still unpaid for, and it was easier to sell twine in small lots than it was to collect the money after it was sold. Some portion of that money is still uncollected. It was to profit by the experience in that regard that we adopted the system of advertising for tenders and selling for cash on delivery to the highest bidder. The man who tendered the highest price is the man who got the contract. Sometimes, no doubt, the parties who tender undertake to come to an understanding among themselves, but this year, fortunately, that was not done, and we have sold at a higher price than at a former period, and still not at a price that would be extravagant to those dealing in the article.

Hon. Sir MACKENZIE BOWELL—May I ask whether the sum for which the twine was sold has been paid by the contractor or by any retailer?

Hon. Mr. MILLS—I think it is owing by the party to whom the twine was sold.

Hon. Sir MACKENZIE BOWELL—Would that be Mr. Connor?

Hon. Mr. MILLS—I think he is one of the parties.

Hon. Sir MACKENZIE BOWELL—He is not a retailer.

Hon. Mr. MILLS—Then he is a purchaser I have not seen the figures for a long time. There is a party in the North-west who still owes who bought at an earlier period. There is no reason why we should change the practice that existed at the beginning except to profit by the experience of the former government. Men profit by experience in the sale of this article as they do in the sale

of other articles, and we adopt that system which gives us some compensation, and at the same time secures certainty of payment. With regard to the price, I may say to the hon. gentleman it has never been the practice of the department, any more than I suppose it is the practice of the manufacturer outside who sells to a wholesale purchaser, to give the price at which the party has purchased until the article is marketed. That has been the uniform practice of the department, and we have not given the price the same year that the twine has been sold. We always give it the next year, and we think that is fair to the parties engaged in the transaction; but apart from that, there are reasons of public interest, some difference having arisen between the contractors and the government, to make it undesirable to state the price at which we have sold the twine. I might say we have sold it at a good deal better price than it was sold at last year or the year before.

Hon. Mr. PERLEY—For cash?

Hon. Mr. MILLS—Yes. I may say to my hon. friend that at the present day the raw material is very much higher than it has been since binder twine began to be manufactured. Manilla, I suppose, has been affected by the United States war with Spain. The Sisal is also selling at a higher price, and you cannot purchase the raw material at the price that the manufactured article was sold for a few months ago. I trust my hon. friend will not press this question, because it would be detrimental to the public interest to give the price at the present moment.

Hon. Mr. FERGUSON—Have the government taken any action to enforce the payment for the twine that has not been paid for?

Hon. Mr. MILLS—Yes, we have, and we hope, on the most of it to get our pay.

Hon. Sir MACKENZIE BOWELL—I must confess I do not see how the public interest is to be affected by letting the world know how much the government gets for binder twine. Neither can I understand how the fact of the raw material, being dearer to-day than it was three months ago, affects the contract into which the government has entered with the purchaser of binder twine. If the government entered into the contract some time ago with the contractors to purchase the output of the penitentiary, and the raw material has increased since that period, that would affect the government, not the contractor, and hence it would not affect the price at which he would be able to sell it to the consumer. It might be that the sisal, or what has been termed New Zealand hemp, or hemp itself, might be twice the value to-day it was when you entered into the contract, but the contractor is not affected thereby, because he holds the government to the contract, and if he could afford to sell at 8 or 10 cents a pound under the bargain he has made with the government, the fact that the raw material would cost 12 cents to the government in order to enable them to give the twine to the contractor, would not affect the contractor in the least; but it may enable the contractor to combine with other manufacturers in the United States who would come into the country, to raise its price to that which would be put upon the article manufactured in the United States from the raw material which had enhanced in value. Why it would not be in the material interests of the country that the farmer who consumes this article should know what profit the contractor is receiving, I confess I am too dull to comprehend. We know that after the contract was entered into last year by a gentleman in the west, that under the pretext of an increase in the value of raw material, he increased the price to the consumer about 60 per cent.

Hon. Mr. DEVER—That is perfectly right. That is commerce.

Hon. Sir MACKENZIE BOWELL—It might be for the hon. gentleman.

Hon. Mr. DEVER—Or with any other man in trade.

Hon. Sir MACKENZIE BOWELL—The excuse given by the contractor at that time was that the raw material had largely increased in value owing to the war between the United States and Spain, which affected those portions of the Spanish possessions where the raw material was produced. But that is not true, because the binder twine that was manufactured for consumption last year was manufactured out of the raw material imported the year before. We all know that the

binder twine which is placed in the market to-day is the product of the raw material which was imported last year.

Hon. Mr. MILLS—No, my hon. friend is mistaken.

Hon. Sir MACKENZIE BOWELL—I am not mistaken. Every year's supply of binder twine is made before the harvest comes in, and could only be made out of raw material that was imported a year or six months before, consequently the Spanish war had nothing whatever to do with the price of raw material last year. It may affect it this year, I admit, because the probabilities are that the raw material imported from the Phillipine Islands will be increased in price. The object of the late Sir John Thompson, when Minister of Justice, and the object of the late government in utilizing prison labour for the production of binder twine was to benefit the farmers of this country. That was the policy of the late government, and the reason for investing largely in the material out of which the binder twine should be made. If that be the case, why are we so particular as to the profits which may be made by the merchants who purchase it? The policy that should be pursued by the government, carrying out the old policy, should be to place that binder twine in the hands of every farmer in the country, whether it be Ontario or the North-west Territories, at the minimum cost to the government of its production; and the suggestion made by the hon. gentleman from Wolseley (Mr. Perley) could easily be carried out. There is no necessity to lose if you sell by the carload. Every merchant knows, if you sell a carload of goods to collect on delivery, that there is no possibility of its being a loss.

Hon. Mr. MILLS—Does the hon. gentleman pretend to say that the late government bargained with the contractor who bought the binder twine that he should sell it to the farmer at a particular price?

Hon. Sir MACKENZIE BOWELL—I did not say anything of the kind. That is just what I am complaining of. My argument was that as the policy of the government was to produce an article by prison labour which could be placed in the hands of the farmers at a cheaper rate than if it were manufactured by ordinary labour, where we would have to pay double the wages or three times the wages, that they would be enabled to give it to the consumer at a much lower rate than under other circumstances. That should be the policy.

Hon. Mr. MILLS—They sold at the market rate.

Hon. Sir MACKENZIE BOWELL—I know they did, but they have not done what you did. The present government so placed it in the hands of one or two people who had a monopoly of it and could take some 60 per cent out of the farmers more than they were entitled to. The *Farmer's Sun* dealt with this question logically and very convincingly. I do not desire to be understood as making any party point out of this matter I say that the policy of my hon. friend should be one which would give that twine to the people who use it at the lowest possible price. I care not what position you take in the matter, the policy of placing the whole output of the bindery in one hand is not good. The result is you enable the purchasers to enter into a combine with the United States manufacturers to put what price they like on it. The fact that to-day binder twine is on the free list enables the contractors—I think they are the same contractors with the Ontario Government for the Central Prison twine—to enter into a combine with the United States manufacturers to ask what price they like for it, because most of, if not all, the competing manufacturers in the country, owing to the placing of binder twine on the free list, have been shut up; and it places Canada in the same position as if she were a state of the United States, and consequently the manufacturers in the United States and monopolists who have the contracts with both the governments in Canada enter into a combine and charge the farmer what they please. That is the practical result of the system which has been followed. Why should not the world know what Mr. Hobbs paid for this twine? If the hon. gentleman will give any reason why the farmers should not know the profit that is being made, I could understand the argument of my hon. friend. But he says: We have entered into a contract with a gentleman who has to take the whole output of the penitentiary, and we must not let the price be known to the farmers who

purchase it, for two reasons: First it may affect the profits of the contractor, and secondly, it may show that having entered into the contract, the government now have to pay a larger price for the raw material: ergo we are losing by it and the contractor is making money by putting what price he thinks he can obtain for it consistent with the price named by the producers in the United States. That is really the position. The sooner my hon. friend considers the question and comes to the conclusion that the policy of the government should not be to make money out of but to utilize the prison labour, the better. We have heard over and over again about the down trodden farmers, and how shockingly they were bled by the late government, but when we introduce a policy to benefit them we find that under the policy of our successors the profit which should go to the farmers is given to a few speculators, and the government refuse to tell us what they sold the twine for, for fear it should hurt Mr. Hobbs the monopolist. It is not a policy which they can justify before the country.

Hon. Mr. DEVER—I threw out an interjection while the hon. gentleman was speaking, and I think I was justified in doing so. The hon. gentleman seems to argue that binder twine should be made for the benefit of the farmers of this country. As I understand it, the government were simply merchants in this case, like other merchants. They were producing an article for the purpose of selling it in the country to the farmers at a legitimate price. If they carried out the argument of my hon. friend very fully, I do not see why the government should not do the same thing with flour or any other article of merchandise used in this country. Why should not the government manufacture wheat into flour for the benefit of the labouring classes at very low prices as against other manufacturers? The farmer gets the twine at a fair price, and I do not see why he should think of getting it at a reduced price and compel other citizens of the Dominion to contribute to give it to him at a special price. With reference to the objection that the merchant should not ask the advanced price for it because they had purchased this from the government at a time when the raw material was at a low price, hon. gentlemen know enough about the logic of business to understand that if goods go up in the country after the merchant makes the purchase, he has a right to profit by the advance in price. Why should a man sacrifice his merchandise when he knows that when his goods are sold he has to replenish them at a higher price? Why should he do it to oblige his customers? It would appear, from the argument of the hon. gentleman, that because the government purchased a year ago they were able to sell it to the merchant at a low price. Admit that, I say again, does it follow that they should be compelled to dispose of this merchandise at a reduced price, 30, 40, or 50 per cent lower than it could be sold for at public auction? No hon gentleman can endorse such a proposition as that, or expect any such a concession, I think the argument of the hon. gentleman is simply an argument for protection's sake, to make it appear there was something wrong being done where we cannot see anything out of the way, and nothing against the legitimate system of doing business in this country or any other when merchants know their duty to their customers and the public.

Hon. Mr. BOULTON—It seems to me the government has entered into the manufacture of binder twine—both the Provincial any Dominion Governments. To what extent they supply the proportion of binder twine to the country I am not prepared to say, but with regard to the western country we have about 2,000,000 acres under cultivation in the North-west and Manitoba and we consume on an average about two pounds of twine to the acre. If the crop is very heavy we will consume more, but that is a fair average. That is 4,000,000 lbs. and at the cost of one cent amounts to $40,000, to western farmers, and every cent that binder twine goes up represents an increase of $40,000, which is added to the tax we have to pay in the carrying on our industry. If the government have raised the price one cent by making a secret sale to the purchaser of their twine, thus enabling him to combine with other manufacturers to raise the price, that is hardly fair in view of 60 per cent last year for the Brantford Company—they are entering into a combine with the manufacturers so as to keep up the contract price.

Hon. Mr. McCALLUM—And with the contractor too.

Hon. Mr. BOULTON—Yes, so as to put money in the pockets of the contractor who was buying from the government. That is what we complain of so far as our manufacturing industries are concerned. We are taxed heavily by a monopoly which apparently the government are concerned in by selling the binder twine at a price they refuse to divulge. I see by the returns that we import $57,000 worth from the United States. That is not a very large proportion, however. At 10 cents a pound we would be consuming $400,000 worth and the United States are furnishing $57,000 worth, at 8 cents the cost would be $320,000. but every cent rise, as I said before, is $40,000, The price of binder twine has gone up and it is going to be a costly affair, and two pounds to the acre is a heavy charge. By the action of the government it would seem that the interest of the sellers were uppermost in their minds at the expense of the purchasers.

Hon. Mr. MILLS—Perhaps my hon. friend will permit me to make an observation with a view to correcting a misapprehension. I think my hon. friend will be obliged to revise his figures for he will find there is no such variation in price produced by the variation in the price of the binder twine as he suggests. I desire to say that, as I understand it, the manufacture of binder twine in the penitentiary is undertaken mainly for the purpose of giving employment to the convicts confined there and to enable the government to manage the penitentiary with as little cost as possible to the country. If we were to undertake what the hon. leader of the opposition suggests, and what the remarks of my hon. friend imply, we would be obliged to ask for a larger appropriation for the penitentiaries, for every cent you take off the price of the manufactured article would be so much less to the institution and we would be obliged to vote that much more for its maintenance. That is so clear that every one will understand it. There has never been a contract made by us, nor has there been a contract made by our predecessors in office, with the parties who purchased the binder twine compelling them to sell that twine at a certain figure.

Hon. Mr. McCALLUM—I do not think anybody finds fault with that.

Hon. Sir MACKENZIE BOWELL—No, that is not the question.

Hon. Mr. MILLS—We publish every year what was paid the year before, and we give the purchaser an opportunity, the same as every wholesale merchat gives the man who deals with him an opportunity, to tender. There is a further reason, as I stated to my hon. friend privately, that there was a controversy between ourselves and the purchaser with regard to the contract between us, and it would not be in the public interest to discuss the price at the present time. I may say to my hon. friend that we accepted the highest tender that came in. We advertised very generally and and we got a fair price—a higher price than we got the previous year. My hon. friend said the work was undertaken for the purpose of furnishing the article to the farmers at a cheap rate.

Hon. Mr. DEVER—Yes.

Hon. Mr. MILLS—If you sell the twine to a party who is at liberty to mark it at whatever price the market would enable him to get, then it is perfectly clear, no matter where the twine may be manufactured, whether in the penitentiary or outside of it, he would be able to sell it independently of your control. The control over him is the market value. We have binder twine being manufactured at Cenrral Prison and at Kingston Penitenary and by a company who are in competition with the Central Prison and I do not know how many more. There are those, at all events, who are competing with each other. Then the duty has been removed and the United States twine is coming into the market, and so you have as wide a competition to-day as you could have in binder twine. Under these circumstances, we advertise for tenders and get the best price we can, because if we were to put down the price to one-half of what we were getting, the farmer would not obtain his twine one iota less than the market value of twine. So I can see no object in undertaking to inflict a large loss upon the penitentiary, and a large demand upon the public treasury to make up the deficiency, mearly to enable the party who may enter into the contract with us to get the twine at a lower rate when it would in no way affect the value of the twine to the consumer.

Hon. Mr. McCALLUM—I know the object is to employ the labour in the penitentiary and to keep the prisoners at work, but what I complain of is that you allow the contractor to enter into a combination with foreigners in order to keep up the price. I think that the people of this country should know what arrangement the government makes with the contractors. They have to supply the money to feed the men who are making the twine. The answer the other day was that we were not to know what price the government get for the twine; I say it is in the interests of the people of this country and it is their duty and their right to know, and I am surprised that the Minister of Justice should answer the way he did. He will tell us, he says, a year hence. He will lock the stable after the horse is gone. We have a perfect right to know.

Hon. Mr. MILLS—Supposing our terms of contract are far above what the purchaser could sell the twine for in the market. Does my hon. friend think it is right for the public to know that and so affect his credit?

Hon. Mr. McCALLUM—He must use his brain when he makes a contract with the government, and if he makes a loss he must stand it, and if he makes a profit he should have it. I find no fault with the government for doing what they can to employ the prisoners, and I think it is a wise action on their part, but when the government wants to hide what they are doing from the people of this country and will not let them know till a year after, I think it is not right.

ALLEGED PLEBISCITE FRAUDS.

INQUIRY.

Hon. Sir MACKENZIE BOWELL rose to:

Call the attention of the government to the following telegraphic despatch which was published in the *Evening Journal* on the 12th of April instant, a newspaper printed in the city of Ottawa, as follows:—

GRAVE CHARGE OF CORRUPTION.

HOW QUEBEC'S BIG VOTE AGAINST PROHIBITION IS SAID TO HAVE BEEN MADE UP—LIBERALS ARE CHARGED WITH FALSIFYING RETURNS.

(Special to the *Journal*.)

Toronto, April 12.—George M. Webster, vice-president of the Quebec branch of the Dominion Alliance, and a Reformer in politics, has made a statement to a press representative, strongly denouncing the Laurier Government on the question of the plebiscite. Mr. Webster's statement has caused consternation in prohibition circles. Mr. Webster stated that the taking of the vote on the plebiscite in Quebec was attended by the grossest corruption.

"Ever since the plebiscite in Quebec," said Mr. Webster, "strong and persistent rumours have reached the executive of the provincial branch as to the gross amount of fraud which occurred all through the province. This finally became so repeated and seemingly definite that the Quebec branch sent two men to investigate. Each went in lependent of the other, and neither knew that the other was in the field.

"The first, when he came back, reported universal appearances of fraud, but was unable to lay his hand on any concrete cases. The second man was William Henry Parent, of Ottawa, a man whose father was at one time a Liberal member for Rimouski, and who himself had been employed as an election agent and general party representative of the Liberal party for years, being sent into different constituencies to organize for elections, and at other times drawing revenue from the ministers or from the departments. This man reported when he returned that he had visited some thirteen constituencies.

"In every case, without a single exception, fraud was apparent and could be proven. His report showed in detail that say, in the county of Quebec at poll No. 1, parish of Beaupré, such a man was deputy returning officer, that at the day of voting 36 votes were polled and yet the next day the deputy returning officer would add from 50 to 120 votes against prohibition.

"This emissary returned from Quebec and brought a letter purporting to be written by E. Pacaud, editor of *Le Soleil*, the leading Liberal newspaper in the district, which contains a promise that the department would offer a position under the government to the emissary if he did what was requested of him. He did what was required.

"In the case of Three Rivers a deputy returning officer did the work only on consideration that he was to be made a forest ranger. This position was promised, and he is at the moment in the woods as ranger, drawing pay from the provincial Liberal government.

"In another case the deputy returning officer of one of the polling places, believing that the whole thing looked like a farce, as the officer was not sworn, went up to Quebec to ask for instructions as to what was meant. He there saw some of the chiefs of the Liberal party, whose names were given, and asked them what was required. They laughed and told him that if he did not know enough to know that, he had better resign his position and allow others to be appointed. This hint was enough for the gentleman, and the day after the election he put 75 votes in against prohibition.

"These are only sample cases of what went on all over the province, particularly in the French districts.

"In Quebec and Montreal gangs of men were driven from poll to poll, some voting as often as eight or ten times. The provincial branch, being much more anxious to benefit the temperance cause than to hurt or further any political party, submitted the evidence to a member of the government who was supposed to represent the temperance people. He recognized the seriousness of the allegations, all of which were sworn to before a justice of the peace. As a result, the Alliance was informed that the whole story was a fabrication, that the names of the deputy returning officers were not correct, and that the total number of votes given as being both genuine and those given as fraudulent were wrong. Indeed, the reports seemed to be a tissue of falsehoods.

"Permission to inspect the returns was asked for and refused on the ground that it might not be pleasing to all the members of the government, and

so all the executive did get was a list of alleged officials made out by the government employees.

"With a view of verifying matters, an effort was made to bring Parent forward to give evidence, but unfortunately, and here is the 'snap of the whip,' Parent, between the time this information was given to the government with Parent's sworn declaration as to the truth of the information and the time we wanted him to give evidence, had been appointed immigration agent and sent to Wisconsin, though not even then could any one be found who could give his address."

And inquire:

1. Whether William Henry Parent, the person referred to in the said telegraphic despatch has been appointed an immigration agent, or to any other position by the government of Canada, or by the government of any of the provinces in the Dominion.

2. Whether the government intends to appoint a Royal Commission to investigate and report upon the grave charges which have been made of ballot stuffing, and other frauds in connection with the said Plebiscite vote, on the 29th day of September, 1898.

3. That an humble Address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before the Senate, all correspondence with the government or any member thereof, relating to the subjects of the introduction of a prohibitory liquor law by the government, together with all affidavits and other documents having relation to the vote cast upon the question of prohibition, on the 29th day of September, 1898, and the alleged frauds in connection therewith.

He said:—With the permission of the House, I had better divide this motion and put the two questions first, and when answered I will move the motion for an address if it be deemed necessary. If the answers are satisfactory it may not be necessary to make the motion.

Hon. Mr. MILLS—I may say this is a rather unusual sort of proposal. It is part question and part address.

Hon. Sir MACKENZIE BOWELL—I admit it.

Hon. Mr. MILLS—And I think my hon. friend had better conform to the rules of the House and offer these as separate propositions. With regard to the first question that my hon. friend has put to me, I may say that this man is not appointed to the position of immigration agent or any other office in the gift of the Crown in connection with the government of Canada. What has been done in other provinces I cannot say, but I can say this much that he has not at all events been appointed in Quebec. My hon. friend has obtained from the Premier of the province the following answer:—

Wm. Parent has not been appointed immigration agent by our government and holds no position under us.

I do not know that we are called upon to be put on our trial because we are not in a position to answer what has been done by every other government in the Dominion of Canada. We are responsible for what we do ourselves as the government of Canada, and we are in no way responsible for what has been done by a local government. As far as I know, this man has not been appointed by any local government to any office, and I do not think that it is a proper question to put to us because it is a question which, before any answer is given, not merely implies dereliction of duty on our part, but conspiracy between our government and some local government to aid a man because he has committed some fraud in the discharge of a public duty. I think my hon. friend will see that the insinuation is a monstrous one to make against a government without any authority whatever. With regard to the second question, whether the government intends to appoint a commission, I am not aware that a commission is necessary. Here is a false statement that has been given to the public, that represents certain persons as being in the employ of deputy returning officers who were not employed. It represents certain things as happening at particular places which had never happened, and which the government know have never happened, and why should my hon. friend expect a commission to issue to inquire into a matter of that sort. If a man, proved to be a scalawag, represents a body that has an interest in a social or political reform, and if for the purpose of imposing upon people he represents himself as being what he is not, and certain men as being officers who are not officers, and represents a certain state of facts that do not exist, then I do not think the government are called upon to issue a commission to inquire into a matter of that sort. If there are any parties who believe these things who are inclined to think that Quebec above all places under heaven is a corrupt place, why, holding that view, let them make the inquiry. I do not take that view. I think human nature in Quebec is about what it is elsewhere. I say the percentage of votes recorded in the aggregate is about the same in Quebec as in the other portions of the Dominion, and I have no reason to think there were frauds committed in Quebec any more than in any other portion of the Dom-

inion, and so far as inquiry has been made into this matter, there are no indications whatever that there is any foundation for the charges which have been made and it would be giving an importance to the party who made these representations—if he has made them and I suppose that he has—in the public eye which he does not at all deserve. He is not a public officer of the government and he is not a public officer of any other government so far as I know.

Hon. Sir MACKENZIE BOWELL—Had he not been in the employment of the government formerly?

Hon. Mr. MILLS—He may have been. My hon. friend the Secretary of State says he was for a time in the employment of the post office.

Hon. Sir MACKENZIE BOWELL—It was admitted by the Minister of Agriculture that he had been in the employ of the government. My hon. friend exhibited a little feeling—I might say a little passion—in answering the questions I put to him. He ought to remember that when I put the question in the first place, I intimated that I did not expect an answer to that portion of the question relating to appointment by another government, because I anticipated precisely the same reply that he has given. Apart from that view, it is unnecessary to enter into the question of conspiracy between the provincial government and the Dominion government. I think I would be enabled to show that, as far as political matters are concerned, they have been working into the hands of each other, and into the pockets of each other, and that there has been a political conspiracy existing between them for a long time past. However, that is not my present purpose. It may come on at some future time when it will be more pertinent to the question at issue. My question was fair and legitimate. My hon. friend could have contented himself by saying this man was not in the employ of the department. He might have called him a scoundrel, as his colleague did, or a scalawag, or he could have simply said he knew nothing of his being appointed by any other government, but it would have been as well for him to have answered my questions before throwing out the insinuation he did as to what induced me to put this motion on the paper. I may say that I made them on the assertions of a respectable member of his party, a man who occupies the position Vice President of the Dominion Alliance in the province of Quebec. When I heard of Mr. Webster, a respectable citizen of that province, making these charges, I did not know that I was committing a breach of the rules of this House in asking if the statement made by a respectable man in the temperance organization, was true or not, and therefore have no objection to assume all responsibility in connection with it. We are told first that this man is not in the employment of the government, and I am bound to accept that statement. I am also bound to accept the statement of the premier of the province of Quebec. I impugn neither the one nor the other, nor shall I do so till I have good reason to believe that I am correct in regard to this man, whom he calls a scoundrel. Mr. Webster says Parent was in the employ of the government in the past, and the Minister of Agriculture says the same thing, and the Secretary of State admits that he was temporarily in the Post Office Department, in the employ of the government, yet they call him a "scalawag" and a "scoundrel." Mr. Webster states this Parent has been an organizer of the party to which my hon. friend belongs. I was told this man Parent was stumping in the Eastern Townships, organizing the Liberal party down there. I dare say, knowing him they thought him the best kind of man to send to the constituencies to organize them and get them into line, in order that they could give their votes and bring to power those who now occupy the treasury benches. But having acknowledged his character and reputation, and having told the world that he was a scoundrel and a scalawag, I can understand why he was appointed to organize the Liberal party. This is the gentleman whom they have selected to do their honest work in organizing the party that sent them to power. I will now move for the address which appears at the foot of my motion. If these charges which have been made public by the gentleman to whom I have referred, Mr. Webster, vice-president of the Quebec branch of the Dominion Alliance and a Reformer in politics, be not true, then in the interests of good government, and in the interests of those who have been slandered by this man Parent, there should be a thorough investigation

made. I cannot understand the line of reasoning and argument advanced in this House and in the lower House, that because they had been accused of committing irregularities in the province of Quebec that therefore, the honesty of the people of Quebec more than of any other section of the country, is inpugned. The same charges have been made against returning officers in the province of Ontario. I never looked upon them as being a charge against the general character of the people of our own province. It is only another evidence of the attempts which have been made constantly to raise a racial and religious war in connection with everything that comes before the country. Read the debates in the other House, and what does it amount to? That because the charge was made that this was done in the province of Quebec and in constituencies that are principally French, you are attacking the French race and their religion. Take the statements of the Minister of Agriculture and you can come to no other conclusion. What do they say when they refer to Mr. Monck who represents Jacques Cartier? They say you should not be permitted to make these statements, and they say it is an insult when he states that frauds have been committed in that constituency, and *La Patrie* calls down its vengeance because he has the audacity to tell these people that frauds have been committed. That is the way they got into power, and they expect to maintain power that way. If it were not unparliamentary I would say that a more disreputable course could not be pursued in a country such as this, composed of all classes of people. I repeat if Parent is the scoundrel that they represent him to be, and if he has belied these people in the province of Quebec, then it is due to the people of that province—it is due to those men who had the duty of taking these votes, and their character and their reputation, that his statements should not only be refuted but proved to be false. What are his statements? The Dominion Alliance, believing that fraud had been committed in recording the votes, sent this man into the constituencies to learn if possible how the election was conducted. How they got this scoundrel I do not know. The Dominion Alliance is composed of as respectable people as there are in Canada. They would not select such a man knowing his character to be bad. They must have selected him because they supposed he knew how to ferret out whatever misdeeds had been committed. Though it will take some little time, I propose to read some reports which this man has made, and will ask this House whether, in justice to the accused parties, there should not be a thorough investigation. Before doing so, I must give the Minister of Agriculture credit for having stated in the House of Commons, if I may be permitted to refer to what took place there, that he himself, after these charges were made, made an investigation, and he pronounces them all lies, as my hon. friend opposite me has done. He says, in justification of the course that he pursued, that he examined the record in the custody of the Clerk of the Crown in Chancery, Supposing he did, he may have found that some names which were given were incorrectly given. He may have found that the names which this man gave were not the names of the returning officers and clerks; but it would be impossible for him to tell, by looking at the returns in the hands of the Clerk of the Crown in Chancery, whether the ballot boxes had been stuffed or not. He would have to take the returns as they were given, and by that means he could ascertain the number of votes recorded, or rather which were upon the list; but he could not tell by any means whatever whether they were voters put there bogusly, or whether they were put there properly and regularly. If the hon. gentleman will turn to columns 1491-2-3 of the Commons Hansard, he will find the speech of the Minister of Agriculture in that connection. This is a very interesting statement that is made by this man Parent, and I shall read it in order that the world may know what the man reported to the Dominion Alliance. This document has been in the hands, I am credibly informed, of the Minister of Agriculture, the high priest of prohibition.

Hon. Mr. FERGUSON—Of anti-prohibition.

Hon. Sir MACKENZIE BOWELL—I judge him by his former reputation. He has been the mouth-piece of the prohibitionists. He has had this document in his hands for a long time, so I am informed, and the reference which he incidentally made to it in his speech in the House of Commons justifies the conclusion that it has been in his hands, and that no step has been taken,

other than a private examination by the minister himself, so far as we know, to ascertain whether the report is true or not. This man reports—I shall omit that portion which refers to the hon. speaker, because I have some doubts as to its correctness.

Hon. Mr. SCOTT—If it is incorrect in one point it must be incorrect in all.

Hon. Sir MACKENZIE BOWELL—I am speaking now of those with whom I have come in contact, and have a right to speak of. The report is as follows:—

To Major E. L. BOND,
Montreal.

The Counties of Lévis, Beauce, Montmagny and Kamouraska were visited by me during the last ten days, and sufficient evidence has been found to warrant an investigation by the government in that part of the county.

It will be remembered that on the night of the 30th of September last the telegraph reported that the anti-prohibitionists had carried the province of Quebec by about 40,000 majority. A few days after the majority in several ridings began to increase so enormously as to justify the fears that extensive frauds have been committed, and that long after the hour fixed by law, as the closing of votation had passed, some deputy returning officers with others whose names are given below, stuffed the ballot boxes.

In the county of Beauce, for instance, the majority was increased from 1,100 to over 3,300. The vote actually cast did not exceed one-fifth of the whole, being about 1,200. Now it appears that over one-half of the voters on the list have voted.

In St. François there are five polls. In poll No. 2, on the second concession, 37 voters registered at the polling before five o'clock. Edward Castonguy was deputy returning officer at the poll and he was assisted by Fred. St. Aubin and Robert Samours in the work of increasing the vote to 106. There were at the time about ten people at the poll and Castonguy asserted they were authorized by the government of the Dominion to do so.

At St. Frederic, poll No. 1, only 24 people cast their votes, as given out. At five o'clock no interest was taken and the vote was very light. It was a busy day for the farmers. Ninety-one votes were cast on Sunday evening by parties whose names were Louis St. Denis, deputy returning officer, Charles Malncour, hotel-keeper, and William Lavoie.

At poll No. 2, in the same parish, only 11 votes were cast between the hours of votation. Now there are 67. Capt. Alphonse St. Onge came in from Ste. Marie on an order from the government, he asserted, and 30 hours after votation the box was re-opened and 56 votes were cast. The same Capt. St. Onge did the same thing at St. Georges, where 71 votes were added to the 32 in the ballot box. At St. Victor de Tring, at poll No. 1 and No. 3 40 and 55 votes were cast fraudulently. The deputy returning officers in those two last polls were Pierre Guillemette and Adolphe Fontaine, respectively. The latter protested against such practices being done, but Capt. St. Onge promised him a job from the government on the Chaudière River.

At St. Antoine, near Beauce Junction, a strange occurrence took place. It is a small parish having 117 voters on the list. Now it appears that only the deputy returning officer and his two assistants, with the representative of the antis voted, making four ballots cast. When at five o'clock the four amused themselves an hour voting for all those who had kept away from the poll. I heard the affair when at Ste. Marie and at St. Frederic, and I drove over there and I heard the story from the deputy returning officer himself, who had a good laugh over it. He said that the plebiscite was a funny thing anyway. His name was Joseph A. Paquet, and the representative at the poll was Narcisse Gilbert. With this I was through with the Beauce district.

At St. Henri, County of Lévis, a reporter of *Le Soleil*, Quebec, by the name of L. Dallaire, came up there at the poll at about three o'clock in the afternoon and inquired about the votation being very brisk and active. He was told that few voters had cast their ballots. He remarked that something must be done to save the situation. He was seen in conference with several men and appeared at the poll No. 2 where he persuaded the returning officer, whose name is Jacques Berlinguet, to vote himself though he was not a voter. He claimed also to have been authorized to vote for a certain number of persons he had on a paper and said he had the power to vote for all these. The clerk whose name is Cléophas Bédard, refused to take part in what he called a dirty trick and left the room. Dallaire, the reporter, proceeded to take his place and write out the names and place the ballots into the box. After five o'clock it was found that nearly all the voters in the precinct had cast their ballots, less two, and many people are astonished to this day how this was done.

MONTMAGNY.

The undersigned visited at Cap St. Ignace a large parish. Mr. C. Roy, a lawyer of St. Thomas and who is disgruntled with the government of Ottawa. Mr. Roy is a close personal friend of mine and told me that many hundred votes had been cast fraudulently. The deputy returning officers were acting under orders from the government leaders of the party in the district, namely, E. Martineau, a lawyer, and now M. P. for Montmagny; Mr. Lislois, M.P.P., for the same county. Mr. Roy added that if a right investigation was held startling facts would be discovered. I asked him how it could be done, as those deputy returning officers having already violated their oaths would not hesitate to do so again. He said that is where I was mistaken, those officers had not taken any oath at all, the whole thing being considered as a huge farce and not a regular election, when the penalties of the law are to be feared. When we were talking, deputy returning officer of poll No. 3, Cap St. Ignace, and Roy, questioned Didace Dufour, the said returning officer, if the facts he had revealed to me were true. Dufour grew white and looked askance at me, but Roy exclaimed, Oh, he can't speak. I answered for Parent, he is my fellow student at Laval University and won't say anything. "It is true, said Dufour, we have not been sworn at all, only 21 persons voted at my poll during the day. I had received instructions from Mr. Lislois, M.P.P., to fill the box, that would please the government. I did accordingly. I think it was done everywhere, as Abraham Caron, who was deputy returning officer at poll No. 2, Cap St. Ignace, did the same thing. At poll No. 1, St. François, Urgèle Langlois, deputy returning officer, did the same thing, and so on added Dufour." But I said, if those facts were known what do you think the prohibitionists would do. He said: Oh, I wish they would do everything. Those fellows, meaning Tarte and Pacaud, had not the courage of their convictions.

At Kamouraska, I was not a very long time, only a few hours, but I learned enough to convince you that huge frauds were perpetrated. A very light vote was cast. Paul Dumont and Grégoire Dessaint were deputy returning officers at poll Nos. 1 and 2, respectively. At those two polls about 80 voted. On Sun-

day, Mr. Carroll the M.P. is alleged to have sent a man by the name of Ouésime Beaupré, from Rivière du Loup in order that more votes should be cast. There was great trouble as Paul Dumont resisted and said he would not re-open the box. Beaupré threatened him with dismissal from his position of Collector of Customs, if he would not obey. Eight or ten persons were present when the fraud was being committed by Beaupré himself. It appears from the facts given to me by Dumont himself as he knows me personally and had no of me, that 70 votes were thus cast in poll No. 1 and 51 in poll No. 2 and the result was immediately sent to Quebec.

I heard from Ed. Dussault, a printer of Quebec, while on the car, that extensive frauds had been committed in the counties of Quebec and Montmorency. As a result of my investigation I would suggest that a commission be sent in all those counties by the Federal Government at your request in order to make a rigid investigation of all those facts I have revealed to you and I propose to help you further on in the work you have undertaken.

Humbly submitted,

(Signed.) W. H. PARENT.

Mr.J. H. CARSON,
Montreal.

DEAR SIR,—I began my investigation *re* the plebiscite vote in the county of Quebec on Friday the 17th last. I visited the parishes of Beauport, Charlesburgh, Valcartier and St. Ambroise.

At poll No. 1, Beauport, the deputy returning officer was Jules Begin. There was no representative of the Dominion Alliance in Beauport. In Beauport as in every parish of the county the votes have been accustomed to large expenditures of money in election times.

In the plebiscite campaign no effort was made on either side to organize, so the vote was very light. Only a few in the three polls of Beauport availed themselves of the privilege they had to cast a vote on that important issue. At poll No. 1 seven votes were recorded for prohibition and thirty-six against it. The ballot box was re-opened 24 hours after the hour of votation was closed and 60 ballots put into the box. Begin, the deputy returning officer was present and among those present were Honoré Parent and Pierre Vallancour.

At poll No. 3 in the 6th Concession, Ernest Dubé was the deputy returning officer. He was not sworn in and was advised by a Quebec lawyer and politician to do as he pleased with the ballot box. Only 55 registered against prohibition. A few hours after the closing of the votation 40 ballots were thrown in by a party from Quebec, in the house of the deputy returning officer in his presence and with his consent.

At poll No. 2 of the parish of Charlesburgh, Victor Bedard was deputy returning officer. Only 19 registered against prohibition and one for. There was no swearing in of the officers at the poll and the whole affair was treated as a huge farce. On the day after the votation a man named Octave Proulx came from Quebec and said that something must be done to save Laurier from embarrassment from his Ontario friends. Orders had come from headquarters, he said, to increase the majority of the province of Quebec to over 100,000. Bedard wanted the promise of a job from some higher authority at Quebec. Proulx went to Quebec, 9 miles distant, and returned in the afternoon with a written promise from Pacaud. He holds that promise in his hands at the present day but did not get his job and he is very bitter against Pacaud. Over 10 ballots were thrown into the box by Proulx himself who boasted of the exploit before the undersigned.

At Valcartier the interest taken in the plebiscite was very light, so light indeed, that only 6 cast their ballots during the day. The people have been accustomed to be bought like sheep and they are wondering even now why election agents did not come with large rolls of bills to give them a little of their abundance, and as they concluded to keep away from the polls, but it is found that the ballot box was manipulated on account of the 87 ballots found therein by the returning officer of the county. The deputy returning officer was Onesime Lacroix.

At St. Ambroise at poll No. 1 Arthur St. Denis was returning officer and the representative of the liquor interests was Philippe Tremblay, a cousin of a Beauport brewer. He was sent from the latter place to look after his side interests. At the closing of the votation they counted over the ballots and found that 36 had voted. There are over 220 votes in the precinct. They put 120 more in the box.

At poll No. 3 58 were added to the 19 already in the box. J. B St. Pierre was the returning officer there.

It is useless to say that in all the places visited by the undersigned, no traces were found of the officers at the polls or representatives, when there were any, being sworn in. They were assured of impunity from high quarters and positive that the members of the county of Quebec, Hon. Chas. Fitzpatrick took a hand in the proceedings. The people say that word was sent from him that no one would be hurt in case the frauds were to be unearthed and investigated.

Jos. Dussault, printer of the city of Quebec, and a very active politician, told me that the majority in the two counties of Quebec and Montmorency were increased over 1,000 after the day of votation was over, and that the whole thing was done by orders of Fitzpatrick, Pacaud, Langelier, etc., in order to drown the votes of the other provinces.

MONTMORENCY.

I went next to Montmorency and stopped at L'Ange Gardien the first parish after we have crossed the Montmorency Falls. At L'Ange Gardien, there were three polls. At poll No. 1 Dosithée Fournier was deputy returning officer. He told me that there was no use of taking a plebiscite because the people did not know what he meant. They understood vaguely that it meant taxes. They were afraid to vote and it would have taken a pretty shrewd election agent, added Fournier, with a large pocket book to convince them that it would be right for them to vote.

When I was appointed deputy returning officer, continued Fournier, I went to Quebec and saw Pacaud, C. Langelier, and all the fellows. They advised me to treat the matter lightly and that it would not be necessary for me to be sworn in as it was not a regular election, but only a way of ascertaining the expression of the people; but if the people do not vote, what shall I do, said Fournier. But the shrewd politicians only laughed and told him that if he did not know better he ought to resign his place. So Fournier went back home no wiser than before.

The people had said to Fournier they would not vote without money and kept to their word. Only 14 cast their ballots during the day. But thirty hours afterwards a man came from Quebec and said the majority must be increased at all costs; Fournier reopened the box and put 102 ballots in it.

At Chateau, Richer, over 150 ballots were placed into the ballot box. At poll No. 175 were placed by Joseph Dussault the printer from Quebec, and a native of the place, and at poll No. he put another 75 such he told me himself, were his orders. The deputy returning officers on those polls were Eusebe Lafrance and Jacques Dussault respectively. They talked of the matter of as no consequence whatever. It was not a regular election they added and they said no more.

COUNTY OF TEMISCOUATA.

I visited next this large constituency of Temiscouata containing 26 parishes and over 50,000 souls. Below is what happened at some of the polls of the parishes of Isle Verte, St. Arsene, St. Eli, St. Francois, and Trois Pistoles.

At poll No. 1, Isle Verte, Theophile Lesvesque was deputy returning officer. Charles Leduc was the representative of the liquor interests. About 60 votes were cast and registered at that poll which was in the village. After votation was over, Leduc persuaded Levesque to put some 80 ballots in the box, so to have it appear a more respectable vote, according to the expression used by Levesque in speaking of the matter to the undersigned. Chas. A. Gaievreau, the member of the county had been speaking in every parish, talking about the taxation that would follow a prohibition victory. He only succeeded in frightening the people away from the polls, as one word about taxation and taxes is enough to make them believe that the government intends to impose heavy burdens upon them.

I have been through the county and I saw clearly that the whole question was not understood at all by the electors. The voters were more afraid to vote against prohibition than for it. To them as many told me it was like a sword cutting with both edges, so they generally did not care to vote, as it was considered safer to abstain altogether from exercising that privilege.

Many prominent citizens of the , such as N. Riome, of Trois Pistoles, R. Dumais of St. Eloi, Salluste Bertrand of Isle Verte and Nap. Pelletier of St. Arsene did not hesitate to state to me that not more than 500 votes were cast in the county and nevertheless a majority of over 1,500 was found against prohibition and many of these ballots were fraudulently cast long hours after votation was over.

At poll No. 2, Isle Verte, Seraphin Girard was deputy returning officer, Ludger Rioux representative of the liquor interests. Fourteen votes were cast and registered during votation hours.

That day, Wilfrid Dumais, a prominent politician of Cacouna, was driving through the parishes situated near the St. Lawrence River, stopping at all the polls on his way down and persuaded the deputy returning officer of poll No. 2 Isle Verte to cast more ballots into the box.

At first Girard demurred, but was easily persuaded to do as told. Dumais told him that the majority in the province was not enough, that the party was in danger and so on. He insisted particularly on the point that this was not an election, only a joke perpetrated by Laurier upon the prohibitionists. Fifty ballots were put in the box at that moment, Dumais related the fact to me and showed me confidential letters from Gauvreant to Pacaud, urging him to do something in that line. Some 300 votes were added to the total majority in the county through Dumais' intervention. Ludger Rioux, the representative at poll No 2, Isle Verte, told me that he was present when that was done.

At St. Arsène there are two polling subdivisions. At poll No. 1, Nicolas Pelletier was returning officer; the hotelkeeper of the locality, representative. The name of the latter is Constant Dumais. In spite of his efforts the people were too much afraid of the taxes and did not vote. Only 11 were recorded at that poll, nobody was sworn in, as they were told that it was not necessary, and they believe, even now, that it was not. After the votation was over, the deputy returning officer and the hotelkeeper went to the hotel where the box was left for the night. The day after they both concluded that it would be better for them to have a few more ballots put in, so they put n 90, and had a good laugh over it. Dumais arrived n the afternoon and complimented them on their loyalty to the party.

When they were all at the hotel, Jean Pelletier, the deputy returning officer of poll No. 2, came along with his box. How many did vote at your place? Oh, not many, only a baker's dozen. Dumais exhibited a telegram from the *Soleil*, Quebec, asking for returns. Something must be done, they all said. How many electors in your subdivision, was asked of Pelletier? No, he answered. Well, let us revise your return and place the number of those who cast their ballots at 112. Pelletier consented, and the thing was done, and a telegram sent the *Soleil* accordingly.

At St. Eloi and St. François, two small parishes back of Trois Pistoles, Nemese Rioux, an influential and wealthy man of Trois Pistoles, took charge of the business, and increased the number of votes from 14 to 50 at St. François, and from 7 to 77 at St. Eloi. The deputy returning officer at St. Eloi was Elphege Gravel, and at St. François, Urbaux Dion; no representative on either side, only Rioux paying a flying visit. In spite of all his influence he could not get the stubborn French Canadian farmers to the polls; they were afraid of taxes.

Next comes the great parish of Trois Pistoles, where, in polls No. 3, 4 and 2, over 200 votes were fraudulently cast into the ballot boxes after votation hours. Gustave D'Amours engineered the job, and it was done on the first of October long after votation hours.

In these three polls, E. Rioux, Gonzaque D'Amours and Phillippe Lacroix were, respectively, deputy returning officers. D'Amours had given them instructions not to give any returns immediately after five o'clock on votation day, as it is the custom, but to wait a day in order to see the results in other counties of the province. They all came to D'Amours' house on October 1st, about four o'clock in the afternoon, and there in the presence of six persons (the three deuty returning officers and D. D'Amours, Emile Pelletier, and Geo. Bellarance) 200 ballots were added and put into the boxes. At No. 2, 21 had voted, 72 were added; at No. 3, 17 had voted, 68 were added; at No. 4, 27 had voted, 70 were added, and returns sent by telegraph to the *Soleil*, Quebec.

In the county of Rimouski I visited only three parishes, and learned enough to ascertain that there, also, the same practices had been done, though to not so great an extent as elsewhere. I must say that if I could visit the parishes of the county of Matane and the other parishes of Rimouski, I could find many interesting things.

At poll No. 1, St. Simon, next to Trois Pistoles, Fournier was deputy returning officer, with J. B. D'Anyon, as representative of the liquor interests. No oath was taken at the opening of votation. About thirty registered during the day. Fournier told D'Anyon that the vote was too light. They should amuse themselves, so, being alone in the booth, they voted for every member of their family. Both men cast about 15 votes each in that way during the day.

At St. Mathieu there is only one poll, and about 18 registered during the day. Gustave D'Amours, of Trois Pistoles, sent his son, Henri, there and had the number increased to 85. The deputy returning officer there was Eloi Beaubien, and as he saw no harm, he complied with D'Amours' request to increase the majority to 85.

At St. Valerien the same thing was done at the instance of the same Henri D'Amours. From 14 it was increased to 91. The deputy returning officer there was Conrad Rod.

At Bic there was also fraudulent ballots, but I could not ascertain the names of the parties. As my funds were exhausted, I was compelled to return to Montreal.

I am, yours truly,

(Signed) W. H. PARENT.

MONTREAL, 1st March, 1899.

Hon. Mr. MILLS—How could it be known by this man what votes were cast at the different polls ?

Hon. Sir MACKENZIE BOWELL—I am reading his report, which will answer that question. He says that he went there for the purpose of making this inquiry, and he says further that he was not known and that he received the information from the parties who committed the frauds ; and that is a good reason why the falsity of the statement, if such it be, should be proved to the world by a commission and not by a private inquiry by one member of the government whose interest is to show that the majority against prohibition in Quebec is as large as it is reported, and would like it to be much larger, so as to justify no action on behalf of prohibition. Either Parent received the information from the deputy returning officer himself, or he was telling a falsehood. If he was telling a falsehood, prove him to be the villain you represent him to be. I have read this report for the information of the House, to show the character of the document which has been placed in the hands of the Dominion Alliance, and by the Alliance I have reason to believe in the hands of the Hon. Mr. Fisher, Minister of Agriculture, hence I ask that an investigation be made into the truth of these allegations, in order that the parties accused, if these parties exist, should have an opportunity of setting themselves right before the country. Then Mr. Parent makes another report to Mr. Carson, another prominent prohibitionist in the province of Quebec, as follows :—

Mr. J. H. CARSON,
Montreal.

DEAR SIR,—I continued my investigation *re* plebiscite vote in the counties of Arthabaska and Lotbinière. I arrived in the former County on Wednesday morning, and visited the parishes of Arthabaskaville, Stanfold and St. Valère.

At Poll No. 2, Arthabaskaville, Emile Dugas was the Deputy Returning Officer. He was not sworn in, believing even now that it was unnecessary. Ephrem Girard represented the liquor interests. Thirty votes were recorded, out of a total of 157. Subsequently on the day after, Alexandre Côté, brother of C. Côté, of Arthabaskaville, induced the deputy returning officer to cast 55 ballots in the box, making a total of 85 for that poll.

At Poll No. 3, the same Côté, who is a politician of some eminence in the induced Vital Chommared, Deputy Returning Officer at that poll, to increase the majority there from 21 to 50. It is a small poll.

At poll No. 2, Stanfold, very few cared to vote, only 11 registered at the poll during the day. Constand Dubeau, being the deputy returning officer there. There were no representatives on either side, and no swearing in of the officials in charge.

Dubeau received a letter from a prominent politi- of Arthabaskaville that it was a shame for the people of Stanfold to have given so few votes against Prohibition, as the rest of the Townships would give a majority for it there being quite a few English speaking voters in the village and at polling sub-division No. 3, I could not learn the name of the party from Arthabaskaville. Dubeau, Lajoie telling me they were bound secrecy. The result was that sixty ballots were added to the 11 already in the box, making 71 votes for that poll.

At St. Valère, a new parish in the back concession, I could not learn much, as the two parties I wanted to see were away, but I returned to Arthabaskaville. Wilbrod Pacaud, a relative of Ernest Pacaud of the *Soleil* told me that good work had been done at St. Flavien against prohibition. Mr. Pacaud, who is a young man of no particular eminence in prohibition told me that the majority against prohibition hac been increased by several hundred in the .

At St. Flavien, Regis Dupré, the deputy returning officer did not want at first to do anything that was suggested, but at last on a promise of a bushrangership he consented to re-open the box and put in a large number of ballots. Pacaud could not state the exact number, as Alec. Côté, Xavier Dumont of Arthabaskaville were alone with Dupré when the trick was done. Dupré has got his job and he is now in the woods back of Three Rivers on the St. Maurice River, bushranging for the Quebec Government.

I next visited the county of Lotbinière, where I found the traces of the same master hand which was so active in the whole district of Quebec.

At St. Emilie, there are two polling subdivisions. At poll No. 1 Philippe Lemieux was the deputy returning officer. Very few electors went to the polls as the farmers were busy gathering in their crops. The federal member Dr. Rinfret, had not taken any interest in the contest. The simple minded farmers of that region were asking themselves why it was that an election was going on without any meeting being held, any organization being done, and specially any candidates announcing their intentions at the church doors on Sabbath day. So after talking between themselves about the matter, they thought they would not risk anything by keeping away from the polls.

At poll No. 1, St. Emelie, 16 voted. Philippe Lemieux the deputy returning officer was not sworn in and so all the officers at the poll. There was no representatives on either side.

At poll No. 2, Augustin Carrière was deputy returning officer, There was no swearing in and the vote was very light throughout the day. After polling day over Lemieux and Carrière drove together to St. Croix, the of the county. They both went to the Lotbinière House kept by a man named Edmond Pageau where they passed the night drinking. In the morning they were induced by the hotel keeper to re-open their boxes and stuff them with ballots. one hundred and twenty-five were thrown into the two boxes by the two officials, Pageau helping them in doing the job

At St. Gilles, there is only one poll and J. B. Dumond was the deputy returning officer. The same thing occured as at Ste. Emilie. tweny-two voted there. Dumont was not sworen in and was told by several hotel-keeper of St. Croix, two of them are named F. Corriveau and N. Fournier to treat the whole matter lightly as it was not a regular election. Dumont received also a telegram from a party in Quebec whose name I could not learn to increase his majority at St. Gilles to over 100. Dumont did as he was told.

At St. Agapit, I found evidence that the master hand at Quebec had sent one of his emissaries there and at St. Sylvestre also. These parishes are situated in the back settlement. The people are for the most part simple minded for lack of education. The hotel-keeper of the place, Félix Lagarde, of St. Agapit, was the deputy returning officer. He was not sworn in, and not more than 14 voted during the day.

At St. Sylvestre, there was also only one poll kept by a man named Philéas Dunoc, from St. Croix. The two deputy returning officers drove over to St. Croix, where a journalist from Quebec, named Arcadia Gérard, now working for the Premier of the province met them with instructions from a committee at Quebec and asked them if they helped the party, the party would not forget them. The deputy returning officer consented to increase the anti-prohibition in their parishes by 52 and 67, respectively.

I then went to Quebec, on my way to Montreal, and passed a few hours on Monday of this week trying to confirm my statements in regard to the investigations made in Quebec, Montmorency and Lotbinière counties. I now know enough to clearly prove what I had said, though the leaders took care not to commit themselves, and had the work done by underlings I have mentioned in my reports.

I think a commission would reveal the whole conspiracy, as the men mentioned in my reports would be forced to speak under oath.

(Signed) W. H. PARENT.

I have read this for the purpose of letting the country know what the report of Parent is, and not to have it hidden in some pigeon hole in the Department of the Minister of Agriculture, who has had it in his possession for some time, but has never revealed its contents. He says he did make some investigations, which I have pointed out he could not do properly. It would be impossible for him to ascertain the truth of many statements which have been made in the report, and I repeat what I have already said, that with this in the hands of the government and not in the possession of the country, in justice to the men who are accused of committing these frauds, a thorough investigation should be made. I am informed that the Dominion Alliance has to-day, a solemn affidavit made by this same man Parent as to the truth of the statements he has made. If he is a perjurer, let him be punished as a perjurer ought to be punished. If one-tenth of this report be true, then, those who are guilty of the frauds, should be punished as the law provides. I have given my reasons plainly and distinctly, and I merely repeat that in the interests of good government, in the interests of purity of election —in the interests of the character and reputation of the men who are accused of these frauds, a thorough and searching investigation should be made in order that they may show whether this man perjured himself, when he swore to the truth of these statements.

Hon. Mr. SCOTT moved that the debate be adjourned till to-morrow.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, 19th April, 1899.

The SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

THE BELLEVILLE POST OFFICE.

INQUIRY.

Hon. Sir MACKENZIE BOWELL rose to:

Ask the Government, whether the Postmaster General has, during the past year, or at any other time, reduced any city post office to that of a town office, as was done on the plea of economy in the case of the city of Belleville, namely: the cities of Toronto, Hamilton, London, Ottawa, Windsor, Montreal, Quebec, Fredericton, St. John, Halifax, Charlottetown, and Victoria? If not, why have not those cities which the public accounts show, as set forth in a tabular statement to be found on page 211 of the official reports of the Debates of the Senate of the 14th March, 1898, cost a greater percentage of the revenue collected to perform the duties of said offices, than did that of Belleville reduced?

He said:—Hon. gentleman will remember that I changed the question which I asked some little time ago as originally framed, yet did not obtain the answer which I desired. Might I ask the Minister of Justice whether he is ready to answer these questions?

Hon. Mr. MILLS—I may say to my hon. friend I am not ready. I have not got the answers. They were promisad to be sent.

The inquiry was allowed to stand.

CAPE TORMENTINE POSTAL CONTRACT.

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 contracts made by the Post Office Department, since the 1st day of December, 1898, for the carriage of mails between the Intercolonial Railway and Cape Tormentine.

Also, all correspondence between the Post Office Department, or any official thereof, and the Charlottetown Board of Trade, or any person whatsoever relative to the carriage of the mails from the Intercolonial Railway to Cape Tormentine, since the 1st day of December last.

He said:—In making this motion I have only two or three words to say. The hon. gentlemen are aware that during the winter the province of Prince Edward Island is dependent for its mails on communication across the straits at that narrow point between the Island and New Brunswick. A branch railway was built down to Cape Traverse by the government of Canada on the Prince Edward Island side, under the late government, and a branch railway was subsidized between Sackville, N. B., and Cape Tormentine on the other side, and very many valuable improvements were made in the service. For many years before last winter there had been some delay in the mails going to the Island between the Intercolonial Railway and Cape Tormentine. The mails going from Prince Edward Island went without much interruption, but in the other direction there was somewhere near a day's delay at Sackville, owing to the train arrangements of the New Brunswick and Prince Edward Island Railway. It appears some party in Charlottetown made complaint about that last fall, and the Post Office Department, instead of trying to remove the difficulty by bringing the service into a better condition, actually ignored the railway on the New Brunswick side altogether, and made a contract to have the mails carried some forty miles by teams, the result being that in very good weather and good roads, the service between the Intercolonial Railway and Cape Tormentine going to Prince Edward Island was to some extent improved; but it brought about, even under the best circumstances, quite as great, or even a greater degree of interruption in the mails going the other way, while in bad weather and bad roads it resulted, as one would naturally expect, in going back to such communication and service as we had in Canada before the construction of railways. I think hon. gentlemen will agree with me that it is a matter of very grave complaint that any such retrograde step as that should be taken by the government of Canada, where the mails of an entire province are affected. Nevertheless, I am told that the most reasonable propositions were made to the government, to which no reply was received, to make the service effective between New Brunswick and Prince Edward Island. No attention whatever was paid to them, and instead of giving the province the reasonable service that it should receive, and the communications the attention they were entitled to, the department actually went back and made contracts with parties to carry these mails for forty miles by means of horse teams. All I can say is that, notwithstanding the fact we have had one of the most favourable winters we ever experienced, there was a great deal of complaint, and a great deal of cause for complaint. The extent of the interruption that was caused by this arrangement was not so much felt in Prince Edward Island, because the delay and more serious interruption was coming this way, and correspondents writing from the province would not be advised as to the cause of delay in transmission of the mails. As I said before, in fine weather the mail communications were not so bad going to Prince Edward Island, but in all weathers they were bad coming this way. I hope the leader of the House will take note of what I am saying. The people of Prince Edward Island feel it almost an insult to their province that with railway communication the mails of the entire province should be carried by teams as though no railway existed.

Hon. Mr. MILLS—I shall bring to the attention of the Postmaster General the observations which the hon. member has addressed to the House, and also the motion which he now submits. I did not learn from him whether he had himself any communication with the Postmaster General on the subject, or whether any other representative in the House of Commons has communicated with the Postmaster General and called his attention to the matter of which my hon. friend complains. I shall invite the attention of the Postmaster General to the subject. The hon. gentleman's motion will no doubt be adopted by the House, and the information which he seeks will be given. I cannot help thinking that my hon. friend must be labouring under some mistake as to

the correspondence, and as to the want of consideration being given to any complaint that has been made.

Hon. Mr. FERGUSON—I am under no mistake as to the result anyway.

The motion was agreed to.

COLD STORAGE ON STEAMSHIPS.

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 correspondence, Orders in Council or departmental orders having reference to the establishment of bonded warerooms on the premises of John Gow Scrimgeour, at Cardigan Bridge, in the province of Prince Edward Island.

He said:—I may explain that a considerable amount of feeling exists in the province with regard to the granting of these bonding privileges to this person. I am aware that under ordinary conditions it is customary, in the Department of Customs, to give bonding facilities to any reputable merchant who applies for them, on his providing suitable premises in which to store the goods that are required to be so bonded, and on the customs officer being kept in possession of the key; but I submit that the case to which I am now referring is one that does not come under bonding conditions at all. The person named in this motion has been convicted a great many times of violating the Scott Act. The Canadian Temperance Act is in force in King's County, and supported by public opinion in that county, and this man has deliberately and systematically defied the law, and has been frequently prosecuted and convicted of violations of the Act. It is to enable this man to carry on this violation of the law that the bonding privilege has been given him. I call attention to the circumstances because I am sure that if the hon. minister were made aware of the circumstances and the character of this person—I am not referring to his private character but to his violation of the law of the land—he would not continue to grant bonding privileges under such circumstances.

Hon. Mr. MILLS—Can the hon. gentleman tell me how long this man has had those bonding privileges?

Hon. Mr. FERGUSON—Not very long, I think; but I cannot be positive.

Hon. Mr. MILLS—I understood my hon. friend to say that this man has frequently violated the Act, so I thought he was referring to a series of transactions that had extended over a considerable time.

Hon. Mr. FERGUSON—I am not aware whether he had the bonding privileges from the outset. I know he has had them while violating the law.

The motion was agreed to.

THE LIGHTING OF THE PARLIAMENT BUILDINGS.

INQUIRY.

Hon. Sir MACKENZIE BOWLEL rose to inquire:

1. What was the total average amount paid to the Ottawa Gas Co., per annum, for lighting the various government buildings, during the three years ending 1898?
2. What is the total cost per annum, by the present system of lighting?
3. Were tenders called for lighting the various buildings by either gas or electricity? To what company was the contract for lighting awarded?
4. What is the total number and power of incandescent electric lights now installed in all the public buildings in Ottawa, and cost of installation, including wiring and all other apparatus?
5. What is the number and power of electric lights operated by the government electric light plant, and annual cost of the same during the three years ending 1898?
6. What is the original cost and present value of all government electrical plant and boilers in the public buildings in Ottawa? How many men are employed to operate them?
7. Were tenders called for the wiring of any or all the government buildings in Ottawa and the supply of all electrical appliances necessary for the same? From whom were offers received and what were the respective amounts of such offers?
8. How was the parliamentary appropriation of $75,000 for extending the government lighting plant, and the purchase of certain pumps for fire purposes, expended? What are the items of such expenditure, and to whom paid?

He said:—I would ask my hon. friend whether he is prepared to answer these numerous questions?

Hon. Mr. MILLS—The return is being prepared.

Hon. Sir MACKENZIE BOWELL—The last two years—1897 and 1898—would suit my purpose. It is not a return, but an answer that I want. If the minister prefers that I should move for a return perhaps it would be better. The trouble is, in moving for a return, one seldom gets it. Shall I change it into an address?

Hon. Mr. MILLS—I think it would be better if the hon. gentleman were to do so.

Hon. Mr. SCOTT—I may say that the Minister of Public Works has been ill for the past week. I went to his house and saw him though he was confined to his bed. I mentioned the fact that this inquiry was on the paper. He said he had given instructions to his officers to prepare the answers, and I have no doubt they are being prepared.

Hon. Mr. MILLS—I sent over to the department for the information and the officers said it was in the course of preparation.

Hon. Sir MACKENZIE BOWELL—Then I move my notice as an address instead of an inquiry.

The motion was agreed to.

TIDAL CURRENTS SURVEY.

INQUIRY.

Hon. Mr. PRIMROSE rose to:

Direct the attention of the government to the numerous wrecks which have taken place, during the past year, along our coast, in many cases attributable to the want of knowledge of those in charge of the vessels, of the courses and power of the currents and tides. And will inquire:

1. Whether it is their intention to prosecute without delay the work of the tidal current survey along the coasts of Canada, especially those bordering on the Atlantic Ocean?
2. Whether an amount adequate to the requirements of the thorough and efficient carrying on of this work, so important to Canadian commerce, will be embraced in the Estimates for the current year?
3. What sum was expended for this service during the last financial year?

He said:—It is not my intention to speak at any length on the subject of this motion, inasmuch as last session hon. gentlemen who were present will remember that I spoke at very considerable length in regard to it, urging its importance, and citing in support of my view of the importance of the work, the opinion of corporate bodies and of merchants who have been long engaged in trade, and the opinions of both of these parties carrying great weight as to the absolute necessity of carrying out this work efficiently. As a further evidence of this necessity, I would cite the very large number of wrecks which took place during the past year. I have not the list at hand, but I am perfectly aware that it is very far above the average. I have seen it stated in the press that very many of these wrecks are, in a measure at least, attributable to the want of knowledge of the captains and other parties in charge of these vessels, of the tidal currents, of their courses and their force. I saw a statement made that this was largely the cause of the wreck of that splendid steamship the "Castilian," recently on the coast of Yarmouth, N.S., and that had the captain or those in charge been possessed of adequate information as to the course and the power of the currents around that point, in all human probability the wreck would not have occurred. To prove how important this is becoming and how inadvisable it is to delay any further the carrying on of the work efficiently, I may mention the fact that that great corporation in London, the Insurance of Lloyds, has discriminated against vessels coming into Canadian waters, the losses they sustained last year having been so heavy. They have discriminated to a very large extent, so much so in many cases as to render the prosecution of business in this way unprofitable by reason of the premiums they charge for the extra hazard. I am aware that influence has been brought to bear, and that that corporation has been interviewed by some prominent Canadians to see if they would not rescind their action in this regard, but I am informed that for the current year at any rate, there is no prospect of its being rescinded. In my view, so important is the effective maintenance of this service that I think the government would exercise a wise discretion were they, if such a course should prove necessary, to lessen the appropriations to some other services which dwindle into in significance in comparison with the hedging round about with every possible safeguard the course of vessels approaching our shores freighted with the products of the world, and often times with the much more precious freightage of human life. If this strong necessity exists under present circumstances for the appropriation of a sufficient sum to carry out this efficiently, surely that necessity is greatly enhanced by the prospect of the adoption soon of a fast line of steamers between this country and England.

Hon. Mr. SCOTT—I spoke to the Minister of Marine and Fisheries on the subject and he does not share the opinion of my hon. friend as to the very great importance of the service relating to the tidal currents, believing other improvements of very much greater importance are required to secure the safety of the navigation of the St. Law-

rence and the approaches to our Atlantic sea board and he had arranged this year among other things to place a lighthouse at the traverse below Quebec and to take charge of the buoying of the St. Lawrence which before had been done by private contract.

Hon. Mr. PRIMROSE—I had intended to speak about that.

Hon. Mr. SCOTT—It has been complained that the contractor often failed in his duty so the department will take sole charge of it. It is also proposed to erect a fog alarm at Belle Isle station and a fog alarm on the south side of Belle Isle straits. The minister is also in communication with the officers who are now engaged in surveying the coast of the Gulf of St. Lawrence with reference to the tidal currents. He is making further inquiry toas certain if his former judgment on the subject is sound or not. He entirely disagrees with the conclusion that the "Castilian" was lost in any way because of ignorance of the tidal currents or the existence of tidal currents. The hon. gentleman may recollect that in the investigation which was held into the loss of that magnificent steamer it was shown that she was on a trip from Boston to Liverpool and was nearly one hundred miles out of her course. When the lead was thrown, instead of finding one hundred fathoms of water they only found sixty and that should have been a warning to a captain with the experience of the captain of the "Castilian." They went on with their course and the lead showed that the water was getting shallower. They got down to 30 fathoms, to 20 fathoms, and to 17 fathoms, before the course was altered. In the report which I read there was no reference whatever to the accident being due in any degree to tidal currents, but it was attributed to the fact that the vessel was entirely out of her course.

Hon. Mr. McCALLUM—It was not due to tidal currents in that case anyway.

Hon. Mr. SCOTT—Not in that particular case. There is no doubt around the Bay of Fundy there are very serious tidal currents, but I understand there are steamers constantly running between Portland and St. John which have necessarily to pass the particular point where the "Castilian" was lost—I think the Gannet Rock. Those steamers pass and re-pass constantly night and day and even in fogs, and they do not lose their reckoning. Unfortunately this steamer was so far out of her course that she struck on a rock, but, from the best information we can gather it was not due to tidal currents. However, the minister is giving the subject further consideration, and if, from the information he receives from sources in which he can place confidence it should be considered necessary to continue the survey, of course he will do so.

Hon. Sir MACKENZIE BOWELL—While it is true that the vessel left Portland for Liverpool, was she not on her way to Halifax?

Hon. Mr. SCOTT—No, she was not to call there.

Hon. Mr. DEVER—I am very glad that this subject has come up and that it has been so well presented to the House by the hon. gentleman from Pictou. I am also pleased that the Secretary of State has pointed out the cause of the loss of so valuable a vessel as the "Castilian" with her valuable cargo—that she was not leaving or approaching any harbour or the coast of Canada. The fact is, she was billed, I understand, first to either Halifax or St. John, but unfortunately she did not call at either port but after taking in cargo at Portland she set out for Liverpool. Instead of following her proper course her captain or her officers by some means got off their course nearly 100 miles, with the result that she was wrecked on the coast of Nova Scotia. I also say that no fault can be found for that wreck with Nova Scotia or its coast—no fault can be found with the approaches to either Halifax or St. John. I know that a great deal of feeling was aroused by enemies of our respective ports and against Canada, in fact, to see if they could not make out that this great ship was lost on the coast of Canada. That was not so at all. In fact she might as well have been lost on the coast of any of the West India Islands so far as the Canadian ports are concerned, she simply went out of her way and, by the finding of the commission appointed to investigate the matter the officers entirely mistook their course and got wrecked. So, hon. gentlemen will see that no fault can be found at all against any portion of the coast of Canada for the wreck of that vessel. At the same time, we should

be most happy, in case the government thought fit to erect more lighthouses on the coast, but at present I do not see that there is any claim to ask for more lighthouses on the ground that accidents or misfortunes have happened on the coast of Canada recently.

Hon. Mr. ALMON—The "Castilian" called at Halifax on her way from Liverpool to Portland. She got her cargo at Portland and was not sailing for Halifax.

Hon. Mr. DEVER—It was no fault of Halifax or any other Canadian port. She simply went out of her course in proceeding from Portland to Liverpool.

Hon. Mr. PRIMROSE—I never heard before that the "Castilian" deviated so far from her course as 100 miles. I have heard various distances mentioned, but none more than 25 miles. The question is, was that deviation, whether great or small, sufficient to bring that vessel within the trend of these currents of which I have spoken on the southern coast of Nova Scotia. I entertain the hope that the hon. Minister of Marine and Fisheries may be induced, when he comes to consider the subject, to change his view with regard to the importance of this work.

Hon. Mr. DEVER—I could bring the report from my office, if necessary, to show that there was no fault to be found with our ports.

Hon. Mr. POWER—I know it is slightly irregular to discuss a question after it has been answered by the government, but I trust the House will allow me to say a word or two with reference to this matter. The hon. gentleman from Pictou deserves the thanks of the Senate for bringing this important matter before us. I understood the hon. gentleman, in the course of his remarks, to refer to the proposed increase of insurance rates between Canada and England. As I understand it, the justification for this proposed increase is alleged to be found in the risks connected with the navigation of the St. Lawrence—that is the river and the gulf —and the Straits of Belle Isle.

Hon. Mr. McCALLUM—And St. John.

Hon. Mr. POWER—I am not saying anything about St. John; I am speaking of where the dangers are. I understand the government at the present time are using their best efforts to influence the Lloyds' underwriters to modify the views which they at present entertain; and I wish to direct the attention of the government to this fact that whatever justification there may be for increasing the insurance rates between England and ports on the Gulf of St. Lawrence there is no justification whatever for increasing the rates between England and the Atlantic coast of the maritime provinces.

Hon. Mr. McMILLAN—Halifax?

Hon. Mr. POWER—Take Halifax and Boston, if you will, to illustrate. A steamer coming from England to Halifax follows the same course as a steamer going to Boston until within a comparatively short distance of Halifax. There are no dangers on the way into Halifax. She is sailing over the open Atlantic Ocean. If she goes on to Boston, she has to pass the southern coast of Nova Scotia and the entrance to the Bay of Fundy, where certain sources of danger are, and the risks of going to Halifax are much less than those of going to Boston, and there is no justification whatever for the insurance companies charging higher rates to a port like Halifax or any other Atlantic port of Canada than to United States ports which are further off. I trust that the government will take special pains to bring that point to the notice of the underwriters. These underwriters, I regret to say, are not always as well informed as to our geography as they might be, and it will be the duty of the government, perhaps, to give them some lessons in geography.

DELAYED RETURNS.

Hon. Sir MACKENZIE BOWELL—Before the Orders of the Day are called I should like to know when the government intend to bring down the returns respecting the Yukon district which I asked for on the 23rd of March.

Hon Mr. SCOTT—Up to what date was it asked for? To the end of last year or December?

Hon. Sir MACKENZIE BOWELL—I forget, but I think it was December.

Hon. Mr SCOTT—I spoke to the deputy on the subject and he told me that the reports from the Yukon came in very slowly,

they were always four or five months behind. I told him we were anxious to get that report?

Hon. Sir MACKENZIE BOWELL—Then there was another one in reference to the number of new post offices and the number of miles travelled passed on the same day, and on the 12th April a motion was carried asking for correspondence which I know is not very long, in reference to the dismissal of Fearman Ketcheson, and on the 24th March Mr. Coste's report in reference to the Yukon. I do not suppose that this is a very long document and I see no reason why it should not be laid before Parliament at as early a day as possible. Then, also on the 24th of March a return was asked for in reference to rolling stock and the expenditure incurred in the extension of the Intercolonial Railway. That, I suppose, could be brought down at an early period. My reason for asking for these returns is that the House may be in possession of all the facts connected with these different subjects when the questions come up, should they come up in the future to be dealt with by the Senate. We have sometimes been asked to express opinions and adopt measures without having the facts in connection therewith before us, and I trust we shall not be treated in this matter as we were in some matters which never came down at all.

Hon. Mr. SCOTT—As you treated us when we were on the other side.

Hon. Sir MACKENZIE BOWELL—You should never follow bad examples. The hon. gentleman is an exceedingly apt scholar in following anything done which he thinks is wrong. Let me advise him to follow the example of those who have done right and not justify himself by saying that because one man stole a pig he must steal a ram. That is no justification.

Hon. Mr. SCOTT—I am not defending it.

Hon. Sir MACKENZIE BOWELL—I want to place the House in a position so that if we have to discuss measures we may discuss them intelligently.

Hon. Mr. MILLS—My hon. friend's request is reasonable, and I hope the returns will be brought down, but I think it is travelling on an unbeaten track.

Hon. Sir MACKENZIE BOWELL—I am afraid all your tracks are unbeaten and consequently very rough.

ALLEGED PLEBISCITE FRAUDS.

DEBATE RESUMED.

The Order of the Day being called:

Resuming the adjourned Debate on the motion by the Honourable Sir Mackenzie Bowell, K.C.M.G.:—

That an humble Address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before the Senate, all correspondence with the government or any member thereof, relating to the subject of the introduction of a prohibitary liquor law by the government, together with all affidavids and other documents having relation to the vote cast upon the question of prohibition, on the 29th day of September, 1898, and the alleged frauds in connection therewith.

Hon. Mr. SCOTT said:—In rising to make a few comments on the speech delivered by the hon. leader of the opposition yesterday, I cannot but express my surprise, and I may also add my regret, that a gentleman occupying the position he does in this chamber should have allowed himself to be the medium of sending broadcast over this country slanderous charges that he knew had been contradicted in another place. The Minister of Agriculture had absolutely denied the truth of the statements, and yet this report was given to the world for the first time through the speech of the hon. gentleman yesterday. We all know very well that persons read those reports who never see the denial of them. The answer is not as interesting. People in this world are rather fond of slander, and the majority of people, I am sorry to say, read it with a great deal of gratification, and they either decline or do not care about reading the absolute denial of the statement. The hon. gentleman himself quoted the Minister of Agriculture as having risen in his place in the House and assumed the authority for an absolute denial of the statements therein set forth. The paper to which he referred, that report of Parent, had never been presented to the government; it had never left the parties to whom it was made. They had themselves discovered a very few days after the report was made that they had simply been betrayed and deceived by an adventurer who got from them a certain sum of money and sent in a fictitious report, and this fictitious report has now gone abroad over the length of the country, slandering the people

of Lower Canada, representing that they are not worthy of the franchise given to them, that the officers who were appointed to discharge the high duties failed in their work, officers who under the law are liable to a very severe penalty, the payment of $1,000 fine and six months imprisonment. That has gone all over this country now. The Alliance declined to give publicity to that document. They declined to allow a copy of it even to be left with the Minister of Agriculture, who took a great deal of interest in that subject. When Mr. Carson, representing the Dominion Alliance, first brought under the notice of the Minister of Agriculture the fact that, in his judgment, and from reports that came to his hands, serious frauds had been committed in the province of Quebec, the minister naturally asked for the names of the persons. It was asserted that members of this government were implicated, that members of Parliament were implicated, that they had been a party to this serious and wholesale fraud. The names were withheld. Finally, when the second and third reports came in, Carson came to Ottawa and saw Mr. Fisher, and Mr. Fisher asked him to show him the report. Mr. Carson declined to part with the report; he did not wish to part with it; he was afraid there was something wrong. However he gave him then and there in Mr. Fisher's own office the names of the deputy returning officers, and other information contained in this report was taken down by the minister's secretary and the clerks were sent to the Clerk of the Crown in Chancery to test the correctness of the statements that were made, and it was found that the whole thing was an absolute tissue of falsehood conceived in the brain of the man who probably received a pretty large sum for it, and who handed in this report which has now gone forth to the people of Canada as a statement worthy at least of credence. I have here the advance copy of the report from the Printing Bureau. I had never seen the report, never heard of it even until it was read here yesterday and it certainly astonished and amazed me. The impression was created that a report had been furnished to the government and the government proposed to take some action. Mr. Fisher may have mentioned that there was a report, but I never heard of it and it had not been brought up. It commences by stating that he had visited the counties of Beauce, Montmorency, and Kamouraska. He professes to have done that some time in the month of February.

I began my investigation in the counties of Quebec on Friday, 17th of February last."

That report is dated the 4th or 6th March. In the typewritten copy it is the 6th March. He says: "I began my examination of the plebiscite vote, etc.; I visited the parish of Beaupré" and so on. And then he goes on to describe what he did. Would the hon. gentleman believe that at this time Parent was an employee in the Ottawa Post Office? He was paid $1.25 a day, and his whole duty was cancelling stamps. He was regarded as a man not safe to trust with any other work, and he was there for some time. The very moment this report was sent in he no doubt recognized that his fraud had been discovered and went off to the States somewhere, I suppose. An insinuation was conveyed across the House that he was in the employ of this government or the government of one of the provinces. The question was put on the paper. Well, my hon. friend was able distinctly to deny that statement. I stated that I heard he had been in the post office for a short time doing the work I have just now indicated. He was not employed by the province of Quebec. My hon. friend endeavoured to make it appear that the two governments were acting in collusion, that these gross frauds were being perpetrated with the sanction of the governments at Quebec and Ottawa. I am sorry the hon. gentleman holds either government at that low estimate. I think it is exceedingly unworthy of any hon. gentleman to make a statement of that kind unless there is some foundation for it. I have here the statement prepared at the time Mr. Carson came to Ottawa to test the correctness of the return made. In his report he gives the name of the returning officer. He commences with the electoral district of Quebec, and for poll No. 1, gives the name Béchard at Beaupré. There was no such man as Béchard among the returning officers. The returning officer at that poll was Langevin. At the other poll he gave the name Ernest Dubé, whereas the deputy returning officer was Edward Giroux. At another district he gives the name of Victor Debarr, whereas the name was Honoré Gobeil. At another place he names Onésime Lacroix whereas the deputy

returning officer was C. F. Wolfe. At that particular poll my hon. friend took the trouble to read with a great deal of interest the passage in which Parent said that the interest taken in the plebiscite was very light—so light that only five or six voters cast their ballots during the day, that the people have been accustomed to being bought, and they consider, even now, that the election agent should be around with large rolls of money to give them a little of it, and they concluded to keep away. The hon. gentleman in reading that allows it to go forth into the country that that is the condition of this particular place and at other places in Lower Canada, that the people are purchasable. Is that the opinion the hon. gentleman wishes should be formed of that province? It is very much to be regretted that a statement such as that should go abroad on the authority of a man not worthy of credence, a man of the lowest type who obtained money under false pretenses by writing a report of what occurred in the province of Quebec while he was an employee in the Ottawa post office. In February he was only out of the office two days. I sent to the inspector to make inquiries as to the number of days he was absent in February and March until he left. He was absent on February 17th and 18th and he was absent on the 1st, 6th and 7th of March. During all that time he professes to have been travelling through Lower Canada in the various counties enumerated in this report and getting all this information, and there is not a single case in Kamouraska, Rimouski, Temiscouata or any of these counties where he gives the correct name of the returning officer. In all the inquiries which have been made with reference to the deputy returning officers there is not a single returning officer of the name given by Parent.

Hon. Mr. PROWSE—Does he come near the facts in reference to the polls?

Hon. Mr. SCOTT—He describes what occurred and speaks of persons as witnesses. There were no persons of that name in the place. He gives polls where no polls existed at all. In the county of Beauce he describes what occurred at the poll at St. Antoine and there was no poll held there; in Arthabaska and Drummondville he describes what occurred at St. Flavien, and there was no poll there. He drew on his imagination for the whole report. He never saw the people he professed to see, and he did not even take the trouble to have the names of the deputy returning officers correct, because in every single case he is wrong, and the names he has given were not deputy returning efficers at all in that division, showing that the man drew on his imagination for the facts. In order to give importance to this man the hon. gentleman said he had been a Liberal organizer in Quebec. I have made inquiries of several of my colleagues. Mr. Fisher ought to know if he was employed in the Eastern Townships, because he was specially referred to as having been the organizer in the Eastern Townships, and Mr. Fisher never saw him there. Another colleague, who has taken an active part in the elections in Quebec, says the only thing he knew of the man was that he came in one day to his office and he ordered him out. He said he had always regarded him as a drunken tramp. That is the man whose report has been over the country defaming the people of Quebec as being guilty of corruption. And we are asked to issue a commission to investigate charges from such a source. I do not think it is necessary for me to make any further comments. Hon. gentlemen can see the papers up stairs. The officer who prepares those papers is an officer of Parliament, Major Chapleau, and a good part of this document is in his own handwriting.

Hon. Sir MACKENZIE BOWELL—I suppose you will lay that on the table.

Hon. Mr. SCOTT—I do not know that I should. If the hon. gentleman desires to see it I have no objection. I state the fact that the returning officers named in Parent's report are not deputy returning officers in the division; not only are they not in the particular polls but they are not deputy returning officers in the electoral divisions at all. I do not think it should be necessary to go further than that. The hon. gentleman's statements are not borne out by the facts. The vote in the province of Quebec was not unduly large. It was not as large as the vote in Ontario. I have the exact figures. In many of the polls the vote was exceedingly small. The vote for prohibition in the province of Quebec was only about $\frac{1}{12}$ one-twelfth of the entire vote of the province. In Quebec the proportion of the vote varies just as much as in Ontario. The whole vote was 335,000 and only a small portion of that vote was for prohibition. In some portions

of Ontario 50 per cent came to the poll and voted: in other portions the percentage ran down as low as 30. The highest vote in Ontario is 54 per cent and that was in the city of Hamilton. In the province of Quebec the proportion that voted was comparatively small in many places. In Champlain only 36 per cent and in Hochelaga—I think that was one of the constituencies mentioned—the proportion of voters was only 33 per cent. In Gaspé the proportion of those who voted both pro and con was 30 per cent. So all through the list on the general result the proportion of voters in the province of Quebec was less than the proportion of voters in Ontario. So far as ballot stuffing was concerned, I got the memorandum from one or two of the polls mentioned; I think two polls were mentioned in the extract from the Ottawa *Journal*. In No. 1 poll, Quebec, the number on the list was 177 and the number polled 111, and in 1896 the number of voters on the roll was 167 and the number that voted 138. So that the number of votes polled was less than at the last election. Three Rivers was also named in the report. It was said there had been ballot stuffing there. The whole number on the roll was 4,176 and the number of votes was very small. The number who voted at the last election was double the number who voted on the plebiscite. At the place where they charge ballot stuffing, the proportion of persons who voted was less than the proportion of persons who voted in 1896. The question had no bearing whatever on the policy adopted by the government, whether the vote was larger or smaller as far as the majority was concerned. That was not the guiding influence in the decision the government came to. As hon. gentlemen will remember, from the letter sent by the Premier to Mr. Spence, the president of the Alliance, the Premier put it on the ground that there had been no sufficient demand from the people of Canada for a prohibitory liquor law. It was less than 23 per cent of the whole vote of Canada, irrespective of the majority. The government did not consider that where only 23 per cent of the people of Canada asked for an exceptional law which was going to interfere with the opinions and views of a large majority of the people of the country, that this government, or any other government would be justified in granting prohibition. The result of the figures shows that the temperance feeling had not permeated generally over Canada, but had been more active in some localities than in others. The vote varied largely; in some localities the vote was strongly against prohibition and in others moderately for prohibition, but in no case was there such an overwhelming majority as to justify any action on the part of the government. Certainly with the Province of Quebec vote so largely against it, and with so small a number asking for a prohibitory law, neither this government nor any government would be justified in submitting to Parliament a prohibitory liquor law. I do not propose to go at greater length into this matter. I have shown sufficiently the facts that ought to convince any gentleman that there was no sort of foundation in the statement made in the report yesterday, I have shown that it was an unfair statement to make, reflecting on the sister province of Quebec. It was sprung upon the House and the government. It was a report that had never emanated from the association for which it was prepared, and I doubt very much whether the leaders of that association will be gratified to know the use which has been made of it. It was assumed that the government was in possession of it because they moved for affidavits and statements. Now, no protest or affidavit or statement of any kind had come to the government. It would naturally come to me. I had been the particular official charged with the taking of the plebiscite and I think if the members of the Alliance are consulted they will see that every possible opportunity was given to secure a fair and impartial vote on that subject. Instructions were sent to the returning officers all over the country to say that they must accept the nominees of the Alliance as representing the organization in any particular locality, where the officers of the Alliance had submitted any particular agent, even though they were not belonging to the locality, in order that there should be no possibility of fault being found with the manner in which the vote was taken. It meant paying out a lot of money and in some places they were not able to send out agents, but they had the authority that any-one authorized by the Alliance to occupy the place of agent at the booth should be recognized in order that there should be no imputation that an unfair advantage had been taken of those advocat-

ing the prohibitary law. I understand this man left the Ottawa post office on the 11th of March. That would be about the time his last report came in. He was only absent from the office two days in February when he was supposed to be making a tour to Quebec, and was absent on the 17th and 18th, and absent on the 1st and 6th of March. The second report is dated either the 1st or 2nd, and professes to be sent from Montreal. The second letter was on the 6th. I suppose he went to Montreal to draw his money. He left the post office on the 18th of March. I understand that Mr. Carson was anxious to find out his whereabouts in order that some prosecution should take place. I do not know whether he received any money. He did not make that elaborate report as a prohibitionist, because in the letter from the inspector at Ottawa, he says:—"Although he had the appearance of being a hard drinker, he was not, I understand, under the influence of liquor on duty." The post office people will not admit he was under the influence of liquor on duty. They said he could not be trusted with money on any occasion. I understood he took part in the election in the county of Ottawa on the other side. That is the only election I have any knowledge of his taking part in.

Hon. Sir MACKENZIE BOWELL—It is not my intention to find fault with the speech the hon. gentleman has made, except as to the attempt to fasten a charge upon me which is not justified, and if it were parliamentary I should use a much stronger word. I know it would be unparliamentary to say the remarks of the hon. gentleman were disingenuous.

Hon. Mr. SCOTT—No one in this chamber heard that report till the hon. gentleman gave it publicity.

Hon. Sir MACKENZIE BOWELL—I am speaking of the hon. gentleman's speech in which he referred to me and not to the report. If the statements which the hon. gentleman has made is correct, he and the government and the whole country should be thankful that the matter has been brought before this legislative body, in order that the truth may be set forth and all know it. The hon. gentleman premised his remarks by assuming that all my action was based on Parent's report. I had not seen that report when I put that notice upon the paper. I called attention to these frauds because a responsible and respectable gentleman, so far as I know, whose respectability has not been impugned by the hon. gentleman who has spoken or byanybody else. Mr. Webster, the vice-president of the Alliance in the province of Quebec, made the charges and had them published to the world. That was the basis upon which I asked the question and made the motion placed on the paper, and not upon the report to which the hon. gentleman has referred and for which he attempts to hold me responsible, a report made by a man whom he says is a most disreputable character but who was in their employment for a long time. I did not say that he was appointed an immigrant agent by this government. This gentleman, Mr. Webster, states that, and it was commenting on this statement of Webster, that led me to ask the question whether he was really in the employ of the government; and certainly, not knowing the reputation of the man, those people who read the statement might naturally infer that if he had been in the employ of the government it was not unreasonable to suppose that he had been sent out of the country as an emigration agent. I did not say he was appointed an emigrant agent. Mr. Webster said so, and it was on that I based my remark, and not on the statement of this man Parent; but I read Parent's statement and report in order that the people of Canada might know what basis Mr. Webster had for the charges he made. The hon. gentleman has given an explanation which I am bound to accept as correct, and accepting it as correct, it only verifies what I said yesterday, that Parent must be a consummate rascal, and ought to be immediately, if he made affidavit to the truth of what he reported, be ferreted out, no matter where he is, and prosecuted to the fullest extent of the law, and that would be a total acquittal of the people of Quebec in those sections of the province where this man alleges these frauds were committed. One cannot help marvelling at the apparent simplicity of the Secretary of State, when he talks of frauds at elections, in view of what occurred recently in Ontario, and if I refer to that it is not to cast any stigma on the people of Ontario. In the last Ontario election men were appointed scrutineers and returning officers whom nobody knew. Perhaps the courts will find out when the cases come

before them. The fact that this statement has been made in the public press, and is now repeated by me, if we were to draw the conclusions the hon. gentleman has drawn from my remarks, would be construed into an attack on the whole people of Ontario. We know the courts have established the fact that frauds have occurred in different parts of the country, and I fancy they will occur in the future. If they have not occurred in the province of Quebec to the extent to which Mr. Webster says they have occurred, based on the report which my hon. friend says he has in his hand, it is no crime on the part of public or private men to bring that under the notice of the legislature in order that the people who have been slandered may be acquitted of the crimes of which they have been accused. That is my position in reference to this matter and I ask the hon. gentleman in future, when he refers to any remarks that I may have made, not to draw inferences from them which the language does not justify, and that he will not impute to me motives which I did not entertain. I never intimated that the government of the province of Quebec had appointed this man—my question was this, was he appointed by you or by any one else? I can readily understand how these matters might be done. I did not mention the province of Quebec, neither did I impute anything to the people of the province of Quebec. Perhaps if I were dealing with them I might entertain the opinion of the hon. gentleman opposite. An experience of thirty or forty years of public life has led me to conclusions as to what the party to which the hon. gentleman belonged would do, and those conclusions are that I should not be astonished at anything they might do to secure an election.

Hon. Mr. DANDURAND—I owe it to the House to give my experience of the man whose name has been brought before the Senate in this discussion. I saw in the Montreal *Gazette* that the hon. gentleman from Belleville had declared that Parent had been a political organizer in the province of Quebec. I may give my experience of that man Parent. I met him at Ottawa—saw him at the Russell House dogging the steps of members of Parliament during the time the local elections of the province of Quebec were held. Decidedly, he was looking for a position from the Federal Government. His claim was that he was a son of the late local member from Rimouski in the Quebec House. He asked all those whose faces he knew for support in getting a position under the government. When the local elections came on I had the management of the provincial elections in the district of Montreal, and I received letters nearly every day from Parent asking to be employed as an electioneering agent or speaker during that election.

Hon. Mr. DEVER—He was another Pigott.

Hon. Mr. DANDURAND—He was so persistent that one day, finding that no one wanted to go to the back of Ottawa County from Montreal—no gentlemen caring to leave his office to go on that journey, I wired Parent to come to Montreal. He said he could make a speech. I gave him some money to go to Labelle and speak for the local candidate in the back parts of Ottawa County. Two or three days afterwards I met friends who had gone to speak at St. Agathe—which is a large village in the mountains of Terrebonne County—asking me if I had sent a man named Parent on a certain errand. I said yes, and I expected he would have passed through St. Agathe to go to the mountains, but they reported that he was staying at the hotel at St. Agathe, and was drunk, extremely so. He ran out of money and showed himself again a week or so afterwards at my office in Montreal. I asked him if he had accomplished his errand—if he had gone to Labelle and other places to speak, and he said he had. I told him I knew better—that I knew of his conduct in St. Agathe. He broke down and said really the roads were bad, and not only had he broken down but the cart had broken down and he had remained at St. Agathe. That was my experience of the man who was employed by the Dominion Alliance to further the interests of prohibition in the province of Quebec. I am not surprised that coming back to Ottawa he should have succeeded by laying, siege at the door of every minister, in getting an appointment at a dollar a day for a few months, but I thought I owed it to the province of Quebec to state what I know personally of the man who signed that document. I must add that I saw him again two or three weeks before the vote on the plebiscite. He passed at my office and told me

that Major Bond had met him and had made an agreement with him to try to get representatives to the polls. He said he got $200 for that. He smelled of liquor at the time, and I thought he would cut quite a figure as a temperance man in the counties where he was going.

I would crave the indulgence of this chamber while I say a few words concerning the way—the shabby way—in which the province of Quebec has been treated since the 29th of September, on its stand upon that plebiscite. Since it was taken the prohibitionist papers have been proclaiming that Quebec had voted for the grog shop. The most respectable of them all, the *Witness*, had an article headed with these words: "Quebec Votes for the Rum Shop or the Grog Shop." I took occasion to step into Mr. Dougall's office to tell him that he did not know anything of the province of Quebec if he brought such an accusation against the province in which he lived; that far from patronizing the saloon the province was waging war against it, that there was not one-fourth of the municipalities which granted license; that there were less licenses in Quebec in proportion to the population than in any other province of the Dominion; fewer prisoners in the jails than in any other province in the Dominion; fewer crimes, and that he should know that if a vote was taken in the province of Quebec upon the question of closing the grog shops or keeping them open, there would be a large vote in favour of closing them; but the question submitted went further than the people were ready to go. Before last September the word prohibition had never reached the ears of the French population. The people of the province of Quebec are educated by the press, and by what they read, and there never was any attempt made by the French newspapers to educate the people in favour of prohibition. They wanted to know what was the extent of the prohibition which was to be imposed. If it had been to wipe out the grog shops they would have voted yes, but when they were told that it was to give the government of the day the right to say what was to be drunk in their own homes and at their own tables they said emphatically no: and without years of an educational movement, such as has taken place in the other provinces, in Quebec, if you ask the people if they want prohibition, if you take a plebiscite again, when an election is on, it is not a majority of 95,000 or 96,000 but a majority of 200,000 you will have against it. The French Canadian population has never discussed or heard discussed the question of prohibition. They are satisfied to protect their young men by refusing licenses in the municipalities, and they want to have the right to say what they shall eat and drink in their own homes without interference or control by the federal or local powers.

It is not the only libel which has been directed against the province of Quebec. As soon as the result of the vote was announced the prohibitionist press and the Conservative press throughout the Dominion declared that the Province of Quebec, at the command of the Hon. Wilfrid Laurier, was voting against prohibition and had not yet stopped voting. It is strange that such an accusation should have been persisted in, when the press of the Dominion on the 4th October published the result of the voting up to that date as follows—I am giving the majorities in the several provinces:—Quebec, 51,200 against; and for: Ontario, 17,582; Nova Scotia, 17,840; New Brunswick, 13,715; Prince Edward Island, 6,160; Manitoba, 5,099; North-west Territories, 1,992; British Columbia, 538, which showed that on the 4th of October, the majorities in favour of prohibition amounted to 69,926, and against prohibition, in the province of Quebec 51,000. As the returns came in the majorities increased throughout the length and breadth of Canada, but all eyes were turned towards Quebec with great amazement when the majority against prohibition in that province jumped from 51,000 to 94,000, but there was no surprise expressed that the majorities in the other provinces in favour of prohibition should have increased from 62,000 to 112,000. Quebec was the only province that was libelled. The other provinces were regarded as being naturally virtuous, because, as the returns came in, the majorities in favour of prohibition increased. I have given the majorities published on the 4th October from a Toronto telegram published in *La Presse*. Now, what was the vote in the province of Quebec? If we exclude the English-speaking counties, not two per cent of the electors recorded their votes in favour of prohibition. But it has been said that on the 4th of October the vote was still going on against prohibition. This is tan-

tamount to accusing thousands of citizens who acted as returning-officers of being perjurers. You find, in looking at the details of the plebiscite in the province of Quebec, that the vote recorded was very small in favour of prohibition in every polling division, running from nothing to eight or ten in all but the English communities. We have been told that some partizan opponents of the present government, who take their glass every day of the year, voted for prohibition. That would perhaps represent a portion of the two per cent who voted for prohibition. We have this result that the Province of Quebec—the French Canadian portion of it—voted nearly to a man against prohibition. There are hon. gentlemen here from Quebec who do not belong to my race who can testify to the sobriety of the French Canadians, who know, for instance, what is the experience of the employers of labour on that pont. I have the testimony of many manufacturers in Montreal. Take for instance Alderman Ames, whose father employed hundreds of men in his boot and shoe factory: he told me that the majority of the employes in the factory were French Canadians, who were paid every Saturday night, and they could always be depended upon to turn up, ready for work on Monday morning. As a matter of fact, the Dominion Alliance could find but two volunteers to stump the Province of Quebec in favour of prohibition. One was Dr. Desrosiers, of Montreal, and the other Mr. Augé, a member of parliament from Shefford, both Liberals, showing that their convictions were not affected by any thought that they might help or injure the government. They were the only two men, at all known in the Province of Quebec, who spoke publicly in favour of prohibition.

Hon. Mr. PERLEY—Who stumped against prohibition?

Hon. Mr. DANDURAND—I do not know that there was any stumping against prohibition. If the electors had taken any interest in the matter the majority against prohibition would not have been 94,000 but over 200,000 in the Province of Quebec. How can there be, under such circumstances, any question as to legislating in favour of prohibition? I say there cannot be any national prohibition with a whole province—an important province like Quebec—wholly against prohibition. It cannot be, because this Chamber would not allow it. When we, French Canadians, entered Confederation we took it for granted that our customs and habits would be respected, that there were certain questions of general importance which would be settled by the majority, but that questions affecting the habits and private lives of the people would not be dealt with by the Federal Parliament. I wonder where restrictions and blue laws would carry us! Hon. gentlemen may say: But what will you do against the majority? The majority has a right to interfere in a certain number of well-defined questions, but I wonder if the majority can interfere in all questions which pertain to social, and more especially domestic life. We have to-day the question of the liquid we drink. If the doctors of this Dominion should unanimously decide that dumplings and cucumbers were detrimental to health, I wonder if the majority in this Dominion could declare that dumplings and cucumbers should no more be eaten by our people.

Hon. Mr. DEVER—Why was the plebiscite taken?

Hon. Mr. DANDURAND.—To ascertain if there was a general sentiment of the people in favour of prohibition throughout the Dominion. It is not a question whether one-half of the community want prohibition; it is to know if ninety or ninety-five per cent of the people are in favour of prohibition, because then I would consider that the small percentage of the voters who would say no, would have to yield to the overwhelming desire of the majority. But when you have half the vote polled and only about one-third of the inscribed vote favouring prohibition, can we reasonably be asked to force the views of a small minority of the people upon the unwilling population of the province of Quebec. The province of Quebec will not tamely submit to such a treatment. If the Commons attempted to coerce our people we would look to this Chamber, which was originally constituted mainly for the protection of minorities, to see that such an obnoxious legislation should not be forced upon us.

Hon. Mr. LANDRY.—That will be good for the reform of the Senate.

Hon. Mr. DANDURAND.—I will judge of the work of this Chamber by my personal experience as to the way it votes on such vital questions; but I have never said that a second chamber is not a useful institution in Canada. On the contrary, I have had occasion to declare that while I favour an elective Senate—elected to the second degree—I do not approve of the abolition of the Upper House.

I have already mentioned things that might be prohibited on the ground that they are a detriment to the public health. I wonder how the Englishman would like to take his national pudding without rum, and, in case the doctors decided to prohibit the pudding itself, how he would put up with such a restriction upon his domestic habits.

Now, as to the honesty of the vote taken, I will say two or three words, and I shall close: hon. gentlemen who live in rural districts will bear me out when I say that personation, or telegraphing as it is popularly called, is unknown in rural constituencies. In large cities, where the voter does not know his neighbour, it does occur, but in country districts, where there is a polling place for every 200 electors and where every one knows who is entitled to vote, personation is impossible. There has been no personation in the rural constituencies of Quebec, nor can there be any, I should think, in any rural constituency in Canada. If hon. gentlemen will look at the returns they will find that in the plebiscite vote in the province of Quebec there was a normal vote given at each poll—the whole list was not voted—there was a certain percentage only that voted and that percentage was pretty much the same in all the counties, from Soulanges to the Gulf. Before closing I should like to answer the charge which the hon. gentleman from Hastings (Sir M. Bowell) made that federal liberals and local liberals often conspire together. There is a certain amount of hypocrisy in such a charge as though it were a great crime for a liberal in federal politics to help his comrade in arms in local politics. We all know that they are the same officers; that it is the same army, the same people who vote at the polls under the two political flags which cover the electors of the Dominion. I am quite sure that the hon. gentleman from Hastings will poll a good honest conservative vote for the local conservative candidate in his county at the next election, as I shall do myself on the other side in my county, and will go perhaps a few miles for the purpose of doing so. We all know that liberalism is the same everywhere, and conservatism is very likely the same everywhere. There is one exception—it appears that conservatism is not the same in New Brunswick as in the other provinces, because there the party lines are not adhered to as they are elsewhere; but speaking generally, we all know that the Liberal electors who generally poll their vote for Liberal candidates in federal elections, vote also for Liberal candidates in provincial elections, and it is mere hypocricy to say that it should be otherwise. We all know that the leader of the Opposition in the House of Commons, Sir Charles Tupper, when the Ontario House opened at its last session, came down to Montreal to ask Mr. Dalby, of the *Star*, to try and prevent the Constables' Bill from being passed in the local House, and that the *Star* then attended more closely to Ontario politics than any of the Ontario papers did throughout the session. Mr. Dalby was then qualifying as organizer in chief of the Conservative party in the Province of Quebec. Sir Charles Tupper at the time, passed the word to his followers that in order to again reach power at Ottawa war should first be waged against the Provincial Liberal Government. Well, he is welcome to do it. He is a provincial elector himself in Nova Scotia, but the electors there did not seem to side with him much in the last election. We all know that it is mere hypocricy to say that party lines are not drawn the same way in provincial as they are in federal politics.

Hon. M. PERLEY—The debate has taken a little wider range than I anticipated. I might say, in behalf of the temperance people who employed this gentleman, Parent, to make some inquiries with regard to how the vote was conducted in Quebec, that if they had known as much about the reform party before as they do now they would not have employed him, because he proved himself to be a disreputable character. He was one of the liberal organizers in the last election. I might remind hon. gentlemen opposite that honesty is the best policy, and if they had practised that principle from the start they would not be in the dilemma they are now in all over the country with so many broken promises staring them in the face. When the temperance

people waited on the late Sir John Thompson, he gave them a fair and honest opinion. He said he did not think the country was ready for prohibition and he held out no inducement that his government would legislate in that direction. He told the people what they might depend upon—that he would not undertake to pass a prohibitory law. That was an honest, straightforward decision, and the hon. gentlemen opposite would have done well if they had acted upon that same policy and not undertaken to humbug the temperance people as they did. I do not believe in every little fad being taken up by a government with a view to strengthening their support. There are two great parties in the country, divided upon the trade policy, and to bring in these side issues that are not practical, is not conducive to good government. After hearing the remarks made by Sir John Thompson on the subject, of prohibition, the temperance people—respectable people who have the welfare of the people at heart—admitted that he was an honest man who had given them a straightforward answer, and a reply which hon. gentlemen opposite now admit was a reasonable one. But the leaders of the Opposition of that day were determined to get into power at all costs, so they promised the temperance people that a plebiscite would be taken on the question of prohibition, and that if the people decided in favour of it a prohibitory liquor law would be passed. If they had told the temperance people then that they would require 50 per cent of all the votes on the lists to be cast in favour of prohibition, no action would have been taken by the temperance people to obtain votes. If they had said that they were going to use all the influence of the Government against prohibition in the province of Quebec, there would have been further reason for the temperance people declining to spend time or money in trying to carry prohibition. Who would undertake to secure 50 per cent of all the votes in Canada in favour of prohibition with all the influence of the Government thrown against it? The Government have spent two hundred and fifty thousand dollars of the people's money in taking a vote on a measure that they knew they never intended should become law. I asked the hon. Secretary of State in this Chamber, when the Plebiscite Bill was before us, what percentage of the vote they would want in order to give us prohibition, and he would not tell me. The same question was asked in the other House and no information was given. They said that the vote was to be taken on the basis of the Dominion election. That was misleading, because in a Dominion election the candidate who receives a majority of the votes cast is declared elected. No candidate is expected to receive a majority of all the votes on the list. The Government are willing to promise now that if the temperance people can get 50 per cent of all the votes on the voters' lists prohibition will be granted. I say that the temperance people will never get it.

Hon. Mr. DANDURAND—Because they cannot get 50 per cent?

Hon. Mr. PERLEY—Yes.

Hon. Mr. DANDURAND—I am glad to hear it.

Hon. Mr. PERLEY—With the Government working against prohibition, it was impossible to get a majority in favour of it. Had they been honest and told the people that they could not give prohibition, that would have ended the matter for the time being, and the temperance people would have gone on educating the people. But honourable gentlemen opposite did in that case just as they have done in every other case. They went to the country on three distinct propositions: one was the trade policy—we were to have free trade, as they have it in Great Britain. They humbugged the people on that. Not only have they not given us free trade as they have it in Great Britain, but they have made no perceptible decrease in the tariff. Another proposition was to give the temperance people prohibition, if a majority should be favourable to it. They have not done that, and they do not intend to do it. Then a third proposition was to settle the school question to the satisfaction of the minority in Manitoba. How have they carried out their pledges in that regard? They have not done anything. All their promises have been disregarded, and their policy is to see how they can best justify themselves before the country. They have broken every promise, and I say their course on the prohibition question is an insult to the temperance people of the country. The Government have done

them a wrong. If they had been honest and told them what they intended to do, the prohibitionists would not have been put to trouble and expense for nothing. I have as much respect for a Frenchman as for any other citizen of Canada. He is a man who can vote upon his principle as well as any other man. It is an outrage to speak of him as they do. They try to bring up racial and religious cry. I think it is an outrage to appeal to the passions of the people rather than to their sense of justice. I say the Government have done wrong in dallying with the temperance people as they have done. The temperance people are working for the good of the country and should be treated squarely and not put to trouble needlessly by reason of the Government not carrying out their pledges.

Hon. Mr. FERGUSON—I would ask the Secretary of State whether the statements in this paper, which he kindly allowed me to look at, has been made up from official sources with regard to the returning officers?

Hon. Mr. SCOTT—Oh, yes. It was made up in Mr. Chapleau's department. I sent to have it checked over.

Hon. Mr. FERGUSON—It has been made up from official sources?

Hon. Mr. SCOTT—Oh, yes.

Hon. Mr. FERGUSON—I think then, that being the case, and my hon. friend having made strong statements about its contradicting this much abused report of Parent's, in all fairness it should be placed on the table of the House. We are furnished here by a minister of the Government, with what purports to be a statement made up from official sources. My hon. hon. friend confirms that view.

Hon. Mr. SCOTT—I quoted that to show that the names of the deputy returning officers given in this report of Parent's were incorrect. I went no further than that. It was limited to that entirely.

Hon. Mr. FERGUSON—My hon. friend gives us exact information as to how he got the details. As a member of the government he got them from the Clerk of the Crown in Chancery.

Hon. Mr. SCOTT—I used it only as far as the deputy returning officers were concerned. I did not analyse it further.

Hon. Mr. FERGUSON—But we must go further, because his statement had reference not only to the deputy returning officers, but also to the polls in which they acted. For instance, Mr. Langevin was put down here for No. 4 poll. He meant he was making a statement about the deputy returning officers and for the particular polls for which they acted.

Hon. Mr. SCOTT—I said I got the names of the returning officers to which reference was made in that report, and it was sent to the Clerk of the Crown in Chancery to check over, and in regard to some of them, I think the county of Beauce and some others, to know whether the names that are given by Parent as deputy returning officers appeared among the deputy returning officers in any part of that electoral district. In regard to Beauce I sent up for information, and I learned that none of the deputy returning officers mentioned by Parent were on the Beauce or Levis lists. There might be a discrepancy as to the particular poll, and so I was anxious to know whether in any part of the electorel district there was such a case.

Hon. Mr. FERGUSON—My hon. friend admits the point I am anxious to impress on the House. He has made statements from official sources with reference to the returning officers and the polls where they acted. The hon. gentleman having made these statements from official sources, and having used this return in his place, it should be laid on the table.

Hon. Mr. SCOTT—You can move for any papers you desire on this point.

Hon. Sir MACKENZIE BOWELL—That is not the question.

Hon. Mr. SCOTT—I will not do any more.

Hon. Sir MACKENZIE BOWELL—But the hon. gentleman must act in accordance with the principles of parliamentary practice, that when a minister quotes from an official document he is bound to lay it on the table. And we shall have to appeal to the Speaker.

Hon. Mr. SCOTT—It is not an official document, it is not signed by anybody and the only point I sought to establish by it, and the point I did establish, was that the deputy returning officers mentioned in the report were not the official returning officers,

and that was all. It is not an official document, and I sent it across to the hon. gentleman. I stake my own reputation on the fact that what I said with reference to the returning officers is true. I do not propose to lay it on the table. Any one can look at it.

Hon. Mr. FERGUSON—My hon. friend quoted it and made use of it in this House and having done so I submit, according to parliamentary practice, that the document belongs to the House.

Hon. Mr. SCOTT—They were my own notes from which I read. It is not signed and is an unofficial document.

Hon. Mr. FERGUSON—The hon. gentleman is very uneasy about it. But I take this ground that no member of the government has a right to use information or any public document that he is not prepared to submit to the House. He was very kind to hand it across to me. I am not sure that I have any right to refer to a line of it. If my hon. friend is right in his contention, it is not open to me to take up that document and compare it with the report.

Hon. Mr. SCOTT—I have given my view, that it is a private memorandum made for myself, and I state that what I gave the House is strictly true and accurate.

Hon. Mr. FERGUSON—The hon. gentleman should wait till we charge him with saying what is not true. That is not the point. My hon. friend used a document purporting to come from officials sources. He made an explanation how it was procured. He used it in his place. I have looked at it cursorily and now the question arises, have I any right to refer to it here.

Hon. Mr. SCOTT—You can deny it if you like.

Hon. Mr. FERGUSON—I contend I have a right to discuss this document. The hon. gentleman sent it to me personally, and I should be sorry to have any trouble on that account.

Hon. Mr. MILLS—Does the hon. gentleman raise a question of order?

Hon. Mr. FERGUSON—Yes.

Hon. Mr. MILLS—Then let us discuss it. I beg to say that there is no ground upon which the hon. gentleman can demand that this paper be put upon the table of the House. My hon. friend makes an extract from a public document for the purpose of being used here, and the hon. gentleman if he chooses may ask that the document from which that is taken may be produced. The hon. gentleman has a right to make a motion for such a document, but he cannot ask that a mere memorandum, made by the hon. Secretary of State for his own purpose, should be laid upon the table as an official document. He cannot press that, because it is not an official document. It is a mere extract which the hon. Secretary of State makes for his own reference. If my hon. friend quotes from an official document and the hon. gentleman asks that the official document be produced, he is entitled to have it produced, but he is not entitled to call for a memorandum which the Secretary of State has made for his own information.

Hon. Sir MACKENZIE BOWELL—It is simply a question as to whether the document from which the hon. gentleman has quoted is an official document. He has told the House that he procured it from an official of Parliament, the Clerk of the Crown in Chancery, hence it is not a private document. It is an official document, and it is laid down in Bourinot and May that if a minister of the Crown quotes from a document of that kind it must be laid on the table. It was only the day before yesterday that that question came up in the House of Commons when Mr. Fisher was discussing this same question. He was supposed to have quoted from the document from which I read in this House, and he was asked by Mr. Foster to lay it on the table. The Minister of Agriculture denied that he quoted from an official document. He was just referring to that article which appeared in the *Journal* and which I placed upon the records of this House, and on appeal to the Chair the Speaker decided that whenever an official document was quoted from, it must be laid on the table.

Hon. Mr. SCOTT—It is not an official document.

Hon. Sir MACKENZIE BOWELL—Oh, yes. The hon. gentleman quoted from a document which he himself acknowledged to my hon. friend was an official document procured from an officer of the department,

and it is a part of the record of the Clerk of the Crown in Chancery. If there is anything in that document which the hon. gentleman is afraid to have made public, then I can understand his position, but if it is a correct copy of information obtained from the official records, then it is a public document. Bourinot says:

It has been laid down by the highest authority that when a minister of the Crown quotes from a public document in the House and founds upon it an argument or assertion, that document, if called for ought to be produced.

Then your distinction is, that if you hold a document in your hand and quote from it, it cannot be laid on the table unless a motion for it is made?

Hon. Mr. MILLS—No.

Hon. Sir MACKENZIE BOWELL—What does the hon. gentlemen contend? The hon. Secretary of State has quoted from a document which is official in its character.

Hon. Mr. SCOTT—No.

Hon. Sir MACKENZIE BOWELL—I say that is the position we take. The hon. gentleman says no, and says it is not an official document. We contend it is, and the hon. gentlemen having quoted from it, and having acknowledged it was an official document, as such it belongs to the House and not to the hon. gentleman.

Hon. Mr. SCOTT—The information which I quoted from was more than my memory could carry. This little memorandum I have in my hand may be called an official document according to the hon. gentleman's argument. I sent my secretary up to the office of the Clerk of the Crown in Chancery to ascertain whether, in the county of Beauce or the county of Lévis, the names of the deputy returning officers appearing in Parent's report were the deputy returning officers in any part of the riding. He gives me a memorandum that they are not. The hon. gentleman would contend that that is a public document on the same principle. I could not carry all I desired to convey to the House in my memory and I had a table prepared, and so far as I read I stated that the table was correct, that I had tested it with the returns in the office of the Clerk of the Crown in Chancery. Any hon. gentleman has access to that office, and it is open to any hon. gentleman to get the same information which I got. There is no signature to this document at all. It is a mere memorandum for my own information, and what I said to the House was that the statements, as conveyed to the House, were correct because I had a paper in my hands which had been compared with the official returns in the office of the Clerk of the Crown in Chancery. I did not examine all the details in connection with the elections in those counties. I satisfied myself that the statements made were wholly imaginary, and having satisfied myself as to that I fairly concluded that this man had never gone near those counties. I did not go any further. It is not an official document any more than this other memo. Will any hon. gentleman say this slip of paper is an official document? Any hon. gentleman can take the trouble that I did. This officer is an officer of Parliament. The papers are in his office. They are not in the custody of the Crown. The Crown has no control over them. When I had the courtesy to send the document over to my hon. friend I did not think he was going to raise any question about it. The clerk has copied out a lot of information which I did not use. I simply asked for the first part of it. I did not know about the rest of the document at all.

Hon. Mr. McKAY—What objection has the hon. gentleman to having that document laid on the table of the House?

Hon. Mr. SCOTT—I do not know that I have any.

Hon. Mr. FERGUSON—In reference to the point of order that has been discussed I will quote what May says at page 321. I think it is the tenth edition:

A minister of the Crown is not at liberty to read or quote from a despatch or other state paper not before the House unless he is prepared to lay it upon the table. This restraint is similar to that rule of evidence in courts of law which prevents counsel from citing documents which have not been produced in evidence. The principle is so reasonable that it has not been contested and when the objection has been made in time it has been general acquiesced in.

I think it was made in time in this case.

It has also been admitted that a document that has been cited ought to be laid upon the table of the House if it can be done without injury to the public interests.

No public interest could possibly be prejudiced by laying it on the table.

The same rule, however, cannot be held to apply to private letters or memorandum.

I notice that they are going to take the point that this is a private memorandum.

Hon. Mr. SCOTT—Yes, it is a memorandum.

Hon. Mr. FERGUSON—If that is the view we are to take, we ought to look at the contents of it to settle that point. I take the strongest exception to its being considered, in any sense whatever, a private memorandum. Here is a case which covers the view that my hon. friend appears to take with regard to a certain document:

On the 18th May, 1865, the Attorney General, on being asked by Mr. Ferrand if he would lay upon the table a written statement and a letter to which he had referred on the previous day in answering a question relative to the Leeds Bankruptcy Court, replied that he had made a statement to the House upon his own responsibility, and that the documents he had referred to being private he could not lay them upon the table. Lord R. Cecil contended that the papers having been cited should be produced, but the speaker declared that this rule applied to public documents only.

Nothing could more clearly sustain my view than this does, and if my hon. friend takes the ground that this is a private document which we have before us I will concede the point at once, but I cannot admit anything of the kind. However, I am not disposed, unless the House desires it, to press the point any further. If my hon. friend and his colleagues are disposed to shield themselves from using the document on the ground that it is a private memorandum, I am quite willing to congratulate them on the position they take in the matter.

Hon. Mr. MILLS—My hon. friend cannot acquiesce in that way. He has raised the question of order and that must by disposed of.

Hon. Mr. FERGUSON—Then we must refer to the Speaker, and the Speaker cannot possibly deal with this matter unless he sees the document.

Hon. Mr. MILLS—My hon. friend cannot take that for granted. I am prepared to listen to him until he has completed his argument.

Hon. Mr. FERGUSON—I take the ground that this document is of a public character and that my hon. friend having quoted from it, having admitted that it was official, obtained from the Clerk of the Crown in Chancery, the proper custodian of that information, he is bound to present it to the House because it is a public document and cannot be regarded as one of a private charter.

Hon. Mr. MILLS—I may say that when my hon. friend beside me undertook to give to the House information in defence of the line of argument which he was taking, that it rested upon public documents, that is on the returns in the hands of an officer of this House, it was open to the hon. gentleman to say you must not refer to that return unless the return itself is produced; but my hon. friend did not raise that question, and I think it is quite as well that he did not, because my hon. colleague made extracts from the document and has made his notes in addition to those extracts and used them in his argument in this House—it is a part of his argument. It is not a public document, but one that he has himself prepared for his own information, and therefore is not of that official character which would entitled any member of the House to demand that it should be laid on the table. I have said that if the hon. gentleman wanted the document to which my hon. colleague referred, he is entitled to get it, and if my hon. friend had a public document in his hand, instead of extracts from it and his own notes upon the extracts—

Hon. Mr. FERGUSON—No notes.

Hon. Mr. MILLS—If my hon. colleague had been quoting from a public document, a despatch or any official communication, in the custody of the Crown it would have been the right of the hon. gentleman to ask that that communication be laid on the table of the House, where it would be accessible to everybody. My hon. colleague has quoted from a document not in the custody of the Crown, but of Parliament, and so far as this information was obtained, placed it in the hands of my hon. friend opposite, furnished him every facility which he would have possessed if the document had been laid on the table of the House; but when my hon. friend demands, as a matter of right, that these extracts which my hon. friend has obtained from a document already in the custody of Parlia-

ment should be placed on the table of the House as a public document, my hon. colleague rightly objects to that course. What he was willing to concede as a matter of courtesy, and what was a matter of courtesy, he is not compelled to do under the rules of the House.

Hon. Mr. MACDONALD(B.C.)—I think the question hinges on the reply of the Secretary of State. He was asked if it was a public document, and he replied that it was.

Hon. Mr. SCOTT—No.

Hon. Mr. MACDONALD (B. C.)—He said it was taken from a public document.

Hon. Mr. SCOTT—Yes, that is correct, taken from a public document, with my own notes upon it. Here are my own notes on it.

The SPEAKER—In my opinion a distinction must be drawn between a public document and an extract from a public document which a member may use in his argument. I do not see any authority which would force a member who declares that the paper from which he quotes contains extracts from a public document that he got for his own use, to lay those extracts before the House. I do not think that the quotation from May, cited by the hon. gentleman from Marshfield, applies to this case. If the hon. member had produced a despatch or a document officially signed, he would not be allowed to use it unless he would be prepared to lay it before the House, but in my opinion an extract from a public document is not a paper which he could be compelled to lay before the House.

Hon. Mr. FERGUSON—My hon. friends in the government might have taken a different course in regard to this document, and I am surprised that they have not done so, because my hon. friend, the Secretary of State, made very extended remarks based on this document. On the strength of it he made a general declaration that every single statement contained in Parent's report respecting the deputy returning officers was false.

Hon. Mr. SCOTT—Hear, hear, I made that statement and I stand by it.

Hon. Mr. FERGUSON—My hon. friend is very valiant after the Speaker's ruling. I glanced over the document hurriedly, and I say that it does not confirm my hon. friend's statement. There are discrepancies, no doubt, and in some places flat contradictions in the document, but the statement which I saw does not warrant my hon. friend in saying that there is a flat and pointed contradiction to every statement made by Parent. I am not a defender of this man, and have no particular interest in defending him. He was not long ago, a trusted official of the government.

Hon. Mr. SCOTT—He was only employ ployed a few weeks in the post office.

Hon. Mr. FERGUSON—My hon. friend says it was only a very short time. I do not care how long the date of contamination existed, but he was in their employ at one time, and they must have trusted him and known something about him or they would not have employed him. Not long before that he had been in the employ of the Liberal party as an organizer. I agree with my hon. friend from Wolseley (Mr. Perley) that the Dominion Alliance have been the victims of misplaced confidence in a great many respects. They evidently believed the promises of hon. gentlemen opposite that they would ascertain the will of the people and abide by it.

Hon. Mr. SCOTT—No.

Hon. Mr. FERGUSON—My hon. friend says no; does he say that the government were not prepared to abide by the will of the people.

Hon. Mr. SCOTT—Yes, by the will of the people.

Hon. Mr. FERGUSON—The Minister of Agriculture, in a speech at the Ottawa Convention of the Liberal party, in 1893, when he submitted the plebiscite resolution, said that they would ascertain the will of the people and would carry out the expressed will of the people, and my hon. friend need not contradict that state ment.

Hon. Mr. POWER—Would the hon. gentleman be good enough to tell us what the will of the people is on the subject of prohibition?

Hon. Mr. FERGUSON—My hon. friend need not attempt to draw a red herring across the trail. The point I am particularly interested in making now is that the

Dominion Temperance Alliance have been the victims of misplaced confidence in regard to the plebiscite. They have been still further the victims of misplaced confidence in thinking that an official appointed and employed by this government would be trustworthy in collecting information with regard to the doings of this same government. They evidently thought he was reliable, and in that respect they have again been the victims of misplaced confidence. They thought an organizer of the Liberal party would be reliable——

Hon. Mr. SCOTT—He is no organizer.

Hon. Mr. FERGUSON—I never saw this man Parent and know nothing about him. I have had no opportunity of reading his report, but I have glanced through the document from which my hon. friend opposite drew his inspiration when he said that every single statement in that report with respect to the deputy returning officers is absolutely untrue, and I say that if it is untrue the hon. gentleman will have to get more information and further evidence than is contained in that document to prove that it is untrue. That is the only point that I wish to make, with regard to this question, and I only add that we all know very well that it is always the nature of crime to conceal itself. A man who commits a fraud will take every means to cover up that fraud. It is no easy task to follow up election frauds in any case, even in a contested election. Any one who has had anything to do with this business knows that it is very hard to get information; you may be sure that gross corruption and frauds have been practised, but those who commit the frauds cover up their tracks and it is hard to get evidence of their guilt. It does not prove that no frauds were committed in connection with the plebiscite in the province of Quebec because this man, who spent only some five or six days in making the inquiry, was not precise in the statements he made. On the contrary, there is pretty strong evidence in the anxiety shown by my hon. friend that this document should not be fully and freely analysed and discussed in this House, that he is not himself very sure that frauds were not committed extensively in the plebiscite election.

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

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, 20th April, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

COLD STORAGE ON STEAMERS.

INQUIRY.

Hon. Mr. FERGUSON rose to:

Ask the government whether the steamers "Lake Winnipeg" and "Gaspesia," which made calls at the port of Charlottetown during the autumn of 1898, were fitted with cold storage facilities? If so, what was the nature of the cold storage provided, when was the said cold storage plant placed on these steamships, and at what cost, if any, to the government of Canada?

What subsidy was paid for each trip of the above-named steamships?

He said:—In connection with this inquiry I wish to state to the House, and to the leader of the House more particularly, that the service of these steamers in calling at the port of Charlottetown last year proved to be of very great benefit to the province, indeed. I wish to make that statement on account of some discussion we had last year in this House with regard to this subject. These steamers made calls at the port of Charlottetown, and it happened in a very good year indeed for the province, because we were not blessed with as good crops in Prince Edward Island last year as Canada had generally. Owing to the attacks of fungus, our grain was very much injured; the wheat crop was only half a crop, and the oat crop was very poor. The services rendered by these steamers was very beneficial, indeed. The only mistake was that the merchants and others of Charlottetown had not sufficient confidence in our own resources to ask for enough space. It happened that the space they asked for in the "Lake Winnipeg" was not sufficient. In the case of the "Gaspesia," she was offered more than she could take on board. I do not find fault

with the government for that; it was more the fault of the merchants in not asking for enough space.

Hon. Mr. MILLS—The information placed in my hands is as follows:—Mr. Robertson states that on SS. "Lake Winnipeg" cold storage chamber was provided to be cooled by use of ice. Paid half the cost of fitting up insulated cold storage chamber to be cooled by ice for SS. "Lake Winnipeg," $426.22. Paid $500 subsidy for one trip from Charlottetown. The cold storage chamber on the "Gaspesia" was provided by the owners of the steamship. Mr. Parmalee states:—As regards the amount of subsidy paid, there was $2,000 per trip for two trips paid to the "Lake Winnipeg," and $1,000 for one trip to the "Gaspesia."

Hon. Mr. FERGUSON—I am to understand, then, it was ice cold storage that was on these steamers, not mechanical storage?

Hon. Mr. MILLS—It was ice cold storage that was on the "Winnipeg." That was the statement. And on the other there was insulated cold storage provided for.

Hon. Mr. FERGUSON—Insulated cold storage is, of course, ice cold storage.

THE INSPECTOR OF MINES IN THE YUKON DISTRICT.

INQUIRY.

Hon. Mr. KIRCHHOFFER rose to:

Ask the government: 1. Is James D. McGregor now employed as Inspector of Mines in the Yukon district? If not, when did his appointment terminate?

2. Is he now employed by the Department of the Interior in any other capacity? If so, what is its nature, what are his duties, and what his remuneration? What was the date of such appointment?

Hon. Mr. MILLS—In reply to the first question, McGregor is employed now as Inspector of Mines in the Yukon district. In reply to the second question I would say that having no record of any other employment, we are not aware of his being employed in any other way than as Inspector of Mines.

EMPLOYMENT OF THOMAS D. MACFARLANE.

INQUIRY.

Hon. Mr. KIRCHHOFFER rose to:

Ask the government: 1. Was Thomas D. Macarlane employed by the Department of the Interior? If so, in what capacity, what were his duties, and what was his remuneration?

2. Is he now in the employ of the government? If not, when and why were his services dispensed with?

Hon. Mr. MILLS—In reply to the first part of the inquiry, I would say yes, he was assistant timber agent in the Yukon district to issue permits to cut timber and collect dues, and for this he was paid a salary of $100 per month. In reply to the second question, his services terminated on the 30th of November, 1898, as they were no longer required.

THE PROHIBITION PLEBISCITE.

THE DEBATE CONCLUDED.

The Orders of the Day being read:

Resuming the adjourned Debate on the motion by the Honourable Sir Mackenzie Bowell, K.C.M.G.:—

That an humble Address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before the Senate, all correspondence with the government or any member thereof, relating to the subject of the introduction of a prohibitory Liquor Law by the government, together with all affidavits and other documents having relation to the vote cast upon the question of prohibition on the 29th day of September, 1898, and the alleged frauds connected therewith.

Hon. Mr. POWER said:—Although I moved the adjournment of the debate on this matter, I do not propose to trouble the House with a speech. I propose just to make a few observations, and the first observation I desire to make is as the wording of the notice given by the hon. leader of the opposition. The address is for "all correspondence with the government, or any member thereof, relating to the subject of the introduction of a prohibitory liquor law by the government." If we take that language in its widest sense, to make the return which is called for by this address would probably take all the clerks in the government employ for the remainder of this session; because ever since confederation there has been more or less correspondence with respect to the introduction of a prohibitory liquor law; and it seems to me that the scope of the resolution should be narrowed. As far as I could gather from the debate which has taken place, the object of the hon. gentleman who has moved the resolution is to get the correspondence which has taken place since the plebiscite. There ought to be some limit, at any rate, to the demand for information. I presume that the hon. leader of the opposition, or some one on his behalf, will amend the

motion so that it will cover only the ground which it is intended to cover. Before proceeding to say anything on my own account, I should like to say a few words with respect to the speech made yesterday by the hon. gentleman from Wolseley (Mr. Perley). That hon. gentleman impresses people who do not know him very well as being a particularly candid and guileless sort of man—the typical farmer, in fact, who talks straight out and says just what is in his mind, and never has anything behind; but I think hon. gentlemen in this House who have had a reasonably long acquaintance with the hon. gentleman have discovered that there is a good deal of the Heathen Chinee about him, and that he is not as guileless and artless as he looks, and as his language would lead one to believe; and I think the little speech he made yesterday illustrates that characteristic, for I think it would be difficult in so short a speech to express more things which were calculated to deceive—which, I believe, was the great characteristic of Ah Sin. The hon. gentleman talked—and in that agreed with the hon, gentleman from Marshfield—about the government simply trying to humbug the temperance people. Now, there is no evidence of that fact. The government made no promises to the temperance men which they did not fulfil. The government promised the temperance men to submit the prohibition question to a plebiscite, and the government did so. The temperance men were at one time afraid that the government would not put the simple question "whether are you in favour of prohibition or not" to each voter, but that they would tack on to this question some other question with respect to the mode in which the revenue which would be lost to the country by the adoption of prohibition was to be made up. The government did not do that. They put the question just in the way in which the temperance men wished it to be put, and the election was a fair and honest election; and this was admitted, some days after the plebiscite took place, by Mr. Spence, secretary of the Dominion Alliance. He gave the government credit for the straightforward and manly way in which they had submitted the question to the people; so I do not see that there was any humbug so far. Then, the government never told the prohibition men that if a bare majority of the actual votes polled on the question were in favour of prohibition they would enact prohibition. That would have been exceedingly unwise and unreasonable, The object of the plebiscite was to ascertain what the sentiment of the people of this country was on the subject of prohibition—whether that sentiment was strong enough to justify the government in introducing a prohibitory law. Now, what was the result of the vote? Altogether, something like 44 per cent of the registered voters of this country voted on the question of prohibition. The average percentage of the registered vote at a Dominion election is 66, so that on the prohibition question there were only two-thirds of the vote which is usually polled at a Dominion election. How were those two-thirds divided? The Minister of Agriculture stated in another place, and his statement was not questioned and cannot be questioned in view of the figures, that about 22½ per cent of the registered voters of this country voted for prohibition, and about 21½ per cent against it. There was one-fourth—speaking broadly—for, one-fourth against, and one-half of the electors did not vote at all. It is safe to say that as a rule the voters who did not go to the poll and vote one way or the other on the subject were not in favour of prohibition. I think there is no question about that. I know that in the city of Halifax that was the case. Those who abstained from voting were, in nearly every instance, opposed to prohibition; and the consequence is that if the government were to act as some extreme prohibitionists wish now, and as some members of the opposition in Parliament seem to wish, and were to introduce a prohibitory measure, they would be undertaking practically to act at the instance of one-fourth of the registered electorate of this country as against the wishes of the remaining portions of the electorate. Now, any hon. gentleman knows that that would be the height of folly, a most indefensible proceeding; and I have no doubt but the great majority of the members of this House would condemn the government in the most unmeasured terms if, after the result of the vote on the 29th of September, they were to introduce a prohibitory measure. The truth is, hon. gentlemen, that the prohibitionists themselves, when the result of the plebiscite became known, did not expect that a prohibitory measure would be introduced. This talk about the government introducing a prohibitory measure is the result of

an after thought. It was not expected by any one that the government would, under the circumstances, introduce a prohibitory measure—when I say not by any one, it was expected by very few. So far for the humbug. I fail to see where any charge of that kind has been made good, or where there is room for a charge of that kind. Then the hon. gentleman spoke about cabinet ministers as going about the province of Quebec stumping against prohibition. I do not think that if members of the government had done so they would have done anything wrong. The government did not pretend that all their members were in favour of prohibition. It was not a political question, and each members of the government was free to go on the platform and express his opinion on the subject just as he pleased ; but as a matter of fact the statement made by the hon. gentleman is totally incorrect. The only minister who went on the platform in the province of Quebec and spoke on the subject of prohibition was the Minister of Agriculture, and he spoke in favour of prohibition wherever he addressed an audience. Two other ministers, I believe at meetings—not meetings held for the purpose of discussing the subject of prohibition, but gatherings of a different character, did express themselves, as they had a perfect right to do, as hostile to prohibition. Now, I want to know where the statement of the hon. gentleman from Wolseley is? The hon. gentleman charged the government with spending $250,000 to no purpose. As a matter of fact, I believe that the plebiscite cost no such sum—that it did not cost half of that.

Hon. Mr. McKAY—Oh yes, $180,000.

Hon. Mr. POWER—My impression is it did not cost half of $250,000. I am now told the cost was $182,000, and that is considerably less than $250,000. I would direct the attention of the hon. gentleman from Wolseley (Mr. Perley) to the fact that a very important result was obtained by the plebiscite. We have found out where the country stands on the subject of prohibition. A great many enthusiastic prohibitionists were of the opinion, before the voting took place, that a majority, or very nearly a majority, of the voters of this country were in favour of prohibition. That question has been settled ; and I think we may congratulte ourselves that for a little while, at any rate, the subject of prohibition has been taken out of the arena of practical politics.

Hon. Mr. PERLEY—The hon. gentleman was not upstairs to-day at the committee room.

Hon. Mr. POWER—The government which the hon. gentleman supported did something in the way of spending money in connection with prohibition. They issued a commission, a Royal Commission.

Hon. Mr. DEVER—They spent three hundred thousand dollars.

Hon. Mr. DANDURAND—Four hundred thousand dollars.

Hon. Mr. POWER—They issued a Royal Commission, which sat in various places, and continued to sit for a long time, affording employment at a remunerative rate to a number of deserving followers of the Conservative party. That prohibition commission cost a very large sum of money.

Hon. Mr. PERLEY—How much?

Hon. Mr. POWER—I do not say it cost quite as much as the plebiscite, but it cost a very large sum of money, and accomplished nothing whatever. It was simply a tub thrown to a whale.

Hon. Mr. PERLEY—How much did it cost?

Hon. Mr. SCOTT—You did not read it?

Hon. Mr. POWER—I do not suppose any one in the country has read that report, with the exception of the proof reader whose duty it was to read it.

Hon. Mr. PERLEY—Will the hon. gentleman tell us how much it did cost?

Hon. Mr. POWER—Not less than $80,000.

Hon. Mr. FERGUSON—The hon. gentleman refers to the evidence. I suppose the report itself was not very voluminous.

Hon. Mr. POWER—That is just about the gauge of the hon. gentleman's criticism.

Hon. Mr. FERGUSON—That is about the size of the hon. gentleman.

Hon. Mr. POWER—What sort of a report could there have been without the evidence?

Hon. Mr. BOULTON—Recent evidence has justified the report, I think.

Hon. Mr. POWER—I am not quarrelling with the report which the commission made. The country was just as wise after the report had been printed as it was before. In the present instance we are a good deal wiser than we were before. Just one word with respect to the hon. gentleman from Marshfield (Mr. Ferguson). He agreed with the hon. gentleman from Wolseley, that the Dominion Alliance, representing temperance men, had been deceived by the government; and the hon. gentleman apparently thought that there was perhaps a good deal of truth in the report made by this man Parent because he took a good deal of trouble to show that it was a document which should have been laid on the table, and that the government were withholding information which they owed to the House. Now, the returns of the plebiscite voting are not government documents. They are not under the control, or in the possession of the government. They are documents in the hands of Parliament, of the officers of Parliament, and the hon. gentleman, if he thinks there is anything to be found in these documents to contradict the statements made on this side of the House, can go to the office of the Clerk of the Crown in Chancery and consult the documents. I may say that that statement disposes altogether of the claim that the document was one which should have been laid on the table, because the documents which must be laid on the table are documents which are in the possession of the government and which are not accessible to the members of the opposition. What May and Bourinot say does not apply to the documents in question. I may remark that the Conservative party and its leaders have not shown their hand at all in this matter; they have not said what they would do, looking at the result of the plebiscite. The hon. gentleman from Delorimier, who spoke yesterday, called my attention to the fact that there were one or two points which he forgot to mention. Where was the Conservative vote in the province of Quebec? It does not seem to have gone for prohibition, and I do not think the Conservatives are in a position to complain that the vote was so small. There was another circumstance which goes to discredit Mr. Parent, and to lessen the value of anything which has been said with respect to the improper nature of the voting in the province of Quebec, and that is that shortly after the voting took place, detailed statements of the votes in the different electoral districts were published in the newspapers of the province of Quebec, and everybody had a chance to see whether there was anything very wrong about the figures or not, and no one has attempted to show that there was anything very wrong. The principal reason why I have ventured to take up the time of the House is that I wish to express my regret, as a member of the Senate, at the action taken by prominent members of this House in connection with this matter. When the hon. leader of the opposition (whose absence from the House to-day I very much regret) began to speak, I was under the impression that the hon. gentleman had not read the speech made by the hon. Minister of Agriculture in another place, and consequently I was not disposed to find very much fault with the line which the hon. leader of the opposition took in the beginning of his speech; but when I found, as the hon. gentleman went on, that he had read the speech made by the hon. Minister of Agriculture, that he had read it carefully and was familiar with all the facts stated in it, then I must say that my feelings for the hon. gentleman were of unmixed condemnation. In the House of Commons, where party spirit is supposed to run rather higher than it does in this House, the matter ended with the speech of the hon. Minister of Agriculture. The hon. Minister of Agriculture is a gentleman of good character and reputation, and one whose veracity is not questioned by any one, and when he made the statement in the House of Commons that on examining the returns in the office of the Clerk of the Crown in Chancery, he found that not a single name of a person named by Parent as acting as deputy returning officer in the polls to which he had referred was the correct name of the person so acting, and when he pointed out that the figures mentioned by Parent showing the number of ballots cast in the different polling places were in no case the figures shown by the returns from the Clerk of the Crown in Chancery, members of that House let the matter drop, and no one has raised any question about it since; but here we have the hon. leader of the opposition in the Senate, which is supposed to be a much less partizan

body than the other House, deliberately bringing up those charges which he had every reason to believe were unfounded, and asking for a commission to inquire into statements which he has every reason to believe have no foundation whatever in fact, and after a committee had been offered in the House of Commons and not accepted. Then I notice that the hon. leader of the opposition yesterday, having, I think, come to the conclusion that his action of the day before and his whole action in connection with this matter did not reflect much credit upon him, took the ground that he was justified in laying that utterly unreliable statement of Parent's before this House and giving it to the public for the first time, because the persons who were slandered would have an opportunity of knowing what was said about them and would have an opportunity to defend themselves. That was the most extraordinary ground I have ever heard taken. A man utters a vile slander about a number of individuals and slanders a whole province, and the hon. gentleman takes the ground that it is his duty to give these slanders, which otherwise very few people would know anything about, to the public and to future generations, embalmed in the columns of our debates. Supposing, instead of being a public matter as it is, or *quasi* public matter, the action of those returning officers and the character of the vote in the province of Quebec, are at any rate *quasi* public matters, supposing it had been a private matter; that the hon. leader of the opposition had heard an atrocious story told about some hon. member of this House, in which he had every reason to believe there was not a word of truth, would he be justified in bringing that statement up and repeating it in this House on the ground that the person who had been slandered would have an opportunity to reply to it? The thing is absurd on the face of it. This Senate is supposed to be, and ought to be, a dignified body, and a body, if not quite non-partizan, at any rate less partizan than the more popular chamber, but I regret to say that as far as my humble judgment goes, the hon. leader of the opposition (and the hon. gentleman who occupies his place for the time being to-day, may be classed with him), apparently does his best to make this body appear to be neither a dignified body nor a non-partizan body. I have observed that the hon. leader of the opposition seems to believe himself under some obligation to go as far as the most extreme partizan in either House will go. Why that should be I do not know. I do not think the hon. leader of the opposition is such a violent partizan as his speeches in this House would make him out to be. Their language is sometimes as extreme and partizan as the substance of the resolutions to which they are addressed. The only conclusion which I have been able to arrive at, and the only explanation I can give of the extreme length to which the hon. leader of the Opposition goes, is that he has an impression that if he is not just as strong and extreme and as violent as any member of the Opposition in the other House, it may be suspected that he is not in entire harmony with the leader of his party. There is a sort of impression, I believe, that for some time at any rate, the relations between the hon. senator and the hon. gentleman who succeeded him as leader of the party were not of the most cordial character, and perhaps the hon. leader of the opposition is afraid that if he were not very extreme and decided, the impression might go abroad that he was not quite true to his party.

Hon. Mr. FERGUSON—I think my hon. friend is entirely out of order in imputing motives to the hon. leader of the opposition, more particularly as he is not present. Instead of dealing with the statements and facts given by the hon leader of the opposition, he drifts away and attributes motives to him.

Hon. Mr. POWER—Is the hon. gentleman raising a question of order?

Hon. Mr. FERGUSON—I raise the question that the hon. gentleman is altogether wrong in attributing motives to the hon. leader of the opposition.

Hon. Mr. POWER—I have had pretty nearly as much experience as the hon. gentleman and I think I am in order. I simply suggest; I do not say that is the motive, but I think that would be a creditable motive; and I have a right to speculate on the subject, because after all the motives which actuate public men are public property. I do not say that is the motive, but it occurred to me as being a

motive which would not be discreditable to the hon. gentleman and a defensible motive.

Hon. Mr. MACDONALD (B.C.)—What are your motives now?

Hon. Mr. POWER—I am addressing the members of the Senate as members of the Senate just now. I think we ought to consider what the effect of resolutions of this kind and speeches of the character of those which have been delivered here is going to be upon the esteem in which this House is held by the public. That is the reason I have risen to speak, and it is something which I think we should consider. Can any hon. gentleman in this House imagine Lord Salisbury, or the Earl of Kimberley doing what has been done by the leader of the opposition in connection with a matter of this kind? You cannot imagine such a thing. And still we are supposed to be, in a sense, a copy of the House of Lords, and we are supposed to imitate them in the matter of dignity; and I regret that the gentlemen who lead the majority in this House seem to forget, in my humble judgment, what is due to the dignity of this House and to the esteem in which it is held throughout the country. I had proposed to say a word or two about the attack made by the leader of the opposition on the voters of the province of Quebec, but the hon. gentleman from Delorimier has anticipated anything I had to say in that respect. The people in the province are as honest and sober as those of any other province, and although they do not believe in prohibition, they are as temperate as the people in the other provinces and perhaps rather more so; and I think the history of our election courts shows that fraud and corruption at elections are not greater there than in the other provinces. I notice that both the hon. leader of the opposition and the hon. gentleman, from Marshfield laid a good deal of stress on the fact that this man Parent had been formerly an employee of the government. The hon. gentleman from Marshfield went further and said a trusted employee, although why a man whose duty it was to cancel stamps should be necessarily a trusted employee does not appear quite clear. The hon gentleman from Marshfield and every other hon. gentleman in this House knows very well that no government can guarantee the character of all its employees; not only that, but within the experience of the hon. leader of the opposition there are much stronger cases than that of this man Parent. The hon. gentleman was associated in the government for a number of years with several other gentlemen and, after having been associated with them for a long time, he discovered that they were "a nest of traitors." So you see if you cannot guarantee the character of the people with whom you associate at the council board from day to day, how can you certify to the moral character and general good character of a man who is employed in cancelling stamps? I regret very much the course taken by the hon. leader of the opposition and concurred in by the hon. gentleman from Marshfield. That course is calculated to play into the hands of the enemies of this House. The enemies of the Senate are fond of representing the majority here as bitterly and blindly partizan; and I think that motions and speeches such as we have had in this matter give a degree of colour to that charge. Just now, when the question of interfering with the rights of this House is before the country, is an unfortunate time to select to make such speeches and to submit such motions. As a matter, of course, when a gentleman comes into this House he does not leave his party feelings behind him. But in my humble judgment those feelings, after he comes into the Senate, should be shown only upon worthy and important occasions, and they should not be bitter and intense.

Hon. Mr. MACDONALD (B.C.)—The hon. gentleman from Halifax, after being silent in this House for nearly a year, is heard again. He applies himself to public questions in a very proper way, but there is always a sting in his tale, and at the end of his speech to-day there was a sting. We have had a lecture on the dignity of this House. I would ask the hon. gentleman to turn back to his own speeches in the Senate; has any one been more violent in his speeches or more partizan than the hon. gentleman has been himself? In season and out of season he was on his legs in this House finding fault and raking up everything he could against the late government. That has been the course of the hon. gentleman in the past.

Hon. Mr. POWER—Did the hon. gentleman really mean to ask me a question? Because I can answer that question at once.

Hon. Mr. MACDONALD (B.C.)—The hon. gentleman could not content himself with dealing with the questions before the House in a public way; he must resort to personalities, and it is a very common fault with the hon. gentlemen opposite. The hon. leader of the opposition is absent to-day, and a charge is made against his motives. He is a strong partizan no doubt, but no stronger than the hon. gentlemen opposite, especially the hon. gentleman from Halifax. With regard to the speech he has made, I am sure he will not himself think that this House or the country or the temperance people are going to accept that speech as a solution of the difficulty, and an excuse for the way the government humbugged them on the plebiscite question. They will hold the government responsible for their conduct in the matter. Before lecturing this House on dignity the hon. gentleman from Halifax should examine his own conduct.

Hon. Mr. POWER—The hon. gentleman has asked a question. I did undoubtedly, when I was in opposition, criticise the measures of the government, but I did not criticise the personnel of the government to any extent, and I think the hon. gentleman will search in vain through all the speeches I have made here for language as unbecoming a member of this House as the language to which I have adverted.

Hon. Mr. PROWSE—It is very evident that this temperance question is looked upon by the government as a much more serious question to-day than it was when they made it a plank in their platform. Before I speak on that question, however, I will make a few remarks on the address to which we have listened from the hon. gentleman from Halifax. I cannot congratulate him on the good taste he has displayed in making a violent attack on the hon. leader of the opposition during his absence. Had he been present he is well able to defend himself in the presence of the hon. gentleman or of any other member on the opposite side of the House, and I think it would have been in much better taste had the hon. gentleman from Halifax reserved his remarks until the leader of the opposition was present. However, he is the best judge of the course he should pursue. I am quite willing to admit that the leader of the opposition to some extent is a partizan, and I think very properly so. It is the duty of the opposition in this House and in the other House to criticise the measures, the course and conduct of the Government of the day. I can remember very well when the hon. gentleman from Halifax, as well as the present Secretary of State, were in opposition in this House. They gave a very vigorous opposition to the late government, for which they deserved credit. I think they did their duty manfully and well. Sometimes they seemed to be very unreasonable in their opposition, but they were discharging their duty in criticising the measures of the government to see if there was anything wrong in them. The leader of the opposition, and those who are in sympathy with him to-day, have a perfect right to pursue a similar course without being called to account so sharply by the hon. gentleman from Halifax for so doing. I should like to ask the leader of the government in this House if I understood him to say that the cost of the plebiscite election was only $182,000.

Hon. Mr. SCOTT—The returns, as I got them from the Auditor General, a week ago, show that the amount expended was something over $181,000. There were some unsettled items that were under discussion and which had not been paid—accounts from some clerks of the peace and deputies, but one hundred and eighty one or one hundred and eighty two thousand dollars had been paid up to that time.

Hon. Mr. PROWSE—I hold in my hand the hansard report of the 19th of April, and I find the Prime Minister saying this, "total expenditure to date, 17th April, 1899, $183,684.58. There is yet a few outstanding accounts."

Hon. Mr. SCOTT—That is what I said.

Hon. Mr. PROWSE—How much are these outstanding accounts? The figures here are very misleading. They do not give the cost of the plebiscite vote by any means, and we have as much right to imagine that the balance will make up the $250,000 that was voted and expected to be expended, as the hon. gentleman opposite had to say that the expense has been only $182,000. Besides I think the cost of that election was more than $250,000, when you take into consideration the loss of time in discussing the

question and carrying on the election. In my opinion it has cost the people of the country far more than $250,000. The question is, were the people led to believe when this plebiscite vote was decided upon by the conference in 1893 that a majority given at the polls when the plebiscite vote was taken would be acted upon by the government. I maintain that the temperance people were given to understand that the majority would rule.

Hon. Mr. SCOTT—No.

Hon. Mr. PROWSE—The hon. gentleman may say no, and possibly he may not have thought so himself, because he was in the secrets of the conclave that formed this platform. The circumstances under which that platform was prepared were never divulged to the public. The temperance people of this country were never given to understand that if they had a majority at the polls prohibition would not be introduced. The impression given to the people was that if the majority of the votes recorded were cast for prohibition, the government would give effect to the expressed will of the people. Where is the proof of that? If any other policy had been decided upon by the government, it was their bounden duty to give the country to understand that the result was not to be the same as in every other vote—that the majority was not to rule—that people who never voted at all were to govern the actions of the government in this matter. How is it in this chamber? Does not the majority rule here? The Speaker, in deciding a question, takes it for granted that those who do not vote at all or express their views assent to the motion when put, and if they do not dissent from it then it is understood that those who do not vote are in favour of the measure. I have seen votes taken here when there have not been two yeas in favour of the measure, but the Speaker has decided the motion carried. Who carried it? How many times do we take a division on an adjournment of the House? All who do not oppose the motion are considered in favour of it, and we have as much right to assume that those who did not vote on the plebiscite were as much in favour of prohibition as though they had voted; and, notwithstanding the statement of the hon. gentleman from Halifax, we must reckon them all as not being opposed to prohibition. On the question of the understanding when this matter became a part of the platform of the party in power, I will read to you what the Hon. Mr. Fisher said at that convention. This is from his own speech delivered on that occasion. He said:

> I propose to read the resolution which pledges the Liberal party, if returned, to give the people of Canada an opportunity to express their views on this question, and the government in power must necessarily carry out the express will of the people.

When the plebiscite vote was taken, and a majority of those who gave expression to their views voted in favour of prohibition, it was the "expressed will of the people." Does the hon. gentleman from Halifax, or do the members of the government, maintain that those who "expressed" no opinion are to be regarded as having given "expression" to the will of the people? It was the "expressed will of the people" who voted, not the will of the people who did not "express" any opinion at all that should have been accepted. The Liberal party pledged themselves to give effect to the "expressed will" of the people, and the expressed will of the people was in favour of a prohibitory law. I say when this government refused to introduce such a law they are not fulfilling their pledges to the country on this question. Then, there is another matter which I think requires a little consideration. It has been stated since the vote on the plebiscite was taken that, at the convention of 1893, there was an understanding come to between the members of that convention that unless there was a large preponderating majority in favour of prohibition, the temperance people would abandon the idea of prohibitive legislation altogether; but if there was a large preponderating vote in favour of prohibition, a law would be introduced. If there was any such understanding at that convention, the temperance people, if they were dealt honestly and fairly with, should have been told what that majority would have to be. If it required one-half of the electorate, or two-thirds of the electorate, or three-fourths of the electorate, whatever it was, as honest men dealing with a sincere and honest people, who were anxious to see prohibition carried out in this country, they should have given them to understand what their decision was in the matter. The hon. Premier, in the other House, in his speech this session, said:

> That a resolution was introduced and inserted in the platform, by which the party pledged themselves

that if they came into office they would have a plebiscite on the question of prohibition, so as to obtain the honest unbiased opinion of the people on that great question. Let me say this: When we put that plank in our platform, there was an implied agreement between the members of the party who believed in prohibition and those who did not believe in prohibition. The implied agreement on the part of those who did not believe in prohibition was that if the voice of the people spoke unmistakably, if it should be shown that the great majority of the electorate were in favour of prohibition, then those who did not believe in it, would surrender their views to those of their brothers, and would work honestly for the success of that policy. On the other hand there was an engagement on the part of those who believed in prohibition, that if the voice of the people on the subject should not be of sufficient strength to warrant the adoption by the party of the policy of prohibition, they also would square their views to those of their brothers, and we would hear no more of that question in the ranks of the party. That was the policy we adopted, that was the policy we carried out, and what is the result?

Now I do maintain, hon. gentlemen, that if that was—as stated by the Prime Minister, in his place in the House of Commons—the policy of the party in 1893, and it was kept private and secret from the electors until after the vote took place, they deceived the people of this country, because the people had a right to suppose the result of that election would be the same as the result of any other election wherever held. When you put a question to the people the majority always decides the question and if any other policy is adopted, the people themselves who had the votes to give should have been told of it in time. I honestly believe, and I am sorry that I have to make the statement, that this proposition for a plebiscite was simply done to hoodwink and deceive the temperance people, that the hon. gentlemen opposite were never sincere in promising to carry out the policy, but they thought to deceive the temperance people, and secure their votes, and they succeeded in doing so. What a contrast between the course pursued by the present government and their predecessors. The temperance people then were as anxious for prohibition as they are to-day. They asked Sir John Thompson for a prohibitory law. What was his answer? It was honest, manly and straightforward. He said: "I do not think the country is ready for prohibition." The temperance people respected him for his candor, but they said "we have to look to the Liberal party." What did the Liberal party promise? They promised a plebiscite which cost the taxpayers over $250,000. That is what the deception practised upon the temperance people has cost the country. I think the vote polled on the plebiscite was a very fair representation of public opinion, barring the result in Quebec. I must say the vote in Quebec is a mystery to me. I cannot understand it. I believe the people of Quebec are at least as temperate a people as any in Canada, and I think if the question had been fairly put before them, there would have been a majority in favour of prohibition in Quebec as there was in every other province. A good deal has been said about the course pursued by the leader of the opposition in reference to this question, and in reference to Parent's report. Why should we not expect something reasonable to come from that report? Who is this Parent? He was employed by the Temperance Alliance. He ought to be a man of respectibility and reliability, when such a respectable body as the Temperance Alliance would employ him to ascertain if there were frauds committed in the election. They, no doubt, inquired about his past career, and they found what? That he had been in the employ of the government and that he had been employed by the Liberal party as a party organizer.

Hon. Mr. SCOTT—No.

Hon. Mr. PROWSE—I think that was admitted in this House.

Hon. Mr. SCOTT—No.

Hon. Mr. PROWSE—It was admitted by the hon. gentleman from Montreal. He told us that he gave him money to organize the party.

Hon. Mr. SCOTT—And he got drunk.

Hon. Mr. PROWSE—The hon. gentleman says no. What does he mean when the hon. gentleman from Montreal admits that he gave the man money to organize the Liberal party?

Hon. Mr. SCOTT—No.

Hon. Mr. PROWSE—Still the Secretary of State says no. I say yes. It was admitted by other members of the governmen, I think that he was an organizer for them. Occupying such a high position in the ranks of the government and being in the pay of the government of the day, had not the leader of the opposition a right to inquire in reference to the reliability of the statements made by that gentleman and contradicted by the Minister of Agriculture?

I do not know whether the Minister of Agriculture was the only gentleman who took the platform during that agitation in the province of Quebec, but I know that in the newspapers of the day it was reported, and I think was admitted here today by the hon. gentleman from Halifax, that some of the ministers spoke against prohibition at meetings which were held. Still we are told it was only Mr. Fisher who took the platform. I do not understand it; if the other ministers did not take the platform against prohibition, how did they come to speak against it? I am only sorry that this plebiscite has cost the country so much and given so little satisfaction. My own opinion about the passing of a prohibitory measure is —that I think it is fortunate, even for the temperance people of the Dominion of Canada, that this government has not undertaken to carry out a prohibitory measure, because I believe you will never get a prohibitory measure successfully carried out until you have prohibitionists in the government, feeling in their own hearts that it is the right policy to pursue. While we have the present government in power we need not expect them to carry out prohibition to satisfy the temperance people or the people generally throughout the country. My opinion is that if the temperance people have any hope of carrying prohibition, they will have to form a temperance party—will have to withdraw their allegiance from every other party, and make temperance their leading if not the only plank in their platform.

Hon. Mr. MILLS—I have been listening with interest to the discussion that has taken place, from the speech of the leader of the opposition, who introduced this motion, to the speech which has just been delivered by the hon. gentleman from Prince Edward Island. One hon. gentleman has said, and another has repeated it after him, that it is very wrong to refer to the motives which may actuate men in their public conduct, and in the propositions which they submit to this House for its consideration. I thought that this whole question and the motion itself related to the motives of the administration., I have not heard anything discussed except the motives of the administration, except here and there an incidental observation made in commendation of the leader of the opposition and the very wrong course that had been adopted in saying a word about the motives which induced him to bring this motion forward. Now, look at the questions which are put as a sort of introduction to this motion. They inquire whether a certain party was an employee of this government. What is the object of that inquiry? They inquire whether he is an employee of any other government existing in this country. What is the object of that inquiry? Then it is intimated that he was employed, if employed by some other government,as a reward for services he had done this government, and what were the services for which this reward was to be given? What are the services that were pointed out by the hon. gentleman who made this motion that this man Parent had done for the government of Canada? Why, that he had committed frauds. He had been a party to frauds, and that other parties had been parties to frauds in the province of Quebec, and that he was being rewarded for services of this character which he had performed on behalf of the government to swell the votes in opposition beyond what were actually recorded against prohibition. Now, that is the sort of motive that has been attributed to the administration. And then my hon. friend, who has just taken his seat, has attributed all sorts of improper and dishonest motives to the administration. Has the hon. gentleman one code of morals for the hon. gentlemen on this side of the House, and another code which he applies to those who oppose the administration? His whole argument implies that. I remember a decision of the Chief Justice of the Supreme Court of the United States on a constitutional question in which he said the government of the United States was a white man's government, and that the negroes resident in the United States had no rights which were protected under the constitution and which white men were bound to respect. Now, the hon. gentleman seems to think that the members of the administration stand very much in the same position that the negroes in the United States did before the civil war broke out in that country—that we had no feelings, no sense of honour, no regard for truth, which ought in a public discussion to be considered or weighed for one moment when hon. gentlemen on that side of the House chose to attribute any sort of dishonest or unfair motives to us in

a public discussion. Now, I deny the statements which the hon. gentleman has made. Further than that, he had given to him by my hon. friend the Secretary of State the expenditure connected with the taking of this plebiscite on the prohibition question, and he was told it was about $182,000, although there were some small accounts yet to come in, and then the hon. gentleman from Prince Edward Island (Mr. Prowse) read us a statement of the Prime Minister made yesterday, in which he said that amount was $183,000. I suppose there may be a few hundred dollars standing out yet, some one whose account is disputed, some one whose account is still a matter of controversy and cannot be paid until the facts are correctly ascertained; but at most they could amount to but a very small sum, one hundred dollars or two hundred dollars at the outside; and yet upon the mere argument of an unpaid account which may still be in controversy the hon. gentleman declares that he has no doubt whatever that the expense will at least reach $250,000.

Hon. Mr. PROWSE—I did not say I had no doubt whatever.

Hon. Mr. MILLS—I would say it would be an advantage to my hon. friend, so far as the impression of moderation and fairness which his observations would make, if he did not express his absence of doubt in this matter with so much confidence. Upon what is that statement based? Upon what ground does he say that he has no doubt that the cost will amount to $250,000.

Hon. Mr. PROWSE—I mentioned in my speech that, reckoning the time fully that was lost to the electors going to the polls added to the cost of the vote, it would amount to that.

Hon. Mr. MILLS—My hon. friend may lose valuable time here every day in the subjects that he discusses and the subjects that he does not discuss, those that he considers and those upon which he gives his mind a holiday, and yet he would not think it was quite fair to charge his loss of time in that matter in the public accounts. And yet my hon. friend is speaking of the actual amount of money that is paid out of the public treasury for the purpose of taking a vote. My hon. friend says, "Yes; the statement made by the Prime Minister yesterday shows the amount is more than $182,000. I have no doubt it will amount to $250,000," and then, in addition to that, he makes the statement that there is a great deal of valuable time lost. So there is in regard to everything. My hon. friend, when he takes his holidays in the summer, loses a lot of valuable time; perhaps he gets something for it, but the time is not converted into money, neither is the time which the parties have devoted to the discussion of the plebiscite question during the time it was under consideration. Then the hon. gentleman says the government humbugged the people. He is attributing motives again, and motives of not a very high order.

Hon. Mr. PROWSE—I do not think I used the word humbugged, but that is what I meant.

Hon. Mr. FERGUSON—It is not the motives he is dealing with, it is their actions.

Hon. Mr. MILLS—The hon. gentleman has undertaken to draw a distinction where there is no distinction. He spoke of humbugging the people of the country in taking the vote and leading them to believe that the government intended to act on a simple majority, if a majority were recorded in favour of it. I say no member of the administration ever led the public to suppose, or ever led the temperance people of this country to suppose, that if the majority of the votes recorded were in favour of prohibition, that prohibition must be brought forward as a government measure, as a matter of course. Why, suppose there had been only 10,000 votes cast altogether, and that 8,000 had been in favour of prohibition, and 2,000 against it, do hon. gentlemen suppose for a moment that the million of votes that were not recorded at all are not to be considered? This is not a question where a legal result depends upon the vote. It is not like the election of a member of the House of Commons where only ten men might vote, and yet those who voted on the side of the majority would succeed in electing their member. There must be a member, and the House of Commons must be constituted, and they make the necessary provision for its constitution; but the object of this vote was not for the purpose of settling the question absolutely by those who voted for it or against it. The object was to as-

certain the state of public opinion on this question, and in ascertaining that state of public opinion every man in his senses knows that we must take into consideration those who are indifferent, and those who did not vote at all, as well as those who are acting upon the one side or the other. How does the vote stand? You have 260,000 people odd voting against prohibition and you have 270,000 voting in favour of prohibition, but you have over 600,000 who do not vote at all, and are they to be left out? Are they not to be considered when the government propose to act one way or the other? When the day of election comes these men will vote and they will be ready to say whether the government shall remain in office or whether they shall go out of office, and the fact that they did not vote at all is a significant fact of which any government, in the possession of its senses, must take note as well as it takes note of those who vote. Then the hon. gentleman has said that we were insincere and that we intended to deceive. Those were the words the hon. gentleman used. Intended to deceive whom? What object or purpose would the government have in intending to deceive? The government desired to obtain an expression of public opinion. My hon. friend supported the government who preceded us in appointing a commission, and sending that commission over to the United States to ascertain how prohibition worked under their system and also to ascertain what was the state of public feeling there. That commission made a very voluminous report, embraced in four volums, and if men lived as long as they did in antediluvian times the length of time required to read four volumns of nearly 1,000 pages each might be devoted to the reading of such a report, but, when the days of man are but three score years and ten, it is too much of human life to devote to the investigation of that commission to read four volumes, which would embrace about 4,000 pages and weigh about 25 lbs. avoirdupois. What did the public gain by that? There was a certain amount of information collected, but as to the state of public opinion we were not informed; we could not be informed. I thought myself that the state of public opinion in favour of prohibition was not as strong as many of my friends, who are anxious to see a prohibition measure adopted, thought it was. We have, by the vote that was recorded, an exact expression which shows us that out of nearly 1,000,000 electors at the present time in this country, 270,000 are in favour of prohibition. That is what the result shows, and I think that that result is such as to show, that the government would not be justified in acting upon that vote. There is this to be borne in mind—and the hon. gentleman has not addressed himself to the question—that there are $7,000,000 of revenue or more that would be absolutely wiped out by the adoption of a prohibitory measure. Let me suppose for a moment that the government, instead of asking for a vote on the question, Yes or No, proposed a complete measure, had endeavoured to provide for the loss of revenue that would be sustained and had said to the people of this country: "This is our proposition; we will grant you prohibition, and we ask you to sanction the measure which we propose that will place at the disposal of the government a sufficient amount of revenue to make up the deficiency," does any hon. gentleman suppose we would have got as large a vote in favour of prohibition as we did? If you were to transfer $7,500,000 of taxation from the liquor traffic and the consumption of liquor to a direct tax or a tax on tea or coffee, or any other article of commerce from which the revenue could be raised, does any hon. gentleman suppose that the vote would have been as large as it really was? I do not think so. The temperance people did not think so, because when it was suggested that a perfect measure should be prepared and the vote taken on that measure there was scarcely one among those who favoured prohibition who would sanction such a course being taken. And why not? Because they felt that upon an abstract question a much larger vote would be polled than upon any practical measure for the purpose of giving effect to prohibition that could be devised by the administration. What the hon. gentleman is annoyed at, and why he expresses himself so strongly against the administration, is that he hoped the government would perish in consequence of this proposed prohibitory legislation. The hon. gentleman says that we ought to act upon the simple vote of a majority. Whether the vote was 10 or 10,000, he holds that it is equally binding upont he administration, and the hon. gentleman presses that, not because he is disposed to adopt that view himself, not

because he favours that, not because that is so—and he has not said that—

Hon. Mr. PROWSE—You ought to be consistent and obey the mandate of the people.

Hon. Mr. MILLS—The hon. gentleman says we ought to obey the popular mandate. Is the hon. gentleman prepared to obey the popular mandate? Is he prepared to say "If my friends come into power, unless they carry that mandate into effect I will not support them?" That mandate is binding upon those who may succeed us as well as upon us. If it is a popular mandate that we should obey, it is a mandate that our successors should obey as well. Is he prepared to say that? Is he prepared to say: "If my friends come into power to-morrow or next day unless they give effect to that popular mandate I will not give them my support."

Hon. Mr. PROWSE—I did not promise it.

Hon. Mr. SCOTT—It is not a question of promise. If the government are bound to obey a simple majority of those who record their votes, whether that majority be a large or a small percentage of the entire vote of the population of this country, the hon. gentleman and his friends would be as much bound to obey that mandate as any member of the administration.

Hon. Mr. ALMON—Not unless they promised to do so.

Hon. Mr. MILLS—I am not going to discuss this matter further, I wished to call attention to the motion that has been made, to the questions which accompanied it, to the spirit in which it has been submitted to this House, to the motives which have been attributed to the administration, and to the unreasonable demands which have been made upon us. I say, therefore, that the whole discussion that took place yesterday upon this subject from the other side of the House is entirely beside the question, and it is also beside the question to tell us what Sir John Thompson's opinion was some four or five years ago. We know this, that although Sir John Thompson did say that he was not prepared to legislate, he appointed a commission, put the country to a very large expenditure in the constitution of that commission and in the publication of the report, and the hon. gentleman, so far as I know, has never expressed a word of censure with regard to the action of the government on that occasion.

Hon. Mr. SCOTT—It may be well to inform the House that it would be quite impossible to agree to a proposition such as is contained in this motion because, as explained by the hon. gentleman from Halifax, it is too indefinite. I presume it is in connection with the taking of the plebiscite, although it does not say so, and in regard to the latter part of it there are no affidavits or other documents having relation to the vote cast upon the question of prohibition. This document of Parent's which was read in this House was never presented to the government nor was any other document of a similar character protesting against the alleged frauds or making any reference to them.

Hon. Mr. FERGUSON—The hon. gentlemen cannot bring down what they have not got.

Hon. Mr. SCOTT—It refers only to the plebiscite?

Hon. Mr. FERGUSON—Yes.

Hon. Mr. MILLS—It may be carried with that understanding.

The motion was agreed to.

THE STOCK DIVORCE BILL.

REPORT OF COMMITTEE POSTPONED.

Hon. Mr. KIRCHHOFFER moved the adoption of the 3rd report of the standing Committee on Divorce in *re* Bill (A) "An Act for the relief of David Stock."

Hon. Mr. McKAY—Is that the case in which we have not the report of the evidence?

Hon. Mr. KIRCHHOFFER—I do not know whether it is printed or not.

Hon. Mr. McKAY—We had better have the evidence. We have never passed a report before without the evidence.

Hon. Mr. KIRCHHOFFER—I have no objections to allowing it to stand till Monday.

Hon. Mr. ALMON—This is very much like the old story of the train that stopped at Chicago and the porter called out to the passengers "Fifteen minutes for refreshments and divorces."

BILL INTRODUCED.

Bill (E) "An Act for the relief of Annie Inkson Dowding"—(Hon. Mr. Clemow.)

Bill (F) "An Act for the relief of Abraham Aronsberg"—(Hon. Mr. Boulton.)

The Senate adjourned.

THE SENATE.

Ottawa, Friday, 21st April, 1899.

THE SPEAKER took the Chair at three O'Clock.

Prayers and routine proceedings.

CANADA LIFE ASSURANCE CO.

PETITIONS PRESENTED.

Hon. Mr. McCALLUM presented petitions of certain policy-holders in the Canada Life Assurance Company praying for certain amendments to the company's Act of incorporation. He said:—There are 35 petitions, representing policies to the amount of $2,243,000. It is not necessary to read them all. Life is too short. It is a petition of the policy-holders of the Canada Life Assurance Company, praying for the passing of an Act restoring the seventh section of the original Act of the said company, limiting the number of votes to be cast by one shareholder to forty, and also to give to the policy-holders of the company such provisions as may be necessary to protect their interests. The prayers of the petitions are all alike, and there are altogether 386 names.

SPECIAL TRIP OF THE STEAMER "STANLEY."

INQUIRY.

Hon. Mr. FERGUSON rose to:

Ask the government if it is true that the government steamer "Stanley" made a special trip between Pictou and Georgetown on Sunday, the 16th instant, for the purpose of conveying Mr. Frederick Peters, of Victoria, B.C., to Prince Edward Island? And also, if a special train on the Prince Edward Island Railway, from Georgetown to Charlottetown, was run on the same day and for the same purpose? If so, by whose orders were these special services rendered, and at whose expense?

He said:—I will not make any remarks until I know the nature of the reply, and will simply make the inquiry.

Hon. Mr. SCOTT—It is not usual to make the remarks afterwards. However, I will give the answer. The steamer "Stanley" was, by the authority of the Minister of Marine and Fisheries, authorized to convey Mr. Peters either on Saturday evening or Sunday, I do not know which, across from Pictou to Prince Edward Island, I suppose it was. Mr. Peters was a member of the legislature. He did not attend at the last session of the legislature, and his seat would have been forfeited had he not been there on Monday. He left Victoria, as I am advised, in time to reach Prince Edward Island before the legislature opened, but his train was delayed, and it therefore was a matter of importance to him that he should be conveyed across in time for the Monday sitting of the House, otherwise he would have lost his seat. There was no authority given for a special train, and Mr. Peters paid his own passage money, whatever it was.

Hon. Mr. FERGUSON—My questions are not all answerd. Mr. Peters may have paid his fare, but I ask, on whose order, and at whose expense, was the special train run?

Hon. Mr. SCOTT—I do not know that he had a special train at all. I say there was no authority given for a special train. I am so advised by the Minister of Marine and Fisheries.

Hon. Mr. FERGUSON—Was there any authority given for the running of the steamer "Stanley"?

Hon. Mr. SCOTT—Yes, the Minister of Marine and Fisheries gave authority to run the steamer across with Mr. Peters.

Hon. Mr. FERGUSON—At whose exprense were the special trips of this boat and this train made?

Hon. Mr. SCOTT—The authority was given to run the steamer. I presume Mr. Peters paid his passage money, whatever it was.

Hon. Mr. McCALLUM—He would not pay the expense of the steamer?

Hon. Mr. SCOTT—I dare say not.

Hon. Mr. PROWSE—I should like to make one remark in regard to this extraordinary proceeding of the government with refrence to a private individual. It was well known that Mr. Peters was, in years gone by, the leader of the government in Prince Edward Island. He resigned his position, and went out to British Columbia, and has since been carrying on business there. During all last session he had absented himself from the local House. He did not represent the district for which the people elected him, and the people of that district were unrepresented, so far as he was conserned, during the last session of the local legislature, and I know a great many people were very anxious that Mr. Peters should come and attend to his parliamentary duties as their representative, or give them an opportunity to elect a man to represent them in their local parliament, as they had a right to expect, and which Mr. Peters engaged to do when he was elected by the people. The government of this country went very far out of their way to put their hands into the treasury of the country, and pay the expenses of the steamer "Stanley," to take an individual who had been treating his constituents as Mr. Peters had done, from Pictou to Prince Edward Island, on the Sabbath day, at the expense of the government, and also providing a special train to take him to Charlottetown on Sunday, merely for the sake of retaining his seat in the local parliament. I wish to enter my protest against such such unfair treatment of the public funds of this country.

THE MANITOBA SCHOOL QUESTION

MOTION.

Hon. Mr. PERLEY 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, a letter addressed to the Government through the Prime Minister, by His Grace the Archbishop of St. Boniface, on the settlement of the school question in the province of Manitoba, said letter being dated about September or October last.

He said:—In moving for these papers I desire to say that I am not doing it in a spirit of partisanship. If I did I am afraid I would rouse the ire of my hon. friend from Halifax (Mr. Power), who is always ready to take exception to any hon. gentleman who asks a question or makes a remark not exactly in accord with the sentiments of himself or the government of which he is a supporter. I may say, however, that I am here to discharge my duty on all public questions, and I intend to do it fearlessly, regardless of any criticism that may come from that hon. gentleman. I must say that I am a bit surprised at the course of the hon. gentleman in criticising the remarks of members who differ from him, because he knows very well that during all the years he was in opposition he never on any occasion voted in favour of the government, and that is so vastly different from the course I have pursued as a member of the Senate that he ought to think twice before he undertakes to read me a lecture on partisanship. I have been known on several occasions to vote against the policy of the Conservative party; but the hon. gentleman has never been known, on any occasion, to vote against the policy of the party that he supports. In that particular I differ from him very much. I might say that this question is not one originating with me. The train passes Wolseley, where I live, at midnight; and on the morning of the 13th of March when I got aboard the train, before going to bed I asked the porter to call me early in the morning, or half an hour before I got to Brandon I had made a previous arrangement with a gentleman in Brandon to meet me at the train. The porter did not call me, because I got up myself before we reached Brandon, and when I got up I found His Grace, the Archbishop of St. Boniface, on the train. He was making his toilet, and we went to the back of the car and sat down and had quite a little time to talk by ourselves. Our conversation was not private or confidential in any sense whatever. In the way of conversation I remarked to His Grace that I had to compliment him on the successful settlement of the school question. I at once saw fire in his eyes. He asked me who said that. I said it was stated by Sir Wilfrid Laurier in the House of Commons at different times during the last session of Parliament, and it was also stated by the Secretary of State, in answer to the hon. Mr. Landry in the Senate. Now, I do not wish to say in what language he termed that statement incorrect, but he did so in very

strong and emphatic language, which would be unparliamentary if used in this House. I also said to the rev. gentleman that I had not seen that he had taken any particular interest in that matter for the last few months, to which he replied that that was not correct, from the fact that he had addressed a letter to Sir Wilfrid Laurier on this question, and he showed, in order to convince me of the correctness of the statement, a desire that I should call for the production of that letter. I said to him that such a letter would be regarded by the government probably, as a private letter and they would not give it to me. He said that the letter was not private—although addressed to Sir Wilfrid Laurier it was a public letter, and said he "you have my authority to call for that letter, which will show that I am not satisfied with the settlement of the school Question—that it is not settled at all." He further said to me—and here is where the question comes in—that in the city of Winnipeg, in Portage la Prairie and Brandon, the principal towns in Manitoba, that there is no alteration in the Martin School Law—that it was carried out in toto—that there had not been an "*i*" dotted or a "*t*" crossed so far as the administration of the law was concerned. But in the rural districts, he said, mentioning some, the law was winked at. There they got those concessions that they wanted by law, and he was entirely dissatisfied with the manner in which they had been treated on this question. I went on to speak to him about the law and he said "in those different places we get by concession that which we claim we have a right to by law." He addded that he did not want it by concession, but by law, and he authorized me to ask for this letter so that I might see that the question was not settled Then I see by a statement made by the hon. Premier of Manitoba that the law has not been changed in the least, and if there was any change made in the law it would have to be by an Act of Parliament. I saw by the statement of the local Premier that in all those schools in the rural districts where the law has been winked at, to use the language of His Grace, and certain concessions have been allowed to the Catholic minority with respect to their schools, that Mr. Greenway, notice having been called to it, sent out an inspector to report, and that inspector having reported that the law had been winked at and concessions made to those people, he has stopped it. Further than that, the hon. Prime Minister of Manitoba says that the law is as it was enacted at the start, and that they would withold the grant from all schools that in any way infringed the law. Therefore there is a discrepancy between the statements made by His Grace the Archbishop and the government of Canada, as far as the Prime Minister and the Secretary of State are concerned, when they say the matter is settled. One or the other party has stated what is incorrect, and the Archbishop is backed up by the statement of the Prime Minister of Manitoba in a speech from the platform, in which he said that the law was as it stood originally. What we ought to know is, who is telling the truth—who is right? Is His Grace the Archbishop right in saying that there has been no change made, and that the law is as it was, or are the hon. gentlemen who administer the affairs of the country right in saying that the matter is settled, and out of the arena of politics. This is a question to which I should like to have an answer. There is another thing I should like to call attention to. During the recent election campaign, in 1896, on some occasions I spoke in favour of the Remedial Bill, as it was called. That Remedial Bill gave the Catholics the right, in some respects, to be protected from paying taxes for the support of public schools, as the law of the country now requires, when they were supporting their own schools, and I contended that that would be right and fair; but I find that the law of Manitoba requires those people to pay taxes to the public schools when they go to their own schools. A portion of the law is as follows: That no Catholic schools can obtain a share of the public money in Manitoba until the teacher makes a declaration, which is an oath to all intents and purposes, that no religious instruction has taken place in that school during the previous six months during which he had taught it. Now, that is a very severe and improper provision in a free country like Canada, requiring a teacher, before the government could give funds in aid of the school, to make a declaration that there has been no religious instruction in the school. I say it is a disgrace to the country, no matter what government passed the Act; and further, that the law was largely passed and carried out for political purposes, and no

government is properly administering the affairs of the country which is a party to doing such a thing. I also understand—which, perhaps, to some extent, accounts for His Grace's silence on the school question of late—that the present government, or some of its members, have been sending hush money, as it has been termed in the other House. I do not believe that it is the case. I do not believe that His Grace would be the recipient of hush money as a reward for keeping silent on the question. He may have received a sum of money in support of those separate schools for the purposes of allaying public feeling for a while until after the Manitoba elections, and then, probably, if Mr. Greenway gets into power again, he will wink at the law all over the country, in the cities as well as in the rural districts. It is a disgrace to Canada, or to any part of the Dominion, that there should be a law on the statute-book prohibiting prayers or religious teaching in the public schools. We open both Houses of this Parliament with prayer, and if it were not for the religious prejudices of the people, every school in the land should be opened and closed with prayer. But owing, not only to religious prejudices, but also to political trickery, people sacrifice their convictions for the sake of attaining political power. The question which I should like to have answered by the government is this: Is the school law settled? If it is, bring down the Act and show in what respect it has been amended to settle it, and thus determine who is right—the government here, which says that it has been settled; or His Grace the Archbishop of St. Boniface, who says it is not settled. I repeat, I ask for that letter on the authority of His Grace, and if it is produced it will show who is right and who is wrong.

Hon. Mr. MILLS—The hon. gentleman has exhibited a laudable curiosity in seeking to ascertain what correspondence, if any, has passed between the Archbishop of St. Boniface and the Prime Minister of Canada. I may say to my hon. friend that there is no letter under the control of His Excellency of the kind which the hon. gentleman has mentioned. There is no letter addressed to the government by the Archbishop of St. Boniface. Any letter which His Grace may have written on the subject of the school question to the Prime Minister, was written to him in his capacity as a friend of the Archbishop, or as the head, it may be, of an administration pursuing a certain policy, but certainly it was a private communication, and not one of a public or official character, which is at all under the control of the administration, and before my hon. friend's curiosity in this matter can be gratified, he must make his application personally to the Prime Minister, and persuade him to place that letter, if there be such a letter, in his hands; but there has been no public letter, no official letter, addressed to the Prime Minister as head of the government by the Archbishop of St. Boniface. What the hon. gentleman says about the school question in connection with this subject may be very interesting to the House, but it is in reference to a question that is not now before the Senate for its consideration. I listened with interest to the declaration of the hon. gentleman in favour of the rights of the minority and that compacts ought to have been observed. I was under the impression, until the hon. gentleman made his speech to the House, that he was of a different way of thinking. I may say to him, however, that upon that question it was in the power of the late government at one time to have disallowed that measure if it was felt to be one that was in violation of a compact, but it was allowed to go into operation.

The motion was allowed to drop.

The Senate adjourned.

THE SENATE.

Ottawa, Monday, 24th April, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

EXCHEQUER COURT ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (B) "An Act further to amend the Exchequer Court Act."

Hon. Mr. KIRCHHOFFER—Before this motion is put, I would like to say that as it

seems to me, this bill is one which influences to a certain extent the Expropriation Bill, which is lower down on the order paper, that it is advisable that the Expropriation Bill should be dealt with first and some conclusion arrived at in regard to it before this measure is proceeded with, and I would ask the hon. leader of the government whether it would not be advisable that that course should be pursued. In this bill we have one of the most extraordinary measures ever introduced by any government in the Parliament of Canada. We have an Exchequer Court here especially provided for the trial of claims which private parties have against the government, and we have a judge who is specially directed to try these claims, and yet we have here a bill which is asking—and the effect of which, if passed, will be—that the powers of the judge with regard to some cases shall be absolutely taken away from him, because it directs him, under certain circumstances, as to the verdict he is obliged to give. Clause 3 in this bill is as follows:—

If the injury to any land or property alleged to be injuriously affected by the construction of any public work may be removed wholly or in part by any alteration in or addition to any such public work, or by the construction of any additional work, or by the abandonment of any portion of the lands taken from the claimant, or by the grant to him of any land or easement, and, if the Crown by its pleadings, or on the trial. or before judgment, undertakes to make such alteration or addition or to construct such work, or to abandon such portion of the land taken, or to grant such land or easement, the damages shall be assessed in view of such undertaking, and the court shall declare that, in addition to any damages awarded, the claimant is entitled to have such alteration or addition made or such work constructed, or such grant made to him.

By this clause the judge is given neither option nor latitude. He cannot act according to his interpretation of the law nor take his own view of the evidence which comes before him. If the Crown under certain circumstances, the reason and the method of which is entirely left in their own hands, see fit to make a certain declaration, then the judge is bound to render a verdict in accordance with that. He is not allowed to take his own views of the facts; he is not allowed to give even his own view of the interpretation of the law. All the government have to do is to make a certain declaration, and according to this direction he is bound by that. I think in view of the fact that we have a court specially constituted to try these cases that this is a most extraordinary proceeding to introduce here. Furthermore, the passing of this Act would have the effect of doing away with or taking away the rights of individuals, the rights which these parties individually have against the Crown. Such a measure would be *ultra vires* of the Federal Government, as taking away rights which are solely and wholly in the control of the provincial government, and the hon. leader would find that not only is the law as proposed here pernicious, as I consider it to be, but he would find it bad after he got through. I would ask the hon. Leader of the House to allow the second reading of this bill to stand until after the other bill is considered.

Hon. Mr. MILLS—I would say to the hon. gentleman I think he entirely misapprehends the scope and intention of the clause to which he refers, and he will find upon examination that it is not *ultra vires*, and that it is within the expropriating power of the Dominion. The intention of this clause is to give to the Court of Exchequer a larger jurisdiction than it has at the present time. I need not refer to other clauses of this bill preceding it, because the hon. gentleman has not taken exception to them, but this particular clause, which is a substitution for the third section of the statute of 1889, I shall endeavour to explain to the House, and I think the hon. gentleman who has just spoken will see that it is not open to the objection which he has made:

If the injury to any land or property alleged to be injuriously affected by the construction of any public work may be removed wholly or in part by any alteration in or addition to any such public work, or by the construction of any additional work, or by the abandonment of any portion of the lands taken from the claimant, or by the grant to him of any land or easement, and, if the Crown by its pleadings, or on the trial, or before judgment, undertakes to make such alteration or addition or to construct such work, or to abandon such portion of the land taken, or to grant such land or easement, the damages shall be assessed in view of such undertaking.

Now, it takes away no power from the judge, but it puts it in the power of the Crown to make suggestions. If a party says, "My property is injured by a portion of it being taken away," the Crown suggests alterations or changes. It is then open to the judge of the Exchequer Court to take into consideration these proposed changes. He will see whether they meet the objections made, whether the grounds on which damages are sought from the Crown are

lessened by the proposed changes or not. All that will be before the judge of the Exchequer Court. The judge will pass upon those suggestions or proposals. It simply is an enabling power—enabling the Crown to propose something by way of mitigation of damages, and it enables the court to pass upon those proposed mitigations, and to say whether they have the effect of lessening the damages which might otherwise be done to the property. In all the proposed changes, no jurisdiction is taken away from the Exchequer Court. On the contrary, the jurisdiction of the Exchequer Court is enlarged. The Court of Exchequer will be enabled to say whether the proposed changes, if made, would meet the objections of the party whose property may be wholly or in part taken. It is provided that the government may "abandon any portion of the lands taken from the claimant." For instance, not long since, propery was being expropriated upon which a mill was erected. The mill owner says: "You are taking away by your expropriation the yard where teams which come to my mill turn about, and without backing in they cannot get to the mill as conveniently as before." There was a proposal made to give him other ground equally convenient, or to make certain alterations which would meet his objection. Now, the court is of the opinion that it has no power under the existing law to take into consideration a proposition of that sort, and that it is desirable that it should have. We do not think that it is desirable that a party may force the government to take property which it does not want, because there is a certain portion of the property which it does want. If the present amendment is adopted, you will increase the power of settling—you increase the power of meeting the objections of the party whose property is being expropriated, you have the power of mitigating the damages, but you do not pass upon these—it is the Court of Exchequer before whom the case comes that decides whether what the government may propose will have the effect of lessening the claim for damages or not. It is intended as a measure of perfect fairness between the party who may be the owner of property that is being expropriated, or may have some interest in it, and the Crown. It is to protect the Crown against a man's extravagant charges, but whether they are extravagant or not is for the Exchequer Court to pass upon. The hon. gentleman will see the words are:

> If the Crown by its pleadings, or on the trial, or before judgment, undertakes to make such alteration or addition, or to construct such works, or to abandon such portion of the land taken, or to grant such land or easement, the damages shall be assessed in view of such undertaking, and the court shall declare that, in addition to any damages awarded, the claimant is entitled to have such alteration or addition made or such work constructed, or such grant made to him.

By whom? By the judge "in view of such undertaking."

Hon. Mr. McCALLUM—Why make it retroactive?

Hon. Mr. MILLS—My hon. friend will see there is no difference between an expropriation case which may be made to-morrow and an expropriation case which may be made after the bill becomes law. If the principle is good, it is as good in a case that has yet to be dealt with as it is in a case that may arise hereafter. It is not retroactive in the sense in which that word is sometimes used. "To grant such land or easement the damages shall be assessed in view of such undertaking." If such undertaking does not diminish the damage done to the property, then whatever does not diminish the claim against the Crown, if it does in any degree overcome it, that is a mitigating circumstance that will be taken into consideration by the judge, "and the court shall declare," nothing else, "that in addition to any damages awarded, the claimant is entitled to have such alteration or addition made, or such work constructed, or such grant made to him." Now, if there is a proposition to build some work which will have the effect of diminishing the damages and overcoming his objection, and the court takes that into consideration, then the party has a claim for the construction of that work against the Crown. He may insist on the work being done, and the terms upon which the judgment has been given fairly carried out. My hon. friend will see that the measure is a perfectly fair one. It takes away no right. It simply gives to the Crown and to the court and to the party himself, for that matter, a larger latitude in undertaking to come to a settlement, to overcome objections, to mitigate damages which may be done to property which is retained, and so lessens the charges that may otherwise be legitimately made against the Crown. The whole matter is to be left in the hands of the Exchequer

Court judge. It enlarges his discretion and enables him to arrive at a just conclusion, where, under existing circumstances, such a conclusion might not be reached.

Hon. Mr. KIRCHHOFFER—The hon. leader of the House, in stating that this clause is altogether permissive to the judge, is in error. I think this clause is directory. While the hon. gentleman has made a very plausible explanation, from the government side of the question, and shows how anxious he is to protect the public against rapacious individuals, the rights of individuals should be looked after. If the hon. gentleman wishes to make this really permissive, he will consent to an amendment of this clause, and have the words "shall declare," altered to "may declare," then it would be really permissive so that nobody could cavil at it, and it would be beyond the objection which I made before. In committee will be the proper time to suggest these alterations—that the word "may" should be substituted for "shall," which would meet the objection that I made. There is another question also, the bill should not be retroactive.

Hon. Mr. FERGUSON—I think, with the hon. gentleman from Brandon, that the Expropriation Bill ought to be dealt with first, because there are important changes propsed in the Expropriation Act, and part of the clause to which my hon. friend has referred in the bill marked "B" is simply to implement the changes that we are expected to make in the Expropriation Act if the other Bill should pass. Although there can be no objection to go into committee on this bill, if the hon. leader of the House things proper to do so and go down as far as clause 3 in committee and advance the bill that far, I think clause 3 should not be disposed of until we have dealt with the bill to amend the Expropriation Act, because, as I said before, the changes proposed in clause 3 are entirely with a view to implement the very serious and important amendments proposed to be made to the Expropriation Act.

Hon. Mr. SCOTT—Do hon. gentlemen think that the abandonment of any portion of a work by the Crown is necessarily an injury? If the Crown finds at the time of the trial that more of the land is taken than is necessary and abandons a portion of it, is that an injury?

Hon. Mr. MACDONALD (B.C.)—Yes, certainly.

Hon. Mr. FERGUSON—We can discuss that when we come to deal with the Expropriation Act Amendment Bill.

Hon. Mr. SCOTT—To show how very little change is made in the existing law, I will read the section of the Exchequer Court Act as it stands to-day in the statute-book. It is as follows:—

3. If the injury to any land or property alleged to be injuriously affected by the construction of any public work may be removed wholly or in part by any alteration in or addition to any such public work, or by the construction of any additional work——

You will note that so far there is no change whatever in the existing section; then come the words "or by the abandonment of any portion of the lands taken from the claimant, or by the grant to him of any land or easement." These are the new words, and then the clause goes on using precisely the same language that is already in the Act:

——and, if the Crown by its pleadings, or on the trial or before judgment, undertakes to make such alteration or addition or to construct such work, or to abandon such portion of the land taken, or to grant such land or easement, the damages shall be assessed in view of such undertaking, and the court shall declare that, in addition to any damages awarded, the claimant is entitled to have such alteration or addition made or such work constructed, or such grant made to him.

It will be observed that the changes are limited to just two possible conditions—

Hon. Mr. KIRCHHOFFER—Very important ones, though.

Hon. Mr. SCOTT—There ought to be no objection to that. If the Crown file a plan proposing to take a certain area, and afterwards it is found on inquiry that all of that area is not needed, and before the damages are assessed, the fact that the Crown only takes a portion of what was originally intended to be taken, the court will take that into consideration. The very changes here are suggested by the court in order that the widest possible powers may be given and justice done to the Crown and to the claimant.

Hon. Mr. FERGUSON—I should like to ask my hon. friend who has charge of the bill whether he is going to accede to my suggestion as to giving priority to the more important bill, which involves the entire

principle and which this Bill is merely intended to implement. I did not enter into a discussion of this bill and merely raised that point.

Hon. Mr. MILLS.—It is not of the slightest consequence to me, and I am ready to meet the wishes of the House. We can take the second reading of this bill and then take the second reading of the other, and we can go into committee on the Expropriation Bill. before we take the committee stage of this bill.

Hon. Mr. FERGUSON—Very well.

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

PRESERVATION OF HEALTH ON PUBLIC WORKS BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (C) "An Act for the Preservation of Health on Public Works."

Hon. Mr. FERGUSON—I know the hon. leader of the opposition takes a very lively interest in this measure. He agrees with the principle of it, and I think it might be read a second time, although I would suggest that the committee stage be postponed until the hon. leader of the opposition is here.

Hon. Mr. MILLS—I quite concur in that.

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

EXPROPRIATION ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (D) "An Act to amend the Expropriation Act." He said:—I gave a pretty full explanation of this measure and its provisions at the time the bill was brought forward. The object of the bill is to meet certain defects in the Expropriation Act as it now stands. It is to enable the government to take a smaller area and to amend its plan in that regard where the smaller area is found to be adequate before the matter is dealt with, and also to take a smaller estate than what is provided for now under the law as it stands. These questions have been considered by the Exchequer Court, and it is sometimes found that a smaller estate than that which was contemplated in the first instance is not provided for in the Expropriation Act as it now stands, and the object of the measure is to enlarge the discretion of the Department of Public Works or the Department of Railways and Canals, or whatever department of the government may find it necessary to undertake the expropriation of certain property. There is no alteration of the principle; in fact the intention of the proposed amendment is to meet those defects which experience points out exist in the law as it now stands.

Hon. Mr. FERGUSON—I do not think this bill is of so harmless a nature as my hon. friend represents it to be. In fact, it makes the greatest possible changes, in the principle of the Expropriation Act. The first change is that the government may, in expropriating, take a limited interest or for a limited term of years, instead of the absolute expropriation which now exists. This is a new feature in our Expropriation Laws. It provides that the government may come in and take the property for a term of years and return it at the end of that time to the proprietor, damages to be assessed, I do not know exactly how. The government would have rental or damages or both to pay during the time they had possession of the property. Then they can take a limited part of the property or a limited interest in the whole. I presume that is what is meant, but it introduces another principle which is a new one in the expropriation of lands in our Dominion legislation. It provides that the government, after having expropriated the lands in the most formal and conclusive way, at any period before the money is actually paid to the owner of the land, may re-invest a part or the whole of this property in the original owner, and the other bill is to implement this change in the Exchequer proceedings. So that the damages for the partial ownership, or the limited use when the government may have been in possession of this property, shall be passed upon by the court. I think this principle of giving the power to re-invest the property in the owner is a very serious innovation. I know that it was once attempted in the province of Prince Edward Island. I have the local law here before me. In the year 1872, the legislature undertook to re-invest

some lands taken for Railway purposes. My hon. friend from Port Hill (Mr. Yeo) was in the legislature at the time and he remembers the controversy which occurred over the re-investing clauses better than I do. But the Prince Edward Island Act provides, although in different phraseology, for effecting the same object as is proposed to be effected by this bill in the laws of Canada. It makes all the necessary provisions by which the Provincial Government would be enabled to re-invest lands in the former owner, that they had formerly and conclusively expropriated and evade the total payment of the assessment of damages. All the damages to be paid would be for the injury done during the period the matter was under discussion. That measure caused a great deal of irritating discussion at the time it was passed, and it was never implemented, notwithstanding it was passed. There is this difference between that statute and the bill which we are asked to pass, that this provision was added to the provincial law :

Provided always, and it is here by declaired, that nothing in this Act contained shall apply to or affect any case of suit or proceeding for compension for lands taken from ready purposes under Act 34 Vict., chap. 4, now pending in any court of law, which said case, suit or proceeding shall have been commenced previous to the 20th June in the year of our Lord 1872.

Notwithstanding the great opposition and the injury which it was felt it would bring upon the proprietors in the province of Prince Edward Island, there was this careful provision attached to it, that it should not be retroactive and should not apply to any case pending at the time of the passing of the bill. But instead of that wholesome provision we have these words in section 4 of this Bill :

The provisions of sections 2 and 3 of this Act shall apply to lands heretofore taken as well as to lands hereafter taken for any public work.

That is a deliberate provision that the operation of the 2nd and 3rd clauses shall be retroactive and shall apply to cases of expropriation heretofore made and cases at the present time before the courts of justice in the country. I am not going to raise very strong objections to giving the government power to reinvest property providing the law at the time of the expropriation is as he proposes now to make it, although I think it is one that calls for very serious consideration.

Hon. Mr. MILLS—What about railways?

Hon. Mr. FERGUSON—That is a very general question, and I do not see the bearing it has on my argument. Possibly the hon. gentleman may see it, but I do not. It would be very injurious legislation were we to pass these clauses and make them apply to cases where the expropriation has been made. When hon. gentlemen look at this carefully, they will see where the wrong comes in. A man owns a quarry or wharf, or any other property, and the government want some of that property or the whole of it, for a railway or canal or any other public work, and they have, under the Expropriation Act as it now stands on our statute-books, formally expropriated that land by filing a plan signed by the minister or deputy minister, in the public office as required by law, and they make a tender of an amount to the owner of that land. This is a case where the owner has declined to sign a deed, and where an amicable arrangement has not been possible. A tender of an amount is made to that man and the land is expropriated. It ceases to be his in every sense of the word. The only question now pending is to find the real amount of compensation. The government offer a certain amount and the owner thinks it is worth more and takes such proceedings as the law of the country has carefully provided for him and all others, to ascertain what that amount is by a court of competent jurisdiction. After he has taken these steps, the government come in and change the law, and take away that power on his part to get a judicial decision upon the expropriation as the government has made it. Before the government proposed to change the law, other conditions may have intervened and the owner of the land may have made other contracts, knowing this property was lawfully taken from him and vested in Her Majesty, and he invests the money he expects to realize for that property in some other business and he enters into contracts on the strength of this expropriation by the government. After he has done all that, the government pass this little bill which is now before us, and decide that they shall have power to put that land back on his hands. I dare say my hon. friend will tell me that that is a matter that will come up in the assessment of damages. I doubt it. I think it would be what is called consequential damages, and it would be very hard for

him, when before the court, to get in evidence the whole matter as to what he had done on the assumption that the government had lawfully and irrevocably taken the land from him.

Hon. Mr. MILLS—In that case there would be no controversy between the parties. This only applies where there is a controversy.

Hon. Mr. FERGUSON—I fail to understand the relevance of that observation to the point I am discussing. I dare say there may be opinions entitled to more weight than mine, but my opinion is that it is very doubtful if he could yet consequential damages before the court. The controversy would be entirely narrowed down to this piece of property and to the damages in connection with that property, and although he might be ruined in consequence of other contracts he had entered into on the faith of this expropriation by the government of Canada, he would not be able to get the injury he had sustained, or the consequential damages he had suffered, before any court. At all events I cannot conceive why the Parliament of Canada should do such a thing as is proposed to be done by this bill—why we should make it retroactive under any circumstances. I have received no communication from any party that this bill affects. I am told there is a party whom it affects, and that it is in view of some transaction that is going on that this bill has been introduced. The gentleman referred to may have seen other members. He has not spoken to me. My views upon it are the result of my own reflections I believe this retroactive principle of the bill is an obnoxious one and that this House should not pass it.

Hon. Mr. MACDONALD (B.C.)—Will the hon. gentleman agree to an amendment not to apply this in any case now pending?

Hon. Mr. MILLS—Certainly I would not, because it may be on account of existing evils that it is required. I have heard a case mentioned but I may tell the hon. gentleman that neither the name of the party nor the case was before me, nor considered by me at all, and I have no more information that the government intends to touch the case of the gentleman in controversy than I have of expropriating the property of the hon. gentleman in Vancouver.

Hon. Mr. FERGUSON—Why this clause?

Hon. Mr. MILLS—There may be many cases in which it would be very important.

Hon. Mr. MACDONALD (B.C.)—I am willing to accept the hon. gentleman's statement but there is no special case in view, but I may tell the hon. gentleman that if this bill were to pass it would simply ruin the property that have been expropriated in the case that has been alluded to. The government has expropriated the land already and they should not go back on that now. It would be a small matter for them, but important for the man whose property is taken.

Hon. Mr. POWER—If the remainder of the property would be ruined, and rendered valueless, the court would take that into consideration in assessing the damage.

Hon. Mr. POIRIER—No.

Hou. Mr. POWER—At whose suggestion has the measure been introduced?

Hon. Mr. ALLAN—I should like to ask the hon. Minister of Justice if what my hon. friend from Halifax has just said is the case? Suppose, for instance, the government were to expropriate a large piece of land for some purpose, be it what it may, for a railway or anything else, and after a certain length of time they find they do not want all that land, and then, in the language of the bill, they propose to re-vest it in the original owner. It may be quite possible that the part they have taken will render the rest of the property of very little value. It may also happen this way: Supposing the government have held the property for some time; there may be a great change in value; there may be a boom, or there may be the opposite result, and if the property is thrown back on the hands of the owner after some years he may find himself in possession of a piece of land not worth half what it was when the whole property was expropriated. If I understood properly what was said by the hon. gentleman from Halifax, he thinks that in this bill there is power given to the judge to take that matter into consideration, but I do not find any expression here which would lead me to suppose that such is the case.

Hon. Mr. MILLS—Undoubtedly, the very object of the bill is to leave to the

judge the freedom of deciding in what way the proposed changes may affect the property. Let me suppose, for instance, that the party asked such a sum for the property that, in the opinion of the government, a less area would be required or could be got on with, and the government proposed to reduce the amount, if the acceptance of the smaller area were to affect the value of what remained injuriously to the party who held it, that of course would be taken into consideration by the judge, and the bill was intended to cover that very case. If it does not cover the case, then it can be amended in committee so that it will. My hon. friend will see that unless it did meet a case of that sort the bill would, in some measure, be abortive. I think it will be found on examination that it does. I may say this in regard to pending cases—a case that has been tried will not be interfered with. If a case has been argued and dealt with by the court, there is no intention to interfere with it. That case is *res judicata* so far as the measure is concerned; but, in a case in controversy, that has not yet come before the court, surely the fact that the government may have expropriated ought to have no more influence in respect to this measure than if it were to be expropriated next year. The question is undealt with—the matter is not adjudicated upon—the matter has not been moved before the court, and the government ought to be as free to refer that case to the court for adjudication as anything that might arise five years hence. There could be in principle no difference, and I think there is no principle better settled in law than this, that any alterations of the law of evidence or procedure shall be applicable to any case not yet dealt with by the courts, as much as any case that may arise after the passage of the law.

Hon. Mr. POWER—From whom does the suggestion for this legislation come?

Hon. Mr. MILLS—It came from two or three sources, but I do not know whether I would be altogether at liberty to say. I may say, however, that I received most important suggestions from the Exchequer Court judge himself in reference to these measures.

Hon. Mr. ALLAN—Does not clause 4 make the bill apply to cases where the lands may have been expropriated half a dozen years ago? Supposing land was expropriated three or four years ago, would this bill affect it?

Hon. Mr. MILLS—If the question has not yet been passed upon—if it is in controversy between the party and the government, it would apply to such a case; but if it is a case that is before the court for decision, of course to such a case it would not apply, because that matter could no longer be said to be in controversy between the party and the government.

Hon. Mr. ALLAN—I take it that it would apply to where there would be no controversy at all—to where a man had accepted the offer of the government, but the government proposed three or four years afterwards, finding they did not want all the area taken, to apply this principle to that land.

Hon. Mr. MILLS—I think not. "Whenever from time to time, or at any time before the compensation money has been actually paid" is the expression used. We can put in further words there if they are necessary.

Hon. Mr. ALMON—May I ask the hon. Minister of Justice this. Supposing the the government expropriated more land than they wanted, and after the work has been finished they find they had taken more than they wanted, and they said we will expect you to pay us the increased value. Supposing this land is returned and it is proved to the satisfaction of the judge that it has very much increased in value by the public work, will the man be obliged not only to take his land back again, but to pay the increased value of his land?

Hon. Mr. MILLS—It is not the intention to make the party take back the land and pay for the improved value that it has received in consequence of any public work constructed. My hon. friend will see this only applies to matters in controversy. If a party's land is expropriated and the government agree upon the terms, or if they do not agree, and he has already been paid the value of the land, that is a complete transaction and there is no power to be given, or intended to be given, to the government to re-open a case of that sort, and if any further words than those in the bill are

necessary to make that plain, I am prepared to favourably consider them in committee.

Hon. Mr. McMILLAN—The one objectionable feature of the bill, to my mind, is to compel the owner to take the land back. Why not leave the matter an open question and put it up for sale, and let any other person take it?

Hon. Mr. MILLS—The land belongs to him, and we are applying a principle that we recognize in every railway charter that we give to a private company in this country. If we give a charter to a railway company we authorize them to expropriate land. They expropriate, and the lands become the property of the company. If, for any reason, the railway company fails to construct the road, the land reverts to the original owner. We do not permit the company to put up the land at auction and sell a strip through a man's property. The government adheres to the same principle in this measure.

Hon. Mr. KIRCHHOFFER—It is with some diffidence that I rise to question the accuracy of the hon. gentleman's position. As the opposition seems to come from this side of the House mainly, I rise to deprecate, what is often stated and promulgated in the country, and fostered by the opponents of of this chamber, that there is any organized opposition to government measures in this House because there happens to be a Conservative majority in it. I am sure I voice the sentiment of every Conservative member of this House when I say that nothing could be further from the fact, and that every measure introduced here is intended, so far as Conservative members are concerned, to be dealt with solely on its merits. This bill, according to the explanation given by the hon. gentleman who leads this House, is of the most simple and innocent character, and it is so simple that almost anybody would be lead to look over it and to admit the honesty of the measure; but inasmuch as in the ancient days the Trojans were instructed to look carefully after the Greeks, when they came to them presenting gifts, so I think it is the duty of this House to look carefully into every measure that is introduced here, even though it may be in the very highest way, apparently "a boon and a blessing to men, like Pickwick the Owl and the Waverly pen" as the advertisement says. If under the Expropriation Act, the government expropriates more land than is required, there is no way of returning the unnecessary land to the original owner, or indeed to anybody else, and the government apparently wish to take to themselves the authority of doing so in case such a contingency arises. Now, this measure if passed in its present state, would work as I say, and as many other members of this House recognize, a very gross injustice to individuals, and while the position which the leader of the government in this House occupies, on account of his very high character for honour and probity, and fair judicial mind, would prevent any one insinuating that he would be party to any legislation whereby, even in the public interest, the rights of private individuals could be tampered with, and while it might be urged that the assurance which has been given by that hon. gentleman this afternoon as to what would be done under certain conditions might entitle us to leave the matter trusting him as we do, in his hands, still I must point out that we should look beyond that. Ministers change, or die, or are translated to other departments, and the not impossible condition might arise that even the strongest government itself might change and be superseded by another, and I should like to see this House provide against any possibility of an incoming Tory administration having placed in its hands the power to use such a very severe engine as they would have if this measure were to become law, and which they might use very disastrously against their Liberal opponents. Mention has been made here today of a certain case. The name of the case has not been mentioned, but I see no reason why it should not be. I refer to the case of Mr. Archie Stewart, a well known Ottawa contractor. If the House will bear with me for a moment, nothing will bring to their minds more clearly the operation of this bill, if it becomes law, than a recital of the steps that have been taken with reference to this case of Mr. Stewart. I might say parenthetically that Mr. Stewart is a Tory—not that I wish to suggest for one moment that his political proclivities would have the slightest effect on the treatment that would be meted out to him in case this measure becomes law. Mr. Stewart, being a Tory, had a contract under the late government on the Soulanges Canal. He had done a large amount of work on it, and for his purpose he had

acquired a very large plant and implements, all that was necessary to carry on the work on that contract, and his acquirements included a quarry from which the stone intended for the construction of this work was excavated. Now, after the change of administration it became evident to the incoming government that it would be better to complete this section as a government work. Notice was given to Mr. Stewart that his contract was cancelled and at the same time the government proceeded to confiscate, or expropriate, not only the land which they thought they needed, and which belonged to Mr. Stewart, but also all his plant and implements, and the stone which he had excavated in connection with his work. To show you what they did expropriate in this case, I will read some paragraphs from Mr. Stewart's petition of right:

On said last mentioned day Her Majesty, represented by the Hon. Minister of Railways and Canals, took forcible possession of the said works and of all the plant and material belonging to your suppliant which he had then on or about the said work and in or about his quarry aforesaid and elsewhere, and converted the same to Her own use and benefit, and your suppliant was then prevented and has been since and still is prevented from completing the said contract and extra works, and has been deprived of the profits which he would have made if permitted to complete the same amounting to $150,000.

The said plant and material so taken and converted by Her Majesty were of the value of $90,000 and upwards, and consisted of one tug, two scows, two pumps, forty derricks, eight hoists, 100 crowbars and 100 picks, the contents of two blacksmith shops, the contents of two carpenter shops, one steam shovel, 100 excavation cars, a large quantity of bar iron, timber and steel, several barrels of oil, a large quantity of explosives and dynamite, a large quantity of saws and railroad iron and scrapers, one stone crusher, and one sand pump and scow and other plant and material, of which the Department of Railways and Canals have particulars.

Her Majesty also seized stone then the property of Her Majesty but formerly the property of your suppliant and prepared by him for use on the said works, to wit, 9,000 cubic yards of stone at the Rockland quarry, for which Her Majesty paid your suppliant $8 per cubic yard, 3,000 cubic yards of cut stone at the Cascades Point on which Her Majesty paid your suppliant $11 per cubic yard and 24,250 yards of backing at Rockland on which Her Majesty paid your suppliant $2 per cubic yard, whereupon the said stone became the property of Her Majesty.

Your suppliant, by deed dated the 8th day of March, 1894, and registered in the registry office of the county of Carleton on the 19th day of March, 1894, as security for the due fulfilment of said contract, granted to Her Majesty $64\frac{3}{100}$ acres therein described as the easterly part of lot letter "F," in concession "D," Rideau front, of the township of Nepean, in the county of Carleton, which said mortgage was conditioned that Her Majesty would, on due performance of said works, discharge said mortgage and release your suppliant therefrom.

So that this gentleman had all his property expropriated—his quarries, his implements and his plant, and, also, the mortgage which he had placed upon his land as a security for the due performance of that contract which existed then still exists. The government proceeded with their expropriation. They filed a map whereby a certain amount of land was set out as expropriated for their purposes. Mr. Stewart, on investigating this plan, discovered that the expropriation was marked upon it for two years only. His solicitors advised him that such a temporary expropriation was altogether illegal, that the government had no power to expropriate for a limited time, and that he should prevent the government from taking possession of the property. The steps which Mr. Stewart took at that time are set out in an affidavit from which I shall read a few paragraphs to show the position occupied by him and by the government. This is the affidavit of Mr. Stewart on that petition of right:

6. About the 8th of January, 1898, the said Biggar informed me that the said Hon. Minister of Railways and Canals only intended to expropriate the said part of the said quarry lands and said railway for a period of two years and that a plan of the portions expropriated was filed in the said registry office for the county of Russell on the 3rd January, 1898.

7. Immediately afterwards I took the advice of my solicitor about such temporary expropriation, and he informed me that the same was ineffectual and illegal, and I thereupon on or about the 10th day of January, 1898, retook possession of the said lands and the said railway sought to be expropriated and shown on said plan, and I tore up part of the railway to prevent the same being used, and I then and until after my interview with the Deputy Minister of Justice hereinafter referred to did prevent the said the Hon. Minister of Railways and Canals, and his employees and workmen from using said quarry or said railway, and I gave them notice that I would not allow them, or any of them, to use the said quarry lands and railway unless and until a valid expropriation thereof was made, and thereupon the said employees did no more work or interfere with my property until after I had the arrangement with the Deputy Minister of Justice hereinafter referred to.

8. After I retook possession I saw Mr. Schreiber, the Deputy Minister of Railways and Canals, in his office in Ottawa, about the 11th of January, 1898, and I gave him notice not to meddle again with my quarry property and railway, as the attempted expropriation was illegal, and the said Schreiber then informed me that the Department of Railways and Canals was acting under the advice of the Deputy Minister of Justice and would so continue to act as advised by him and he then left me to go over to see the Deputy Minister of Justice.

9. That afterwards, on the 11th day of January, 1898, I saw Mr. Newcombe, the Deputy Minister of Justice in his office and remonstrated with him about such a temporary expropriation being attempted which I contended was only a trespass and would not entitle me to claim compensation under the statute for the property and railway taken, and he then informed me, and I believe the fact to be, that he was advising and representing the Department of Railways and Canals in and about the expropriation of the portion of my said quarry lands and railway of which a plan

was filed as aforesaid, that the temporary expropriation thereof for two years was made in his absence and the same was not, in his opinion, legal and that he had so advised Mr. Schreiber who had just seen him upon the matter.

10. The said Deputy Minister of Justice then also stated that the Minister of Railways and Canals required the portions of the land and railway taken for the purposes of completing the contract work on the Soulanges Canal, and that the same would have to be absolutely expropriated for the use of Her Majesty, and he then promised me that if I permitted the Minister of Railways and Canals and his officers to retake possession of the said quarry land and railway that the same would be at once regularly expropriated absolutely for Her Majesty under the statute in that behalf, and that all proceedings in that behalf would be regularly taken to vest the property in Her Majesty and to give me the right to claim the compensation therefor which he promised would be determined as soon as possible in accordance with the provision of the statute.

11. That on said promise and assurance being made to me by Mr. Newcombe I stated that I would be required to give up possession, and I accordingly, and in pursuance of said agreement, and not otherwise, gave up possession of the said lands and railway to Her Majesty, represented by the hon. Minister of Railways and Canals and his engineers and workmen, which I would not have done unless said arrangement was come to, and Her Majesty, represented by the said minister and his workmen and servants, then immediately and in pursuance of the arrangement aforesaid entered and took possession of the said portions of said quarry lands and railway now mentioned in the information herein and they have since remained in the possesson thereof and have used the same by quarrying thereupon and taking therefrom a large amount of stone and conveying same over said railway for the purpose of using same on said contract works on said canal, and they are still using and in the possession of the same for the said purposes.

The result of these proceedings was this: that when the suit went into court, the government, finding that their position was illegal and entirely untenable, were obliged to make an application to the Exchequer Court for permission to discontinue their suit. Permission to do so was granted and they withdrew the suit, paying all costs up to that date. That, you would think, should end it up to a certain point, but they were determined still to have Mr. Stewart's land. With that view they filed another map and plan and proceeded to expropriate the land, legally this time. They went through the proper proceedings to do so and took the land under the Expropriation Act and now own it. Under the Act, which this bill is introduced to amend, they are liable to pay Mr. Stewart for the damage attendant thereupon. This is the position in which the case stands just now. One would have supposed, after all that trouble they got into by their mode of proceeding, that the next step the government would have taken would have been to ascertain, as nearly as possible, what amount of land they actually did need and expropriate that and that only. That they did not do so is evidenced from an affidavit which I have here from Mr. Collingwood Schreiber, filed in this suit, and from which I will read a couple of paragraphs for the information of the House. Mr. Schreiber states:

4. I learned from the facts pleaded by the defendant in his statement of defence and his deposition upon discovery herein, which was taken on 27th day of September, 1898, and upon examination of the said plan and description produced herewith as exhibit "B," having regard to the statements so pleaded and deposed to, that the extent of land shown and set forth by the said exhibit "B," was considerably greater, and that the effect of the taking or expropriation of such lands from the defendant would be considerably more injurious to him than was intended by the minister or by the government of Canada, and that the same were also greater than was necessary or desired for the purposes of the said public work, or for any purpose authorized by the said statute, and it appeared to me, therefore, that an error or mis-statement of description had occurred in the plan or description so filed, as aforesaid, on 13th January, 1898, and I thereupon called the matter to the attention of the Minister of Railway and Canals, who, in order to comply with the said statute and for the purpose of correcting such mis-statement and error, directed an amended plan and description to be deposited, setting forth correctly the lands actually required and actually taken by Her Majesty for the purposes aforesaid, such amended plan and description was therefore prepared immediately and duly signed by the Minister, and the same was duly deposited and filed in the said registry office, and now stands as the plan and description showing the lands of the defendant acquired and taken for the purpose of the said public work, a copy of the same being herewith exhibited and produced as exhibit "A."

5. All stone necessary for the completion of the said contract has now been quarried upon the said lands, and, with the exception of a portion of the same, the said minister of Railways and Canals has no further use for the lands in the said amended plan described and set forth, and is ready and willing that the said defendant should have a full free and uninterrupted use and enjoyment thereof.

In other words, after having forcibly dispossessed this man of his quarry and taken the stone out of it, they are now generously disposed to give him back—what? The hole in the ground. I suppose that they take credit to themselves in their claim that they are doing very well for Mr. Stewart on the "Hole." I remember an old axiom which we learned in Euclid, that the whole is greater than the part. Although the government are only applying in this bill for permission to give back *part* of the land, they intend to be more generous to Mr. Stewart, and to give him back the Hole. I remember a story of Mark Twain's, one of his earlier works, in which he describes himself as being a member of a shipwrecked crew that was put off so hurriedly from their ship that they did not have enough provisions on board to

go around, and they were obliged to eke out their existence by eating their boots, and Mark Twain said: "My boots were a very old pair, full of holes; but I do not know that the holes did not taste as good as the balance of the boot." I do not think Mr. Stewart is going to get very fat, financially or physically, upon the hole the government are prepared to give him in lieu of what they have expropriated from him. Besides this case of Stewart's, I would instance another, that of Chief Justice Armour, where he had land expropriated by the government for work on the Trent River Valley Canal. Justice Armour sued the government and he has a judgment against them for $14,000, I think. The case has been appealed, and now stands before the Supreme Court for judgment.

Hon. Mr. POWER—This bill would not apply to that.

Hon. Mr. SCOTT—No.

Hon. Mr. KIRCHHOFFER—We have the statement of the hon. minister that it would not, and I take his word for it that it is his intention that it should not, but he cannot control the government and cannot control the law, and a different interpretation can be put on that law than that which he says should be placed upon it. I give him credit when he says he intends it should be a fair Act, and not apply to these individual cases, but I am pointing out where it does apply to the individuals, and does a wrong to private parties. And, moreover, were it not for the position the hon. gentleman occupies in this House and the assurance he has given us, I would say that the introduction of this Act in the House has a suspicious look, and that perhaps it was thought it might be put through without a great deal of discussion. Last session a bill slid through without discussion and became law, which a great many people regret; and if this bill went to the Lower House the subservient majority there would make it law.

Hon. Mr. SCOTT—What bill does the hon. gentleman refer to?

Hon. Mr. KIRCHHOFFER—I will explain to the hon. Secretary of State all about it. I do not care to discuss it here. I merely mention it. We want to guard against such an occurrence now, and in that view, I beg to advise the government that when this bill goes into committee I intend to move an amendment to clause 4; so that it shall read:

> The provisions of sections 2 and 3 of this Act shall apply to lands heretofore taken, as well as to lands hereinafter taken, for any public work, but shall not apply to lands heretofore taken with respect to which any action, suit, or other proceeding is pending at the date of the passing of this Act.

Hon. Mr. ALMON—Hear, hear.

Hon. Mr. KIRCHHOFFER—That is a very simple amendment which will exactly cover what the hon. leader of the House said was his intention, and I cannot see that the hon. gentleman can have any objection to such an amendment as that being passed when the bill is in committee.

Hon. Mr. SCOTT—The hon. gentleman has introduced a large amount of extraneous matter into this discussion which I think is not at all pertinent to the question, and, unknowingly, he has made statements which are wholly at variance with the facts. Mr. Stewart had the contract for sections one and two on the Soulanges Canal. As the hon. gentleman knows, the government announced a year and a half ago that they desired to have the canal finished in the year 1898, and the new contracts were given out with that understanding. The contract existing with Stewart ought to have been completed long before this, and Stewart was urged to push the work on. Advances were made to him on the stone, and on the plant, and in every possible way assistance was given, in order that the work might be completed. It appeared, however, to the department, that it would be impossible to get the work completed in the time; therefore notice was given under the contract that, as the work was not being proceeded with as actively as the interests of the Crown required, in view of the necessity for opening the canal, the contract was, with very great regret, taken out of his hands. The new contractors desired to use the stone out of this quarry, and so it was proposed to the department to expropriate the property. They did not need all that quarry, and they now propose to take only a portion of it. They propose to pay Mr. Stewart for all the stone they took out of the hole that the hon. gentleman so sarcastically alluded to. They do not propose to take anything from him without giving him fair compensation. It would be for the judge of

court before whom the inquiry is made to say what damages are fair, and the hon. gentleman's experience will have taught him that in all those cases against the Crown pretty large damages—usually very much larger than the actual damage—are usually recovered. The hon. gentleman has quoted a most important case which is now before the courts, and he has referred to the possibility of this bill affecting that case. I think he is going too far in making a positive statement to that effect. The case has been adjucated upon, and has been before two tribunals, and now before the final one. That case could not be considered under this Act. It is not intended to cover it. If the hon. gentleman has any doubt about it, it will be very easy to correct that when the bill is in committee. It is certainly not intended to refer to any case that has been disposed of by the judge. The case of Stewart, which he has referred to, has not yet been before the judge. If it had been before the judge, I certainly say it should not be considered as being covered by this bill.

Hon. Mr. KIRCHHOFFER—It was before the judge, and at the instance of the government, it was withdrawn, and a new case begun.

Hon. Mr. SCOTT—Then should the Crown be in any different position from private individual? We all know that individuals have the privilege of making amendments or changes, so long as they do not affect the rights of parties, and these amendments should be taken into consideration by the court. I am quite sure that when the bill is in committee, if there is any reasonable proposition, it will be excepted; but certainly not the one of which notice has been given, because it would preclude the possibility of cases now commenced being considered.

Hon. Mr. BOULTON—As I understand the question, two cases have already been tried upon the question, and the case now pending is an action for damage for expropriation of a quarry, and I presume the expropriation of the plant.

Hon. Mr. POWER—No, not the plant.

Hon. Mr. BOULTON—In the previous Act which was passed—the Exchequer Court Act—the hon. leader of the government in this House said the government desired to be able to implement, or to interpose arguments before the court with regard to any case that was still subjudice, and it is just possible that in the case which has been mentioned by the hon. gentleman who is opposing this bill, the claimant wants to claim damages for the loss of his contract, and under the old Act this new case might be in such a position that that would have to be taken into consideration. The government want to limit it simply to the expropropriation of the quarry itself, whereas involved in that question of the quarry is the greater damage of the loss of the contract. It seems to me, taking the two bills together, that that is just about the position in which the government desires to place this case that is now before the court. Whether any further information will be given upon this particular case or not, I certainly think that the claimant should have the benefit of whatever rights he had before this Act came into force; and that those rights should not be taken away from him by any legislation subsequent to the action which is now before the court. For that reason, I think the retroactive legislation, so far as it applies to that case, is injurious.

Hon. Mr. POWER—The hon. gentleman from Shell River is in error in supposing that the damages for the loss of the contract could be affected by this measure. It has nothing to do with that matter. This is simply with reference to the land. I do not rise to continue the discussion, but I wish to direct the attention of the Minister in charge of the bill to the fact that, inasmuch as amendments are likely to be made to the bill in committee, there is an amendment which I think should be made to the second clause of the bill. The second clause reads:

2. Whenever, from time to time, or at any time before the compensation money has been actually paid, any parcel of land taken for a public work, or any portion of any such parcel, is found to be unnecessary for the purposes of such public work, or if it be found that a more limited estate or interest therein only is required, the Minister may by writing under his hand declare that the same is not required and is abandoned by the Crown, or that it is intended to retain only such limited estate or interest as is mentioned in such writing, and upon such writing being registered in the office of the registrar of deeds for the county or registration division in which the land is situated such land declared to be abandoned shall revest in the person from whom the same was taken or in those entitled to claim under him.

It seems to me, hon. gentlemen that that is rather too informal a way in which to transfer the title of land, and that the signature of the minister, or deputy minister, should be authenticated in the same way as the signatures to deeds and other documents which are registered in the registry offices are now authenticated. That seems not an unreasonable thing. A mere bald writing, purporting to be signed by a minister or deputy minister, is not quite as solemn a document as should be required to transfer the title to valuable property.

Hon. Mr. MACDONALD (P. E. I.)—I have listened with some attention to the debate on this bill, and I have not yet heard the objection brought forward which appears to me to be the one that I should urge against the bill myself. It seems to me this bill is taking away from the subject a certain right which he now possesses: that is the right to use his own land and property for his own use and benefit, and it is putting into the hands of the government a power which they do not possess up to the present time. That is, that they may take this man's property and use it for a certain time and after they have paid him for the use of that property, which they may have for days, months, weeks or years, that they may after having kept him for that time out of the money which he should receive for it, convey it back to him and say "we will pay you whatever damage has accrued to your property." I take it that it is absolutely the property of the man to whom it was originally granted, and that if it is required by the government for any purpose whatever, they should pay him the full value of the property awarded him by the court which is established for the purpose of deciding what that value is, and that it is unjust that the original owner of the property should be compelled to take back a portion which the government say they do not require. Entertaining that opinion, until I find that it is an erronous one, I am disposed to oppose the bill in toto.

Hon. Mr. MILLS—Perhaps the House will permit me to say a few words in reply to the objections urged against the bill. My hon. friend on the opposite side (Mr. Kirchhoffer) has given us an account of Mr. Stewart's case and of his claim against the Crown, and has read from a petition of right setting out what the claim is. The impression that is made on my hon. friend by so much of the document as he has read is not a strictly accurate impression. Mr. Stewart, as my hon. friend the Secretary of State has informed the House, had a contract for the construction of a section of the Soulanges Canal. That contract he was not able to fulfill. I think the time expired a good while ago, and Mr. Stewart was urged and facilities were furnished him for the purpose of going forward and completing the contract. He did not work upon it for several months before it was taken from him. It is true he was using this quarry in connection with the contract. He purchased it for a very modest consideration. The government had advanced money upon stone that had been quarried and piled upon the property beside the quarry, and Mr. Stewart objected, as I understand it, to taking away stone unless they compensated him for the land upon which the stone had been piled, claiming they were trespassers if they even went on the land to take away the stone for which money had been advanced. An expropriation was made, not of the whole of Mr. Stewart's quarry, but of a small section of it, and even that small section was more than the government required, and one of Mr. Stewart's contentions was, "Your expropriation blocks the way to the remainder of my quarry," a quarry for which, if I remember right, he had paid about two thousand dollars, but for which he is suing the government in damages to the amount of two hundred and fifty thousand dollars. So hon. gentlemen will understand what sort of claim is being set up against the administration. One of the difficulties, I understood, in the way of Mr. Stewart's getting on was that the stone in the quarry proved very much inferior to what the contractor thought it was when the purchase was made, and a good deal of the stone was condemned by the engineer, on the ground that it was shaky and unfit for use in building a canal. There is no doubt whatever, from the reports which have been made to us, that there was an immense quantity of waste and there was a good deal of loss in labour and time in undertaking to obtain quarry stone from there. In fact, the only justification, so far as I know, was its convenience. We have been asked why Mr. Stewart was not allowed to go on and complete the work after the time had expired. Well, there were very impor-

tant legal questions arising in connection with it. It has been held by very high authority in England, decided more than once, that if you permit a party to go on with work after the time has expired within which the work was to be completed, that you cannot hold him to the term of the contract—that he is entitled to payment *quantum meruit*, because, time being the essence of the contract, and the time having expired, the work which might subsequently be done would no longer be work done under the contract. At the present time, Mr. Stewart has permission to bring suit against the present administration. I have not inquired recently whether this suit has been brought or not, but it was a suit for all claims, not specially for payment for the quarry, and where the Crown might have an opportunity of setting up its claims by way of counter charges against Mr. Stewart. Now, Mr. Stewart's claim may have some merit in it, but whether it has or not it is, at all events, not before the courts at the present time, and I know of no reason myself why, if the rule which has been suggested by the bill be a sound a proper, rule to apply in other cases, it should not apply in this case. My hon. friend has referred to the government filing plans for a less area of land. That is perfectly true, but the whole area is far less than the area which Mr. Stewart claims he is entitled to compensation for. While all those matters can be before the courts, if the government in the expropriation of any portion of the quarry expropriated in such a way as to preclude Mr. Stewart from the use of the balance of the quarry, and he can establish that fact, there is no doubt whatever that the court would take that into consideration, and would give him damages accordingly. But that does not touch the question as to whether Mr. Stewart is entitled to compensation directly for a larger area than the government actually used or required. If, in its use, they damaged the remaining portion of the quarry making it impossible for him to use the balance, and that can be shown, all that will be a matter of damages, and there is nothing in this bill that would take any right from him in that regard. All we do by this bill is to give the Crown a right to take a less area than what was originally contemplated, and that whether it applies to a case where expropriation has now taken place, where the question is one not disposed of between the party and the Crown, or whether it refers to some future case, can make no possible difference. If it would be unjust in an existing case, it would be equally unjust in any case that might arise five years hence. In matters of expropriation, the Crown takes as much land as it deems necessary in the public interest. The Crown in expropriating exercises an inherent prerogative, that of eminent domain, and when my hon. friend from Prince Edward Island spoke about land belonging to parties, I think that he was somewhat confused in his notion as to the ground upon which the Crown makes claim in these cases. The Crown has the right of eminent domain. It expropriates such lands belonging to private parties as it thinks the public interest calls for, and the private party is entitled to compensation for that. The Crown is not more arbitrary in that matter than is a railway corporation to whom you have given power of expropriation. If the Crown has taken more land than it actually requires, or a larger estate than is actually necessary, I know of no reason or ground why it should not be at liberty to lessen the area. It is not like dealing with personal property. It does not transfer the property to some other locality. It is entirely in the nature of things, and what remains after the Crown has taken what is required is exactly in the same position it was before the expropriation took place. My hon. friend opposite referred to derricks and other property that belonged to Mr. Stewart which was taken. All that property was pledged to other parties. The Crown did not acquire that property. Money had been advanced to Mr. Stewart by other parties on that plant and their rights in that regard are paramount. I do not wish to discuss Mr. Stewart's case here. This is not the tribunal before which it will be tried. There is no doubt he will be fairly dealt with by the courts, but to undertake to prejudice the interests of the public by representing the government as having, in some arbitrary way, taken the property of Mr. Stewart is no advantage to Mr. Stewart nor is it in the public interest to do so.

Hon. Mr. DANDURAND—I should like to mention a case concerning the eminent domain showing that the demand of the government is not exhorbitant. It is to be found in all our city and town Corporation Acts. By this law, which is gen-

eral throughout the country, a city can homologate a plan of streets to be expropriated, hold it for a number of years, and tie it in the hands of the owner of the land for a number of years and, without any compensation to the party who has been even paying taxes upon that land, erase that line from the homologated plan ten or fifteen years after, and leave the party without recourse or compensation. By the present bill we have the same right given to the government to release a piece of property which it may find, at a latter period, it had no need for; but I would think that the party under this present law would be entitled to compensation for whatever loss he incurred while the reconveyed property was in the hands of the government.

Hon. Mr. POIRIER—After having listened attentively to the very clear explanation given by the hon. Minister of Justice, I cannot help but think still that this bill, if it should pass, will necessarily work mischief. Take an example; supposing the person has gone before the Exchequer Court and the assessment for damages is made and the case closed. The suit is to all intents and purposes ended. Then the government can come in, according to clause 2, abandon a portion of the property and give it back to the individual. What will the consequence be? The case will have to be re-opened and a new assessment made, and you see in what a position the subject is placed by this bill. I believe that we should not pass the bill as it stands, taking away unnecessarily rights that belong to the subject and giving to any government such powers as can be made use of certainly to the detriment and annoyance of the subject. That instance that I have given, ought, in my humble opinion, to be sufficient to induce the government to change the bill in such a manner as to protect any land owner or any citizen of Canada from being placed in such a position. At all events, if the bill is to have no retroactive effect, as the Hon. Minister of Justice has said, the wording of clause 4 ought to be amended. I cannot vote for this bill as it now stands.

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

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, 25th April, 1899.

THE SPEAKER took the Chair at Three O'Clock.

Prayers and routine proceedings.

BILL INTRODUCED.

Bill (G) "An Act respecting the Imperial Life Assurance Company of Canada."—(Hon. Sir Mackenzie Bowell).

DISMISSALS FOR PARTISANSHIP.

NOTICE OF MOTION.

Hon. Sir MACKENZIE BOWELL—I beg to give notice:

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 Senate, the names of all Commissioners appointed by Order in Council or otherwise since the 9th April, 1897, to inquire into and report upon charges preferred against any employé of the Government, whether permanent or temporary, of offensive partizanship, or of any misconduct whatever.

2. The reports of said Commissioners, or of Commissioners previously appointed, not already brought down, and a statement showing the action taken by the Government thereon.

3. The amounts paid each Commissioner since the 9th April, 1897, in fees, *per diem* allowance, travelling expenses and incidentals of all kinds.

4. The names, ages, offices and salaries of all employés in the inside or outside service of the Government, whether temporary or permanent, who since the 9th April, 1897, have been removed from office by dismissal, superannuation, or otherwise, whether on a report of a Commission or otherwise, specifying in each case the grounds of dismissal, and the amount of superannuation or gratuity granted, if any; also, the age, office, salary or renumeration of any and every person appointed in the place of, or as a consequence of every such removal.

He said:—This, my hon. friend will see dates from the time the last report was brought down affecting the dismissals for partisanship or for other causes. While on my feet, if it is not out of order to ask the question without giving notice, I would like to inquire whether any of the expenses incurred by those officials who were put upon trial and found not guilty have been repaid or recouped to the persons whose conduct had been investigated? My hon. friend, the Secretary of State, will no doubt remember that I asked the late Minister of Justice, the Hon. Sir Oliver Mowat, whether he did not think it was fair that the parties who had

been placed upon trial and who had to employ counsel and send for witnesses, who were acquitted on the report of the commissioners, should not be recouped the expenses to which they were put. I know one or two cases where it bears very hard and is very oppressive on parties who were put to heavy expenses—expenses which exceeded in amount the salaries they had received for the year. It is a matter not only of justice, but equity, that those persons should be recouped.

Hon. Mr. MILLS—I am unable to answer the hon. gentleman's question at this moment, but I will make inquiry.

Hon. Sir MACKENZIE BOWELL—Then I suppose it will not be necessary to put any notice on the paper.

Hon. Mr. MILLS—No, I think not.

REDUCTION OF CITY POST OFFICES.

INQUIRY POSTPONED.

The Order of the Day being called :

By Hon. Sir Mackenzie Bowell :—That he will ask the government, whether the Postmaster General has, during the past year, or at any other time, reduced any city post office to that of a town office, as was done on the plea of economy in the case of the city of Belleville, namely : the cities of Toronto, Hamilton, London, Ottawa, Windsor, Montreal, Quebec, Fredericton, St. John, Halifax, Charlottetown, and Victoria? If not, why have not those cities which the public accounts show, as set forth in a tabular statement to be found on page 211 of the official reports of the Debates of the Senate of the 14th March, 1898, cost a greater percentage of the revenue collected to perform the duties of said offices, than did that of Belleville reduced ?

Hon. Sir MACKENZIE BOWELL—Can the hon. minister answer this inquiry now ?

Hon. Mr. MILLS—I can answer the hon. gentleman's second and third questions.

Hon. Sir MACKENZIE BOWELL—Deal with the first. I will put the question and my hon. friend will say if he can answer it or not.

Hon. Mr. MILLS—I cannot answer it. I have sent to the department for information, but they told me it was in course of preparation.

NEW POST OFFICES SINCE JULY 12TH, 1896.

INQUIRY.

Hon. Sir MACKENZIE BOWELL rose to :—

Ask the government, how many new post offices have been opened since the 12th July, 1896; the names of said post offices; where situated; the names of said postmasters, and the additional number of miles which have to be travelled to serve said offices ?

Hon. Mr. MILLS—I have in detail the information for which the hon. gentleman asks. I have not added them up to see what the precise number is, but I can place in my hon. friend's hands the answer which I received from the Postmaster General. They are alphabetically arranged and number some thousands. The return is as follows :—

POST OFFICES Established since the 12th July, 1896, from 31st July, 1896, to 1st March, 1899, inclusive.

Name of Post Office.	Township or Parish.	Electoral Division and Province or Territory.	Postmaster.	Additional Miles of Mail Route.
Arlington	Lot 14	Prince West....P.E.I.	John O'Connor	2 miles.
Ariel	Laurier	Muskoka & P. S....O.	Wm. C. Moir	100 yds. to Ry.
Albany Cross	Annapolis	Annapolis, N.S.	W. H. Durland	7 miles.
Alma	Sec. 24, Tp. 8, R. 7, W. 2nd M.	Assiniboia, E.	F. Zoel DeGagné	12 "
Aurigny	Madalen Islands.	Gaspé....Q.	Timothée Lorade	None.
Albert Canyon		Yale & Cariboo..B.C.	Chas. Carlson	"
Algonquin Park	Peck	Nipissing....O.	E. T. Marsh	1½ mile to Ry.
Amiro's Hill	Argyle	Yarmouth....N.S.	Josh. H. Amiro	None
Atkin	Euphemia	Middlesex, W.R....O.	Clarence E. Atkin	4½ miles.
Anvil Island		Burrard....B.C.	Fred. Keeling	None.
Allison	Lot 63	Queen's, E....P.E.I.	Christina McLean	"
Anaconda		Yale & Cariboo...B.C.	James McNichol	"

POST OFFICES Established since the 12th July, 1896, &c.—*Continued.*

Name of Post Office.	Township or Parish.	Electoral Division and Province or Territory.	Postmaster.	Additional miles of Mail Route.
Ansonia (reopened)	Lefroy	Algoma ..... O.	Alex. Brandon	Office reopened.
Addingham	Sec. 34, Tp. 15, R. 9, W. 1st M.	Macdonald ..... M.	Jos. W. Metcalfe	1 mile.
Brennen	McCraney	Nipissing ..... O.	W. H. Stinson	None.
Bishop Mountain	Aylesford	King's ..... N.S.	Anthony McGarvey	4 miles.
Barnardo	Sec. 30, Tp. 20, R. 28, W. 1st M.	Marquette ..... M.	E. A. Struthers	4 "
Burridge	Bedford	Addington ..... O.	James D. Slavin	2½ "
Bornish (reopened)	W. Williams	Middlesex, N.R. ... O.	Malcolm Morrison	None.
Black Donald	Brougham	Renfrew, S.R. ..... O.	John Moore	12 miles.
Bout de l'Isle	Pte. Aux Trembles	Lavel ..... Q.	J. B. Bureau	None.
Ballantyne's Cove	Morristown	Antigonishe ..... N.S.	Arch. McDougall	"
Bank Street (sub-office)	City of Ottawa	Carleton ..... O.	Alf. H. Jarvis	"
Benjamin's Mills (reopened)	Falmouth	Hans ..... N.S.	S. P. Benjamin	"
Birson	Sec. 25, Tp. 48, R. 24, W. 2nd M	Saskatchewan	G. A. Markley	"
Bonaventure, E. (reopened)	Cox	Bonaventure ..... Q.	Louis Bourdage	"
Bruce's Landing		Yale & Cariboo ... B.C.	D. E. Gellety	½ mile.
Barnsley (reopened)	Sec. 19, Tp. 7, R. 4, W. 1st M	Lisgar ..... M.	John A. Ruth	Reopened.
Basswood	Sec. 28, Tp. 15, R. 19, W. 1st M.	Marquette ..... M.	Dugald McPherson	½ mile.
Bonheur		Algoma ..... O.	D. W. McTique	None.
Boulevard, St. Denis (sub-office)		Maisonueuve ..... Q	Mathias Gibault	"
Beulah	Kars	King's ..... N.B.	Daniel Urquhart	"
Black River Depot	Unsurveyed	Pontiac ..... Q.	R. A. Ralph	"
Brown's Nurseries	Pelham	Lincoln & Niagara .. O.	Chas. Fisher, Sr	¾ mile.
Bungay	Lot 23	Queen's, W .... P.E.I.	Edwin Crewe	2 miles.
Bas du Sault	Sault au Recollet	Lavel ..... Q.	G. Giroux	3 "
Bear Creek	Sec. 5, Tp. 14, R. 12, W. 1st M.	Macdonald ..... M.	Henry C. Bennett	10 "
Blue Sea Corner		Cumberland ... N.S.	Jacob W. Treen	None.
Brouseville (reopened)	Edwardsburg	Grenville, S.R. ..... O.	W. E. Bolton	"
Brudenell	Lot 52	King's ..... P.E.I.	John Hancock	"
Butler	Canning	Sunbury and Queen's ..... N.B.	J. Sidney Butler	"
Bear Line	Dover, E.	Kent. ..... O	Daniel H. Winters	8 miles.
Beaver	Godmanchester	Huntingdon ..... O.	J. R. McCaig	None.
Bellegarde	Sec. 25, Tp. 6, R. 31, W. 1st M.	Assiniboia, E.	Cyrille Sylvester	28 miles.
Bradford	Lot 28	Prince, E. ..... P.E.I.	Benj. McNeill	2½ "
Brooklyn		Yale & Cariboo .. B.C.	L. M. Livingstone	¼ mile.
Black Avon	St. Andrew's	Antigonishe ... N.S.	Donald McDonald	None.
Boggarttown	Whitchurch	Ontario, W.R. .... O.	Fred. Brillinger	"
Bon Conseil	Wendover	Drummond ..... Q.	A. Benoit	3 miles.
Bryon Id. (sum. office)	Magdalen Islands	Gaspé ..... Q	John Ballantyne	9 "
Bethany	Ely	Shefford ..... Q.	Wm. Lancaster	5 miles.
Brinkman's Corners	Lindsay	Bruce, N.R. ..... O.	Joseph Brinkman	None.
Brooklyn Road	Sackville,	Westmoreland .. N.B.	H. L. Richardson	3 miles.
Chemong	Smith	Peterborough, W.R. O.	William McCue	3½ "
Cole Harbour	Dartmouth Road	Halifax ..... N.S.	Judson Settle	4 "
Coulombe	St. Isidore	Dorchester ..... Q.	J. B. Lamontagne	None.
Cow Bay	Dartmouth	Halifax ..... N.S.	F. H. Osborne	4 miles.
Creston		Yale and Cariboo. B.C.	James Hamilton	None.
Crowstand	Sec. 19, Tp. 29, R. 31, W. 1st M.	Assiniboia, E.	Rev. Neil Gilmour	None.
Campbell's Cove	Lot 47	Kings ..... P.E.I.	Thomas Keays	"
Cantin	St. Lambert de Lévis	Lévis ..... Q.	Philias Cantin	"
Clement	Northfield	Wright ..... Q.	Thomas Clement	"
Côté St. Vincent	St. Vincent	Two Mountains .... Q.	Louis Vermette	1 mile.
Cowan's	Havelock	Huntingdon ..... Q.	A. Bouchard	2 miles.
Candasville (reopened)	Gainsborough	Lincoln & Niagara. O.	G. W. Misener	Closed.
Chicot	St. Cuthbert	Berthier ..... Q.	A. Roberge	None.
Crystal Beach (sum. Office)	Bertie	Welland ..... O.	Thos. Snyder	1½ miles.
Cap au Renard	Christie	Gaspé ..... Q.	Francois Vallee	None.

POST OFFICES Established since the 12th July, 1896, &c.—*Continued.*

Name of Post Office.	Township or Parish.	Electoral Division and Province or Territory.	Postmaster.	Additional Miles of Mail Route.
Chambord Junction	Charlevoix	Chicoutimi Q.	Auguste Dupuis	None.
Channeton		Burrard B.C.	John Crawford	Closed.
Chantler	Pelham	Lincoln & Niagara O	Elwood Chantler	4½ miles.
Coffey's Corner	Godmanchester	Huntingdon Q.	J. Smith	None.
Cascade		Yale and Cariboo B.C.	Angus Cameron	2 miles.
Cavemount (Spring Bay P.O)	Carnarvon	Algoma	Benj. Bock	7 "
Central W. Harbour	Barrington	Shelburne and Queens N S.	Thos. L. Nickerson.	None.
Chamberlain (McCreary P.O)	Sec. 4, Tp. 21, R. 15, W. 1st M.	Macdonald M.	James Elliott	"
Clydes Corners	Godmanchester	Huntingdon Q.	Mrs. Mary Stark	3 miles.
Côté Rouge	St. Benoit	Two Mountains Q.	Abel Ladouceur	None.
Caledonia	St. Andrews	Guysborough N.S.	John J McQuarrie.	"
Cape Despair	Percé	Gaspe Q.	Jos. W. Beck	"
Coalfields	Sec. 4, Tp. 2, R. 6, W. 2nd M	Assiniboia, E.	Isaac Cockburn	3 miles.
Creighton Valley		Yale and Cariboo B.C.	W. H. Phillips	5 "
Cap St. Martin	St. Martin	Laval Q.	Moïse Gobeil	20 acres.
Centre Hampton	Hampton	Kings N.B.	James Hill	None.
Chaplin	Upper Musquodoboit	Halifax N.S.	Ernest Chaplin	3 miles.
Cody		Yale and Cariboo B.C.	A. B. Docksteader	2½ "
Côté St. Emmanuel	St. Dominique	Soulanges Q.	Joseph Lalonde	2 "
Côté St. Léonard		Laval Q.	Hilaire Tessier	None.
Coulee	Sec. 12, Tp. 8, R. 29, W. 3rd M	Assiniboia, W	F. W. Molineaux.	6 miles.
Cranbrook		Yale and Cariboo B.C.	R. E. Beattie	12 "
Crediton, E.	Stephen	Middlesex, N.R. O.	John W. Mitchell	None.
Dundee Centre	Dundee	Huntingdon Q.	John J. Fraser	Railway station.
Duvar Road	Lot 5	Prince, W. P.E.I.	Anicette Richard	2½ miles.
Dayton	Yarmouth	Yarmouth N.S.	Miss Mary Hibbard	None.
Delagrave	Lepinay	Montmagny Q.	Mrs. Leda Laverdière	Railway station.
D'Artagnan	St. Henri de Lévis	Lévis Q.	Stanislas Lachance.	1½ miles.
Dale	Aylesford	Kings N.S.	Martin Francy	None.
Dawson	Yukon District	North-west Territory	Isaac J. Hartman	"
Delta		New Westminster B.C.	John Weaver.	7 miles.
Dryden	Unsurveyed	Algoma	Mrs. Ida Smith	Railway station.
Dauphin	Sec. 10, Tp. 25, R. 19, W. 1st M.	Marquette M.	Thos. Iredale	None.
Deer Park		Yale and Cariboo B.C.	Richard Luxton	"
Dinorwie	Unsurveyed	Algoma O.	Jas. Muirhead	"
Dunn's Valley	Galbraith	Algoma O.	A. Cooper	7 miles.
Erie		Yale and Cariboo B.C.	J. R. Hunnee	100 yards.
East Hungerford	Hungerford	Hastings, E.R. O.	J. P. Whelan	4 miles.
Egg Lake	Sec. 16, Tp. 56, R. 26, W. 4th M.	Alberta	Prosper Gory	8 miles.
Eskdale (reopened)	Bruce	Bruce, W. R. O.	A. McFadyen	Reopened.
Elie	Sec. 11, Tp. 11, R. 3, W. 1st M.	Selkirk M.	Jos. Bernardin	150 yards.
Elm Springs	Sec. 11, Tp. 5, R. 1, W. 3rd M.	Assiniboia, W	Miss. O. Thompson	4 miles.
Elm Tree	Bresford	Gloucester N.B.	Napoleon Roy	1 mile.
Elm Valley	Waterford	Kings N.B.	Jos. Wallace	None.
Eleerslie	Sec. 29, Tp. 51, R. 24, W. 4th M.	Alberta	John W. McLaggan	1/10 of a mile.
E. Broughton Stn.	Broughton	Beauce Q	Jos. Larochelle	None.
Elizabeth Bay	Burpee	Algoma O.	James Blackburn	"
Fairville	Sec. 10, Tp. 18, R. 23, W. 2nd M.	Assiniboia, W.	Richard House	3 miles.
Flint Hill	Elgin	Albert. N.B	B. M. Beaman	None.
Falkland		Yale & Cariboo B.C.	Wm. Bell	10 miles.
Fairplay	Sandwich, E.	Essex, N. R. O.	Dennis Perrin	4 "
Fernetville	Berthier	Berthier Q.	Joseph Fernet	None.
Fieldville	Low	Wright Q.	Michael Field	5 miles.
Forest Hill	Stormont	Guysborough N.S.	Wm. McConnell	9 "
Ferme Neuve	Pope	Wright Q.	Leonard Lafontaine	12 "
Fernie		Yale & Cariboo B.C.	H. G. Johnston	400 yards.
Ferguson		Yale & Cariboo B.C.	G. B. Batho	5 miles.

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Name of Post Office.	Township or Parish.	Electoral Division and Province or Territory.	Postmaster.	Additional Miles of Mail Route.
Fernbank	Mornington	Perth, N. R. O.	Wm. D. Reid.	3½ miles.
Folger Stn.	Lavant	Lanark, N. R. O.	Ed. K. Roche.	None.
Guay	N. Dame de Lévis.	Lévis Q.	Jos. Verreault	½ mile.
Glenpaye.	Roxborough	Stormont O.	J. D. McInnis.	4½ miles.
Greece's Pt.	Chatham	Argenteuil Q.	Telesphore Ranger.	None.
Geneva Lake.	Hess	Algoma O.	Chas. A. McCool.	55 yards.
Glendower (re-opened).	Bedford	Addington O.	Mrs. C. McNicholas	Reopened.
Glenora		Burrard B.C.	I. N. Bond	140 miles.
Gordon Bay	Humphrey	Muskoka & Parry S'nd	Alfred Winter.	None.
Gore	Melbourne	Richmond Q.	Duncan Campbell.	"
Gillingham (reopened).	Sec. 34, Tp. 7, R. 2, W. 5th M.	Alberta	C. H. Jensen	"
Glencarin	Sec. 23, Tp. 19, R. 14, W. 1st M.	Macdonald M.	Andrew Shaw.	⅛ of a mile
Glenella	Sec. 21, Tp. 18, R. 13, W. 1st M.	Macdonald M.	Hugh N. Ray.	⅛ "
Graniteville.	Stanstead	Stanstead Q.	John N. Moir.	3½ miles.
Gosselin's Mills.	Clifton	Compton Q.	Pierre Gosselin.	None.
Galway	Alma	Alberta N.B.	Tim. J. O'Connor.	"
Garonne	Sec. 10, Tp. 44, R. 28, W. 2nd M.	Saskatchewan.	A Gareau.	"
Glenlee	Minto	Wellington, N. R. O.	Robt Sainclair.	2½ miles.
Grandes Coudees (re-opened).	Jersey	Beauce Q.	Barth'i Carrier.	None.
Griersford (reopened).	Wilberforce	Renfrew, N. R. O.	Sylvester Grier.	"
Grunthal	Sec. 21, Tp. 5, R. 5, E. 1st M	Provencher M.	Johann Braum.	2½ miles.
Guthrie.	St. Armand	Missisquoi Q.	Edwin W. Guthrie.	None.
Grass River.	Sec. 10, Tp. 18, R. 12, W. 1st M.	Macdonald M.	James Patterson.	6 miles.
Gallingerton (reopened)	Osnabruck	Stormont O.	Lemuel Waldorf.	None.
Glacier		Yale & Cariboo. B.C.	A. W. Sharp	"
Hillside, Boulardarie.	St. Andrews	Cape Breton N.S.	Philip McLeod.	"
Hauteur	Masse	Rimouski Q.	Pierre Deschenes.	6 miles.
Hungerford	Hungerford	Hastings, E. R. O.	Manley Wager.	None.
Hudson Heights	Vaudreuil	Vaudreuil. Q.	A. W. Mullen.	¾ of a mile.
Hureauville (reopened).		Richmond N.S.	Joachim Hureau.	Reopened.
Hutchinson	McGillivray	Middlesex, N. R. O.	James Rack.	6½ miles.
Hall		Yale and Cariboo. B.C.	J. H. Dobie.	Railway Station.
Heronville	Batiscan	Champlain Q.	Jos. A. Roberge.	None.
Hillsvale (reopened).	Rawdon	Hants. N.S.	Miss B. Canaoan	"
Harper's Camp.		Yale and Cariboo. B.C.	Hy. L. Walters.	"
Howard Valley	Howard	Argenteuil Q.	O. Wood	"
Habermehl	Bentinck	Grey, S.R. O.	Mrs. C. Habermehl	5½ miles.
Hampshire	Lot 31	Queen's West. P.E.I.	John Stewart.	3 "
Highland Grove	Cardiff	Peterborough, E.R. O.	Jas. F. McMillan.	None.
Halcyon Hot Springs.		Yale and Cariboo. B.C.	D. H. McPherson.	A few yards.
Hillside.		Muskoka and Parry Sound O.	Albert Hodgson.	None.
Happy Valley		Victoria. B.C.	Walter Poole	2 miles.
Hawk Lake.	Unsurveyed	Algoma O.	A. B. McCay.	Railway Station.
Heron	Sec. 26, Tp. 9, R. 31, W. 1st M.	Assiniboia East.	Alex. M. Stephen.	6 miles.
Hicksville	Salisbury	Westmoreland. N.B.	Ephraim Hicks.	2 "
Irvine's Landing		Burrard B.C.	John West	None.
Insinger	Sec. 6, Tp. 29, R. 7, W. 3rd M.	Assiniboia East.	Robt. Laurie	"
Ireland	Bagot	Renfrew, S.R O.	Chas. Naughton.	5 miles.
Jackfish Lake.	Sec. 22, Tp. 48, R. 17, W. 3rd M	Saskatchewan.	Moise L'Heureux.	35 miles.
Kuhryville.	Ellice	Perth, N.R O.	Alex. D. Smith	3½ "
Kenogami	Kenogami.	Chicoutimi Q.	Eustache Tremblay	None.
Kinsmore	Sec. 16, Tp. 12, R. 24, W. 1st M	Brandon. M.	John McLaren	2 miles.
Kenebacasis Island.	Westfield	King's N.B.	Geo. L. Johnston.	None.
Kedron (reopened)	Cardwell	King's N.B.	Saml. T. Morton.	Reopened.
Kinloch	Lot 57	Queen's East. P.E.I.	D. A. Nicholson.	None.
Kalmar	Unsurveyed	Algoma O.	S. T. H. Tighe	"
Kuskonook		Yale and Cariboo. B.C.	C. W. Wright.	55 miles.

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Name of Post Office.	Township or Parish.	Electoral Division and Province or Territory.	Postmaster.	Additional Mile of Mail Route.
Khiva (reopened)	Stephen	Middlesex, N.R....O.	B. Cunningham	None.
Kingsville	Thetford	Megantic.....Q.	Jos. Demers	Closed.
Kronau (reopened)	Sec. 1, Tp. 16, R. 18, W. 2nd M.	Assiniboia West	David Ehman	18 miles.
Lorrainville	Duhamel	Pontiac.....Q.	Jos. Bellehumeur	6 "
Lower Burlington	Newport	Hants.....N.S.	Edward Smith	None.
Lewisville (reopened)	Sec. 6, Tp. 45, R. 22, W. 4th M.	Alta	Clifford E. Vaughan	2 miles.
Linkletter	Lot 17	Prince, East....P.E.I.	Geo. E. Bell	3 "
Leitrim (reopened)	Gloucester	Russell.....O.	Geo. Wilson	None.
Lurgan (reopened)	Huron	Bruce, W.R.....O.	David Ray	Reopened.
Larose Station	Montcalm	Argenteuil.....Q.	Antoine Larose	Few yards.
Lake Road	Tatamagouche	Colchester.....N.S.	Chas. Clarke	None.
Lorne Valley (reopen'd)	Lot 52	King's.....P.E.I.	John Munro	½ mile.
LaCarriere (reopened)	St. Dominique	Bagot.....Q.	Narcisse Fournier	None.
Lac au Saumon	Humqui	Rimouski.....Q.	Louis St. Laurent	"
La Conception Station	Clyde	Labelle.....Q.	S. O. Demers	⅛ mile.
La Macaza	Marchand	Labelle.....Q.	P. Charbonneau	10 miles.
Leeburn	Coffin	Algoma.....O.	Neil Morrison	6 "
Laird	Laird	Algoma.....O.	Chas. Venn	9 "
Lake Larose	Annapolis	Annapolis.....N.S.	Geo. E. Mailman	None.
Lambton Station	Aylmer	Beauce.....Q.	E. E. Legendre	"
Loch Katrine	St. Andrews	Antigonish.....N.S.	J. C. McKinnon	"
Lr. L. Chezzetcook		Halifax.....N.S.	James Conrad	3 miles.
Lakewood	Simonds	St. John.....N.B.	Daniel McNamara	None.
L'Anse à la Barbe	Port Daniel	Bonaventure.....Q.	Louis Morin, jr	"
Lourette	Lot 3	Prince, West...P.E.I.	Michel Buote	3 miles.
Laurier	Ashfield	Huron, W.R.....O.	John Jamieson	None.
Lawfield (reopened)	Gagetown	Sunbury & QueensN.B.	Wm. G. Law	"
Leetonia	Walsingham	Norfolk, S. R.....O.	Chas. Spencer	None.
L'Islet Stn	Bonsecours	L'Islet.....Q.	Marc Gagnon	"
Lodore	Dalhousie	Lanark, N. R.....O.	Chas. Norman	7 miles.
Lorne	Egerton	Pictou.....N.S.	John Dunbar	Reopened.
Liscombe Mills (reopened)		Guysboro'.....N.S.	Albert Rumley	None.
Lake Bennett		Burrard.....B.C.	Frank Turner	"
Lake Clementi	Sec. 2, Tp. 9, R. 19, W. 1st M.	Brandon.....M.	Jas. Davidson	2 miles.
Land Villa (reopened)	St. Pierre Montmagny	Montmagny.....Q.	Jos. Bertel	(Reopened) 2 m.
Leadville	Potton	Brome.....Q.	W. S. Brown	5 miles.
Little Beach	St. Martin's	St. John.....N.B.	R. W. Long	½ mile.
Lillyfield	Sec. 16, Tp. 12, R. 2, E. 1st M.	Selkirk.....M.	John W. Phipps	12 miles.
Lynch's Corner	Greenwich	King's.....N.B.	Wm. Lynch	1½ mile.
Moyie		Yale & Cariboo..B.C.	F. J. Moore	18 miles.
Martinvale	Lot 53	Kings.....P.E.I.	James Gillis	2 "
May Bank	St. Anicet	Huntingdon.....Q	John McGibbon	2¼ "
Manganese Mines (reopened)	Onslow	Colchester.....N.S.	John M. Irving	Reopened.
Menteith	Sec. 8, Tp. 7, R. 22, W. 1st M.	Brandon.....M.	Rich. McBurney	500 yards.
Morton Park (summer office)	N. Gwillimbury	York, N.R.....O.	Neil Morton	1 mile.
Mosey River	Sec. 10, Tp. 31, R. 18, W. 1st M.	Marquette.....M.	Emil Martman	1¼ "
Moon River (reopened)		Muskoka & Parry Sd.	J. Pearce	None.
Maple Lake Station	Christie	" "	John Sword	"
Marshy Hope (reopened)	Maxwellton	Pictou.....N.S.	J. Wallace Dewar	¼ mile.
Mine Centre	Unsurveyed	Algoma.....O.	D. C. Taylor	Reopened.
Muldoon	Onslow	Pontiac.....Q.	J. J. Muldoon	3 miles.
Mairs Mills	Nottawasaga	Simcoe, N.R.....O.	John Mair	None.
Meadowvale	Wilmot	Annapolis.....N.S.	Dimock Banks	"
Moulin Basinet	DeRamsay	Joliette.....Q.	Adolphe Ratelle	"
Mulock	Bentinck	Grey, S.R.....O.	Patrick O'Neil	5¼ milles
Makinak	Sec. 17, Tp. 23, R. 16, W. 1st M.	Macdonald.....M.	Joseph Daoust	None.
March (reopened)	March	Carleton.....O.	John Williams	Reopened.

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Name of Post Office.	Township or Parish.	Electoral District and Province or Territory.	Postmaster.	Additional miles of Mail Route.
Markland	Sec. 6, Tp. 19, R. 2, W. 1st M	Selkirk.....M.	B. S. Lindal	18 miles.
Mercer	Norton	King's.....N.B.	Geo. W. Robertson	None.
Minnokin	Sec. 36, Tp. 29, R. 19, W. 1st M.	Marquette.....M.	Thos. N. Briggs	"
Mulock	Sec. 4, Tp. 28, R. 1, W. 2nd M	Assa, E	Alex. F. Thomas	"
Malwood	March	Carleton.....O.	Patrick Kennedy	"
Mather	Sec. 6, Tp. 2, R. 13, W. 1st M	Lisgar .....M.	W. G. Fulford	$\frac{1}{16}$ of a mile.
Michie	Sec. 30, Tp. 11, R. 24, W. 1st M.	Brandon.....M.	W. L. Grant	$1\frac{1}{2}$ mile.
McNeill's Mills	Lot 12	Prince, W.....P.E.I.	John McNeill	R'y Station.
McDonald Hills	Sec. 14, Tp. 24, R. 15, W. 2nd M.	Assa, E	Allan McLay	$4\frac{3}{4}$ miles.
McInnis	McGillivray	Middlesex, N. R....O.	Thos McInnis	6 "
McKenzie	Sec. 24, Tp. 2, R. 10, W. 1st M.	Lisgar .....M.	Chas H Vrooman	7 "
McLeod's Crossing (re-opened)	Hampden	Compton.....Q.	J. A. McDonald	$1\frac{1}{2}$ "
McGuigan		Yale & Cariboo..B.C.	L. J. Hamilton	None.
McNaughton	St. Andrews	Antigonishe.....N.S.	J. C. McNaughton.	"
Newton Station.	Sec. 21, Tp. 11, R. 5, W. 1st M.	Macdonald. .....M.	W. Eadie	$\frac{1}{12}$ of a mile.
Northern	Sec. 6, Tp. 50, R. 18, W. 4th M	Alta.	Peter N. Jevning	13 miles.
North Grant (reopened)	Dorchester	Antigonishe.....N.S.	Duncan Slattery	None.
New Erin	Godmanchester	Huntingdon.....Q.	Jos. Walsh	5 miles.
New Yarmouth		Cumberland.....N.S.	Geo. Elliott	None.
North Kemptville	Yarmouth	Yarmouth.....N.S.	Chas. Prosser	3 miles.
N. Wallace	Wallace	Cumberland.....N.S.	John Morrison	$2\frac{1}{2}$ "
New Finland	Sec. 20, Tp. 17, R. 33, W. 1st M.	Assa, E	Sam. Kivela.	$6\frac{1}{2}$ "
O. Kanagan Landing		Yale & Cariboo...B.C.	Mrs. Mary Grant	100 yards.
Odrift	Unsurveyed	Algoma.....O.	Alex. Beatty	300 "
Ojibwa	Sandwich W	Essex, N. R.....O.	Leo Page.	None.
Oxford Jct. (reopened).	River Philip	Cumberland.....N.S.	Miss C. Fillmore	Reopened.
O'Kanagon Falls		Yale and Cariboo.B.C.	John McLellan	None.
Otis	Otis	Chicoutimi.....Q.	Prudent Potvin	15 miles (summer only).
Otter Brook	Stewiacke	Colchester.....N.S.	Martin Smith	None.
Port Kusam		Vancouver.....B.C.	Theo. Paterson	"
Pinkey's Pt	Yarmouth	Yarmouth.....N.S.	Mrs. Annie P. Deviller	7 miles.
Parent's (reopened)	St. Leonard's	Victoria.....N.B.	Michael Lebel	Reopened.
Peterville (reopened)	Lot I.	Prince, W.....P.E.I.	Peter Brennan	None.
Phœnix		Yale and Cariboo.B.C.	Thos. Roderick	"
Petrel (reopened)	Sec. 6, Tp. 12, R. 14, W. 1st M.	Macdonald .....M.	John O'Neil	"
Priddis	Sec. 6, Tp. 22, R. 3, W. 5th M	Alta.	Robert Gillespie	10 miles.
Petite Rivière	Rivière du Chêne	Two Mountains....Q.	Narcisse Laurin	None.
Pointe Basse	Magdalen Islands	Gaspé .....Q.	Alex. Arseneau	"
Poucher's Mills	Thurlow	Hastings, E.R.....O.	Daniel Poucher	"
Peas Brook	Guysborough	Guysborough.....N.S.	David Ehler	"
Pointe au Goemon	Cap Chat	Gaspé.....Q.	Gustave E. Perrée.	"
Pomquet Station	St. Andrew's	Antigonishe.....N.S.	Patience Benoit	Railway station.
Ponoka	Sec. 4, Tp. 43, R. 25, W. 4th M	Alta.	C. D. Alger	$\frac{1}{25}$ of a mile.
Polson's Brook	St. Andrew's	Antigonishe.....N.S.	Wm. J. Polson	4 miles.
Penasa	Sec. 1, Tp. 2, R. 9, W. 1st M	Lisgar .....M.	John Patterson	$2\frac{1}{2}$ "
Peachland		Yale and Cariboo.B.C.	D. H. Watson	Few yards.
Peribonca	Delmas	Chicoutimi.....Q.	Edouard Niquette	20 miles.
Pleasant Mt	Elgin	Albert.....N.B.	Chas. Henderson	5 "
Roseberry (reopened)		Yale and Cariboo.B.C.	D. L. Taylor	Reopened.
Rees	Waterborough	Sunbury&Queen's N.B.	James H. Rees	3 miles.
Roberval Hotal (summer office)	Roberval	Chicoutimi. .....Q.	Tim. Kenna	A few yards.

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Name of Post Office.	Township or Parish.	Electoral Division and Province or Territory.	Postmaster.	Additional Miles of Mail Route.
Rocky Pt.		Victoria ..... B.C.	Thos. Parker	None.
Reedsville	Whitton	Compton. ..... Q.	T. V. Reed	"
Richmond	Cleveland	Richmond ..... Q.	Jos. R. Denison...	"
Rivard's Corners	Hereford	Compton ..... Q.	J. H. Rivard	19½ miles (new route.
Rouleau	Sec. 23, Tp. 14, R. 22, W. 2nd M.	Assa., W.	John Scott	¼ of a mile.
Richfield	Clare	Digby ..... N.S.	Chas. Harding.....	7 miles.
Rivière Famine	St. George, E.	Beauce. ..... Q.	Jos. Poulin	None.
Rousseau's Mills	Montauban	Portneuf ..... Q.	Ernest Vallee.....	A few yards.
Reynard's Bridge	Yarmouth	Yarmouth..... N.S.	J W. Reynard....	New round route 22 miles.
Rayside	West Zorra	Oxford, N.R... O.	John Gunson	¼ of mile.
Ruskin		New Westminster B.C.	Jas. A. Tingley....	50 yards.
Reynoldscroft	Barrington	Shelburne and Queen's..... N.S.	Robt. G. Reynolds.	None.
Riverside Beach	Rothesay	King's ..... N.B.	J. B. Andrews.....	"
Rockcroft	Harvey	Peterborough, E.R..O	Wm. H. Taylor. ..	New route, 16 m.
St. Leonard de Portneuf	Bourg Louis	Portneuf ..... Q.	Louis Lesage.....	1 mile.
St. Amand	St. Leonard	Victoria ..... N.B.	S. St. Amand.....	2 miles.
Ste. Florence	Matalik	Rimouski ..... Q.	J. A. Thibault.....	None.
St. Louis de Beauce	St. Frederic	Beauce ..... Q.	E. Lagueux..	2 miles.
St Polycarpe Junction	St. Polycarpe	Soulanges ..... Q.	F. Brouillard	100 yards.
St. Pierre de Charlesbourg	Charlesbourg	Quebec..... Q.	F. Vaillancourt.. .	None.
Ste. Emilie de Lotbinière	Lotbinière	Lotbinière ..... Q.	Edmond Bernard..	"
Ste. Emilie Junction	Lanoraie	Joliette ..... Q.	A. Robillard.....	¾ miles.
St. Ephrem Station	Tring	Beauce..... Q.	Jos. Labonte.. ..	None.
St. Ours Lock	St. Ours	Richelieu ..... Q.	Arther Proulx.....	"
St. Rosette	Beresford	Gloucester.. ....N.B.	John J. Hachey.. .	4 miles.
St. Agapit Station	St. Agapit	Lotbinière ..... Q.	Geo. Olivier.....	None.
St. Cléophas de Brandon	Brandon	Joliette..... Q.	M. Poirier, jr.....	¾ miles.
St. Alexis	St. Alexis de Metapedia	Bonaventure....	Jeremie Pitre.....	None.
St. Thos. d'Aquin	St. Thomas d'Aquin...	St. Hyacinthe .....Q.	A. Girouard,.....	"
St. Catherine	St. Catherine.....	Portneuf ..... Q.	James Henchy....	20 yards.
St. Columbian Station.	Hibbert	Perth, S. R .....O.	Philip Carlin ...	½ mile.
St. Gédéon de Marlow.	Marlow	Beauce ..... Q.	Barnaby Tanguay.	5 miles.
St. Jean des Piles	Radnor	Champlain ..... Q.	Ulric Nault	½ mile.
St. Jovite Station	DeSalaberry	Terrebonne. ..... Q.	Jos. Longpre.....	2 acres.
St. Thuribe	Grondines	Portneuf..... Q.	Victor Guertin....	4½ miles.
St. Evariste Station	Forsyth	Beacue..... Q.	Henri Roberge....	None.
Saraguayville	St Genevieve	Jacques Cartier ....Q.	M. Libersat.....	3 miles.
Seeley's Cove	Pennfield	Charlotte, N.B. . N.B.	Mrs. Julia Bright..	3½ miles.
16 Island Lake	Montcalm	Argenteuil..... Q.	Miss M. J. Rodger.	Few yards.
Soapstone Mine		Inverness ..... N.S.	Norman McLeod..	None.
Springmount	Derby	Grey, N.R..... O.	Wm. Boal.....	"
Stratton	Cavendish	Peterborough, E.R..O	John Westlake....	New route16 mls.
Swansea		Yale & Cariboo...B.C.	H. J. Turner.....	None.
Sans Bruit	St. Sauveur de Quebec.	Quebec, E..... Q.	Louis C. Pelletier..	1 mile.
Scotch Bay	Sec. 16, Tp. 21, R. 7, W. 1st M.	Selkirk ..... M.	Malcolm Doherty..	7 miles.
7 Mile Ridge	Addington	Restigouche . . . N.B.	Jos. Johnson.. ...	"
Stanley Corners	Goulbourne	Carleton..... O.	J. Stanley.	2 "
Saw Bill	Unsurveyed	Algoma..... O.	W. F. Fortune....	35 "
Selwood	Kempt	Hants ..... N.S.	Mrs. A. Nelson....	None
Sheila	Tracadie	Gloucester..... N.B.	Wm. McMahon...	"
Shilson	Sec. 30, Tp. 5, R. 26, W. 1st M.	Brandon..... M.	Wm. Shilson.....	10 miles.
Sinclair		Yale & Cariboo ..B.C.	John McKay	None.
Stardale (reopened)	E. Hawkesbury	Prescott..... O.	David Stephens, jr.	New route 3½mls.
Scotch Road	Grenville	Argenteuil ..... Q.	Charlotte McLean.	None.
Skidgate		Burrard..... B.C.	Robt. Tennant....	"
Spring Valley	Lot 18	Prince Edward, P.E.I.	John A. Sudbury..	2 miles.
Spry Harbour	Tangier	Halifax..... N.S.	John Hawes.....	None.
Steel's	Onslow	Pontiac ..... Q.	Jas. Craig.....	"
Stevenson	Tilbury, E.	Kent..... O.	Herbert H. Shaver.	New route 18mls.
Salmo		Yale & Cariboo ..B.C.	Wm. T. Beadles...	500 yards.

POST OFFICES Established since 1st July, 1896, &c.—*Continued.*

Name of Post Office.	Township or Parish.	Electoral Division and Province or Territory.	Postmaster.	Additional Miles of Mail Route.
Shaw Brook	Moncton	Westmoreland ...N.B.	David Garland	None.
Short Beach	Yarmouth	Yarmouth .....N.S.	Geo. P. Bowers	Round route 23½ miles
Simard	Ouiatchouan	Chicoutimi.....Q.	Alfred Simard	None.
Smith's Corners	Litchfield	Pontiac.....Q.	Daniel Smith	"
Spanish Ship Bay	Liscomb	Guysborough ....N.S.	Jacob Hartling	"
Spuzzum		Yale & Cariboo ..B.C.	A. H. Coppen	100 yards.
Stonleigh (reopened)	Macauley	Ontario, N. R.....O.	Wm. McGregor	None.
Sussex Cor. (reopened).	Sussex	Kings.....N.B.	Jennie O. Myles	"
South Greenwood	Aylesford	Kings.....N.S.	A. Spinney	"
South Kildare	Lot 4	Prince W.....P.E.I.	Michael Quigley	2 miles.
Seal Cove	Douglas	Gaspe.....Q.	Thos. Holberlin	None.
Selwood	Dalhousie	Restigouche.....N.B.	John Goulett	"
Slocan		Yale & Cariboo ..B.C.	R. A. Bradshaw	½ of mile.
Stanchel	Lot 67	Prince Edward .P.E.I.	Angus A. Nicholson	None.
South Uniacke	Uniacke	Hants, N.S .....N.S.	Robt. Irving	100 yards.
Sifton	See. 36, Tp. 27, R. 20. W. 1st M.	Marquette .....M.	John Kennedy	¼ of mile.
Smithsville	Barrington	Sh'lb'rne & Qu'ns.N.S.	Harvey D. Smith	None.
Slocan Junction		Yale & Cariboo ..B.C.	Martin Anderson	50 yards.
South River (reopened)	Inkerman	Gloucester.....N.B.	Francis F. Barry	Reopened.
Sandy Bay	Sec. 4, Tp. 18. R. 9, W. 1st M	Macdonald.....M.	Wm. Geo. Gow	None.
Silcote	Sydenham	Grey, N. R.....O.	Jos. M. Ramsey	"
Smoky Falls	Field	Nipissing.....O.	Antoine Peno	8 miles.
Turtle River	Sec. 28, Tp. 24, R. 16, W. 1st M.	Macdonald.....M.	Geo. W. Would	9 "
Torbrook, E	Wilmot	Annapolis.....N.S.	Chas. Irving	8½ "
Thurlow		Burrard.....B.C.	David Cook	None.
Tofield	Sec. 36, Tp. 50, R. 19, W. 4th M	Alta	Geo. Cookson	"
Tagish Lake	Yukon District	N. W. Territory	D'Arcy E. Strickland	"
Tantallon	Sec. 14, Tp. 18, R. 32, W. 1st M.	Assa, E	Robt. M. Douglas	1 mile.
Tusket Falls	Yarmouth	Yarmouth.....N.S.	Wentworth Brayne	New road route, 22 miles.
Tamarisk	Sec. 20, Tp. 24, R. 23, W. 1st M.	Marquette .....M.	Jos. Hatcher	7 miles.
Thorne's Cove	Granville	Annapolis.....N.S.	D. J. Riordan	None.
Turgeon (now St. Veronique)	Turgeon	Labelle.....Q.	Moise Mercier	16 miles.
Union Corner	Lot 15	Prince, E.....P.E.I.	Geo. Muttart	2 "
Up New Harbour	Wilmot	Guysborough ....N.S.	Albert Sangster	New route, 9 m.
Union Square	Lunenburg	Lunenburg .....N.S.	E. Hart Nichols	" 20½ m.
Up Grand Forks		Yale & Cariboo..B.C.	Peter Wright	None.
Up Pockmouche	Inkerman	Gloucester.....N.B.	Wm. Walsh	Reopened.
Victoria Avenue	Westmount	Hochelaga.....Q.	E. H. Lawson	None.
Valens (reopened)	Beverley	Wentworth, N. and Brant.....O.	Mrs. Mary A. Valens	2½ miles.
Viola Dale (reopened).	Sec. 36, Tp. 14, R. 23, W. 1st M	Marquette.....M.	Robt. Virtue	7 "
Violet Hill "	Mulmur	Simcoe, S. R.....O.	Jos. Dickey	None.
Vananda		Burrard.....B.C.	Mrs. Annie Forbes	"
Vancouver E. End (Sub Office)	Vancouver City	" "	John H. Woodward	1 mile.
Vinemount (reopened).	Saltfleet	Wentworth, S. R..O.	J. R. Lane	None.
Valley River	Sec. 13, Tp. 26, R. 20, W. 1st M.	Marquette.....M.	Jas. Kennedy	½ mile.
Vancouver West End (Sub Office)	Vancouver City	Burrard.....B.C.	D. J. McDonald	1 "
Vansickle	Lake	Hastings, N. R.....O.	David Vansickle	None.
Visitation St. (Sub. office)	St. Mary's Div	City of Montreal..Q.	Paul Couture	"
Wagerville	Hinchinbrook	Addington.....O.	Chas. Ball	"
Whitwick (reopened)	Winslow	Compton.....Q.	Malcolm McLeod	5 miles.
Wostok	Sec. 22, Tp. 56, R. 18, W. 4th M.	Alberta	Theodor Nemyaski	4 "
Wa-Wa	Unsurveyed	Algoma.....O.	Jas. Mackie	48 "
Webasgee	Bouthillier	Wright.....Q.	Nelson Hartman	None.
Ware	Ware	Dorchester.....Q.	Jos. Chabot	"

POST OFFICES Established since the 1st July, 1896—*Continued.*

Name of Post Office.	Township or Parish.	Electoral Division and Provinces or Territory.	Postmaster.	Additional Miles of Mail Route.
W. Tatamagouche	Stirling	Colchester.....N.S.	Chas. McEachren	3 miles.
Wild Oak	Sec. 26, Tp. 16, R. 9, W. 1st M	Macdonald.....M.	John Thompson	None.
Whites' Station	Godmanchester	Huntingdon.....Q.	Wm. Watson	100 feet.
West Fairview		Burrard.....B.C.	James Webster	1¾ miles.
West Amherst	Amherst	Cumberland.....N.S.	Geo. Dickson	None.
Woodside	Cornwallis	Kings.....N.S.	Geo. H. Whelan	"
Wabigoon	Unsurveyed	Algoma.....O.	C. J. Leitch	¼ mile.
Waterloo		Yale & Cariboo..B.C.	J. R. Hunnex	Closed.
W. Brooklyn	Wilmot	Annapolis.....N.S.	Parker F. Reagh	None.
White Mud	Sec. 16, Tp. 51, R. 25, W. 4th M	Alberta	Angus McLeod	12 miles.
White's Settlement	Dundas	Kent.....N.B.	Raphael Babineau	None.
White Water		Yale & Cariboo..B.C.	J. W. Bell	Few yards.
Whitford	Sec. 36, Tp. 56, R. 16, W. 4th M	Alberta	Arch. Whitford	None.
Wensley	Miller	Addington.....O.	Fred. H. Wensley	None.
Wakeham	Sec. 2, Tp. 1, R. 5, W. 1st M	Lisgar.....M.	R. C. Bayliss	16 miles.
Waltham Stn	Waltham	Pontiac.....Q.	ValentineM.Mimee	None.
Wardner		Yale & Cariboo..B.C.	Frank McCabe	400 yards.
W. Port Clyde	Barrington	Shelb'ne&Queen'sN.S.	Zeph. Nickerson	None.
Winlaw (reopened)	Sec. 17, Tp. 1, R. 30, W. 1st M	Assiniboia, E	Archie K. Brown	"
Waternish (reopened)	St. Mary's	Guysborough.....N.S.	Alex. W. Fraser	"
Windsor Forks	Windsor	Hants.....N.S.	Francis Palmer	"
West Head	Barrington	Shelb'ne&Queen'sN.S.	James G. Smith	"
Willow Range	Sec. 22, Tp. 11, R. 4, W. 1st M	Macdonald.....M.	Robt. G. Miller	½ mile.
Walsh	Sec. 35, Tp. 11, R. 1, W. 4th M	Assiniboia, W	Chas. D. Strong	¼ "
Ymir		Yale & Cariboo..B.C.	John McLeod	400 yards.
Young's Cove Rd	Johnston	Sunbury&Queen'sN.B.	Lorenzo D. Ferris	50 "

SCHOOL LANDS IN MANITOBA.

MOTION.

Hon. Sir MACKENZIE BOWELL 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 :—

1. The number of acres of land set apart for the purpose of education in the province of Manitoba and in the North-west Territories, respectively, under authority of chapter 54, Revised Statutes of Canada, section 23.

2. The number of acres sold in Manitoba and the North-west Territories, the amount received in payment therefor, and the amount now due thereon.

3. The total sum now at the credit of said fund held by the Dominion of Canada, how invested, and the rate of interest paid thereon.

4. The amount advanced out of said principal sum in aid of education in the province of Manitoba and the North-west Territories.

5. The sum recouped to the said principal out of the proceeds of the sale of lands set apart for the purpose of education, and the amount now due to said principal sum.

6. And all correspondence relating to any further advance or advances out of said school fund, either to Manitoba or the North-west Council.

He said :—My reason for asking for this information is that the Senate may be in possession of all the facts connected with the administration of the school fund in Manitoba in view of the probability that this House will again be asked this session to deal with that question in the way of advances. Those who have paid any attention to the proceedings of the local legislature of Manitoba will understand precisely what I mean by the remarks I have made. The question there has been discussed, and further demands are to be made on the government of the Dominion in reference to these lands, one of which is the total surrender of all the lands set apart for school purposes to the government of Manitoba, who claim that they can manage the lands much better and more economically in the interest of the school fund than it can be administered by the Dominion Government. There may be some truth in the contention of the Manitoba Government in this respect. There may be other and very serious reasons why the concessions asked for should not be granted. However, that is not a question that I propose to discuss now. My sole object is to

have the Senate in full possession of all the facts connected with the administration of the school lands since they were set apart for school purposes.

Hon. Mr. SCOTT—There is no objection to the return being brought down, but I have just been handed a return from the Department of the Interior which I think covers nearly all the ground. It is a supplementary return to an address of the Senate dated 31st March, 1898, for a statement of the quantity of lands allotted in the province of Manitoba, the quantity of land sold and the prices at which sold, the amount received on account, the amount still due to the government, the manner in which this fund is invested and administered, the amount already paid to the province of Manitoba, how much on capital, if any, how much on interest; the amount still at the credit of the province, whether capital or interest; the date of payment in each case, and also papers, &c., relating thereto up to date. It is a very large return. It was moved for by the hon. senator from Manitoba and I think covers all the information asked for. If there is any point that it does not cover, I shall be very glad to see that it is brought down at the earliest possible date.

Hon. Sir MACKENZIE BOWELL—This does not include anything since the return was moved for last year.

Hon. Mr. SCOTT—No, there has been, I think a sale since that time.

Hon. Mr. BOULTON—No, there has been no sale.

Hon. Sir MACKENZIE BOWELL—I will look through the return and see what further information is required.

THE LIGHTING OF PARLIAMENT BUILDINGS.

INQUIRY.

Sir MACKENZIE BOWELL rose to inquire

1. What was the total average amount paid to the Ottawa Gas Co., per annum, for lighting the various Government buildings, during the three years ending 1898?

2. What is the total cost per annum, by the present system of lighting?

3. Were tenders called for lighting the various buildings by either gas or electricity? To what company was the contract for lighting awarded?

4. What is the total number and power of incandescent electric lights, now installed in all the public buildings in Ottawa, and cost of installation, including wiring and all other apparatus?

5. What is the number and power of electric lights operated by the Government electric light plant, and annual cost of the same during the three years ending 1898?

6. What is the original cost and present value of all Government electrical plant and boilers in the public buildings in Ottawa? How many men are employed to operate them?

7. Were tenders called for the wiring of any or all the Government buildings in Ottawa and the supply of all electrical appliances necessary for the same? From whom were offers received and what were the respective amounts of such offers?

8. How was the parliamentary appropriation of $75,000 for extending the Government lighting plant, and the purchase of certain pumps for fire purposes, expended? What are the items of such expenditure, and to whom paid?

Hon. Mr. SCOTT—The return is as follows:—

The total average amount paid per year for lighting the public buildings, Ottawa, for the last three years, ending 1898, was $24,759.84 up to the commencement of the new contract in March, 1898; the cost of supplying current for electric lighting from the government dynamo station representing an average of $8,484 per year and the average amount paid to the Gas company having been for each year $16,275.84, the rotal yearly expenditure having been as follows:

Paid to Gas Co. for 1895-96	$16,659 95	
Cost of Govt. Dynamo Station.	8,262 43	
		$24,922 38
Paid to Gas Co. for 1896-97....	$13,364 10	
Cost of Govt. Dynamo Station.	8,181 55	
		$21,545 65
Paid to Gas Co. for 1897-98....	$14,714 43	
Cost of Govt. Dynamo Station, 9 months, July to March.....	6,887 95	
		$21,602 33

2. The total cost per annum is $2.25 per light of 16 c. p. the number of lights are 6,063 or $13,641.75 per year.

3. No tenders were called for, the contract was awarded to the Ottawa Electric Company.

4. The total number of incandescent lights now installed in all the public buildings in Ottawa, is as follows:—

5,012	lights	of 16 c. p.	each.
27	"	32	"
35	"	50	"
960	"	10	"

3 Arc lights average 1,200 c. p. each; equal in all 6,063 16 c. p. lamps.

Cost of installation, including wiring and all other apparatus, $27,803.21.

5. There were 1,334 16 c. p. lamps; 17 32 c. p. lamps; 55 50 c. p. lamps, and 3 Arc lamps, equal in all to 1,765 16 c.p. lamps. The annual cost of operating the eleectric plant was $8,484, equal to $4.80 per light per year.

6. The use of the electric plant in question, was done away with, when the present contract was entered into. There is nobody employed now in connection with it. The original cost of the plant was $16,192, and the present value is about $5,500—six men were employed to operate said plant.

7. Tenders were not called for, but the offer of Messrs. Ahearn & Soper to do the wiring was accepted. The Chief Architect having reported that their offer was a fair and reasonable one.

8. The appropriation of $75,000 was expended as follows:—

Ahearn & Soper, pumps	$ 38,925 00
" " motor	285 00
Cunningham Bros., tiles	600 00
A. K. Mills & Son, cement	419 10
The E. Cavanagh Co., fire-proof doors	220 00
" " iron pipe, hose, etc.	2,752 98
J. W. Pyke & Co., " "	2,318 40
Gutta-Percha & Rubber Man. Co., hose racks, etc	325 35
Thos. Lawson, castings	349 95
Law Bros. & Co., "	172 96
T. McAvity & Sons, hardware	219 00
Sundries—sand, stone, plaster, hair, pig lead, tar, express, freight, cartage, etc.	1,071 65
Labour—laying enlarged supply pipes from Wellington St., delivery pipes and hydrants in buildings and laying foundations for pumps	14,704 00
	$62,363 39
Installation of Electric Light—	
Ahearn & Soper, wiring	$ 10,770 00
Côté & Coursolles, key sockets and switches	575 46
J. A. Desrivières & Co., lumber	510 36
J. A. Parr, lumber	511 00
Royal Electric Co., meters	212 00
	$ 12,578 82
Recapitulation—	
Fire protection	$ 62,363 39
Electric light	12,578 82
Total expenditure	$ 74,942 21

PROPOSED PACIFIC CABLE BETWEEN CANADA AND AUSTALIA.

MOTION.

Hon. Sir MACKENZIE BOWELL 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 correspondence and communications bearing upon the subject of the proposed Pacific Cable between Canada and the Australian Colonies, not already laid before Parliament, together with a copy of the agreement entered into between Her Majesty's Government and the Eastern Extension Company, bearing date the 28th day of October, 1893, granting to that company exclusive rights to land a cable in Hong Kong; also the reports of the Imperial Commission on the subject of the laying of a submarine cable between Canada and Australia.

He said:—When I placed this motion on the notice paper, the government had not then announced its policy in connection with this great enterprise. They have however done so since it has been on the notice paper, and I have come to the conclusion that it is better not to proceed with the discussion of the question at the present moment. I have no desire whatever to say one word which would interfere with the negotiations, or have a tendency in that direction, for the construction of the cable. I express my very great gratification at the course the government have taken in connection with it, and as the whole subject may be brought under the notice of the Senate, when a discussion will necessarily follow the proposal which has been made by the government, with the consent of the House I would withdraw the motion for the present, leaving the discussion until the Bill is brought before the Senate granting a certain subsidy in order to aid the Australian Colonies and England in the construction of the work. Other facts have transpired since I placed this motion on the notice paper, which will be of interest to Canada as a whole, and with it we can deal more fully when the proper time arrives for the discussion of this question.

The motion was withdrawn.

THE FRANCHISE ACT.

MOTION.

Hon. Sir MACKENZIE BOWELL 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, copies of all correspondence between the government of Canada, or any member thereof, and the government of any of the provinces of the Dominion, relative to amendments to the Franchise Act of said province or provinces having for their objects the giving the right of appeal to a judge by any voter for redress whose name may have been omitted from a voters' list, either by accident or design; and for the striking off from the voters' list the name or names of persons improperly placed thereon.

He said:—I put a somewhat similar inquiry some little time ago upon the paper in connection with this subject. The answer I received from the Minister of Justice was that he did not know whether any correspondence had taken place. Secondly, when the question was repeated a few days afterwards his reply was that representations had been made to the provinces. When I asked for further information as to the nature of the replies received, the answer was "You did not ask that question, consequently I am not in a position to answer it." The Senate I think will consider it rather singular—I will not say evasive, because probably that would be considered unparliamentary, that the head of a department, from whom representations of this kind must necessarily

be sent, should not be prepared to say, without a formal motion, whether correspondence had taken place and whether answers had been received to such correspondence. I can readily understand that he might say "I am not prepared to lay that correspondence upon the table, be cause the House has not asked for it." Hence my reason for asking whether the correspondence had taken place, what answer had been received, and what is likely to follow. Those of us who were present during the discussion of the Franchise Bill will remember very well the strong position taken by the great majority of this House in favour of an appeal being allowed to the judges, in those provinces where no appeal is allowed under the provincial law, against any fraudulent acts on the part of those who prepared the voters' lists, or who might, through accident and without any design at all, leave names off which should be on, and place names on of persons who should not be on. We know we have this right in Ontario, and we have it in one or two of the other provinces, and it is a right that I think ought to prevail in all the provinces. What I desire to know now, is, what action the government has taken upon this, to my mind, very important question.

Hon. Mr. MILLS—I do not think that the answer I gave the hon. gentleman the other day is open to the criticism which the hon. gentleman has made. The hon. gentleman put me a question. I told him I would inquire. The hon. gentleman assumes that if there was any communication upon the subject, it must necessarily be a communication to myself as head of the Justice Department. That does not follow at all. It is not necessarily a legal question of a character that ought to originate, or be communicated to a government of one of the provinces by the Minister of Justice. In fact, strictly and constitutionally speaking, the only organ of official communication with the provincial governments is my hon. friend beside me, the Secretary of State. As I understood the hon. gentleman when he put the question, the statement had been made, when the Franchise Act was under discussion in the other House, by the Prime Minister that he would communicate with the governments or with the Prime Ministers of the provinces where a different rule prevailed. I made inquiry of the Prime Minister whether any such communication had taken place, and I mentioned to my hon. friend the answer which I received. When he asked me what reply had been received from the local governments I was not in a position to answer him, because that not having been embraced in his question, I did not ask the Prime Minister whether any answer had been received in reply to any communication which he may have made, nor can I say to the hon. gentleman whether any such answer has been received yet. I may say to the hon. gentleman that, as I understand it at this moment. there are but two provinces to which his criticism would apply: that is the province of Nova Scotia and the province of New Brunswick. In the province of Nova Scotia there is, I believe, an appeal to the sheriff, and in the province of New Brunswick there is no appeal at all. That, my hon. friend says, is not a satisfactory state of things. That may be so, but so far as the province of Nova Scotia is concerned, it is a condition that has existed ever since confederation. I will make inquiry, and if there is any correspondence to be brought down I have no doubt it will be submitted. I am not aware of what the nature of the correspondence is, whether there is any official correspondence or whether it was an informal and private correspondence between the Prime Minister and some local authorities in the Atlantic provinces.

Hon. Sir MACKENZIE BOWELL—I do not desire to prolong this discussion, but I must protest against even the supposition for a moment that there can be a private correspondence upon a public question of this kind, affecting as it does, the franchise of a whole province. We have had a little too much of that. On one of the most important questions discussed for the last quarter of a century, which has affected and agitated the whole country, we are told that there was no public correspondence, that it was all private. Those who know anything of the constitutional history of our country would fail to find a parallel to the statements made upon questions of this kind. I can understand private communications existing between the government, or any member of it, and a foreign country upon a question as to which it is not in the interest of the country that the fact should be made known; but

private correspondence between the Premier, or any member of the Dominion Government, and a provincial government upon a question which has been discussed in Parliament, a question also which the Senate gave way upon, strongly though it felt upon the subject, upon the pledge of the Premier and of the members representing the government in this House that communications should take place with a view to impress upon the minds of these local governments, the propriety and necessity, in order to meet the views of the senators who surrendered—if I may use the expression—their own views upon that question, and that we should be told at this day, that it is likely to be a private correspondence, is someting novel.

Hon. Mr. SCOTT—I have no recollection of what occurred in the House of Commons at the time, but I know in this House the hon. gentlemen opposite pressed strongly that some representations should be made to the province of Nova Scotia particularly for an appeal to the judge. While we did not give any undertaking we certainly said we would call their attention to it. I spoke to Mr. Fielding and some other gentlemen from Nova Scotia about it, and their answer was that there had never been any complaint, there had never been any pretence of interference, that the province was satisfied with the decisions made by the sheriff, and that they did not consider there should be any further appeal, as there was no complaint. Nobody said that any voter had been deprived of his rights in consequence of there being no appeal to the judge. The people there should be the best judges of what their rights were and whether they had been at any time disfranchised or deprived of their rights by the action of the sheriff. The appeal is to the sheriff.

Hon. Sir MACKENZIE BOWELL—We are not discussing that point.

Hon. Mr. SCOTT—The hon. gentleman says we have not taken the measures we ought to have taken in order to force on the province of Nova Scotia a new system of compiling the voters' list.

Hon. Sir MACKENZIE BOWELL—I do not take that point. The point is, the hon. gentleman made a promise and I want to know whether he has fulfilled it.

Hon. Mr. SCOTT—We made no promise. We said we would call their attention to it. We have no power over them.

Hon. Sir MACKENZIE BOWELL—Did the hon. gentleman do it?

Hon. Mr. SCOTT—I understand the answer given by the Minister of Justice was that the Prime Minister had written to somebody in Nova Scotia, but all I can say is that the ministers representing the province said there was no complaint and nobody down there wanted it. Why should you press it if nobody wanted it? They know their business better than we do. We were adopting the provincial franchise and following their lists. If there proved to be any abuse there, we should use our influence, but if they answer and say there is no abuse and no one wants to revise the rolls, my hon. friend does not pretend to say it is our duty to force upon them, by any argument we should use, to change the law.

Hon. Sir MACKENZIE BOWELL—My hon. friends did not adopt their franchise, because they made an amendment to to it. And in the next place I was not arguing the propriety or impropriety of it. The Senate took a certain position and the House of Commons asked us to recede from it, and we receded from it on a distinct pledge that the government would call the attention of the Government of the Provinces to the question of giving the right of appeal to a judge. Did they do so and so? Let us have the correspondance and know what the answer is.

Hon. Mr. MILLS—Has the hon. gentleman the observations that were made at the time?

Hon. Sir MACKENZIE BOWELL—I read them here the other day. You will find them in the Debates.

The motion was agreed to.

GROSS RECEIPTS AND WORKING EXPENSES OF THE INTERCOLONIAL RAILWAY.

MOTION.

The Order of the Day being called:

That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before the Senate a return showing the gross receipts and working expenses of the Intercolonial Railway between Montreal

and Chaudière, from 1st March, 1898, to 1st March, 1899.

Hon. Mr. PERLEY said:—Owing to the unavoidable absence of the Hon. Mr. Wood, he requested me to make this motion for him to-day.

Hon. Mr. SCOTT—I am advised by Mr. Schreiber, the Deputy Minister of Railways, that the Intercolonial Railway is not worked in sections, but as a whole, and the accounts are not kept in that way, and it is not possible to make a return showing the gross receipts and working expenses of the Intercolonial Railway between Montreal and the Chaudière.

Hon. Sir MACKENZIE BOWELL—Hear! bear!

Hon. Mr. SCOTT—It is not kept in sections.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman means to say that they do not do it, not that they have no way of doing it. It is a very convenient answer.

THE SPEAKER—Does the hon. gentleman press the motion?

Hon. Mr. PERLEY—Yes.

Hon. Mr. SCOTT—It cannot be brought down.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman can lay that on the table.

Hon. Mr. SCOTT—Yes, I would be glad to lay that on the table.

Hon. Mr. MILLS—It will be rather unusual to press a motion after the House is informed that the government is not in a position to give the information.

Hon. Mr. PERLEY—Well, that is what I accepted.

FREIGHT FOR EUROPE VIA THE INTERCOLONIAL RAILWAY.

MOTION.

Hon. Mr. PERLEY, in the absence of Hon. Mr. Wood, 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, a return showing quantity of freight carried over the Intercolonial Railway from Montreal to Halifax for shipment to Europe, during the winter 1898 and 1899.

Hon. Mr. SCOTT—There is no objection to the address.

The motion was agreed to.

WORKING EXPENSES OF I.C.R.

MOTION.

Hon. Mr. PERLEY, in the absence of Hon. Mr. Wood, 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, a return showing the gross receipts and working expenses of the Intercolonial Railway, each month, from 1st July, 1898, to date.

Also, the gross receipts and working expenses of the Intercolonial Railway for the same months of the preceding year.

He said:—I might say, although I have no idea with what motive the hon. gentleman placed these motions on the paper here, so far as I am concerned I think it is very proper at the present time that information should be given to the Senate as to the working and management of the Intercolonial Railway, in view of the fact that additions are to be made to that work by the purchase of the Drummond County Railway, and that negotiations are going on with reference to the purchase of the Canada Eastern Railway in New Brunswick. Before any of these bargains or negotiations are concluded, the country should know how the Intercolonial Railway is managed—whether it is a paying concern or not. So far as I am individually concerned, I am opposed to the government undertaking to work railways when they do not pay, and create a deficit in tha public treasury, In the North-west we have to pay for the transportation of our produce to market on a proper financial basis, and if the Intercolonial Railway was worked in the same way the deficit so aften spoken of would not occur. Therefore it is of great importance to have information relative to the working of that road, and the freight charges, I would add, if I were moving on my own account, to see how they compare with the rate on roads over which I have to pay freight, because if the rates are not sufficient to pay the expenses of the transportation of the goods, there is no reason why the government should increase the mileage of that road and increase the expense and the deficits which will accrue to the country by so doing,

Hon. Mr. MILLS—I make no objection to the motion of the hon. gentleman, but

when he says that the Intercolonial Railway is to be run exactly as one of the railways in the North-west Territories that are in private hands, he is undertaking to apply to the Intercolonial Railway a rule that has never been applied to it since it was first opened. The hon. gentleman knows that the geographical position of the Intercolonial Railway is peculiar, and no doubt if the parties having charge of the road were to undertake to apply the rule which the hon. gentleman has mentioned they would find themselves very soon without a traffic, and I think they would find the representatives from the Maritime Provinces, both in the House of Commons and this House, in opposition to that view. There is no doubt whatever that the Intercolonial Railway is run on conditions, both as to freight and passengers, that are advantageous to the section of country in which the road lies. The hon. gentleman says that if the road does not pay it is highly improper to undertake to extend it, because we are simply increasing the loss which we sustain. I do not take the hon. gentleman's view. I think that the extension of the Intercolonial Railway westward to Montreal, a great distributing commercial centre, will prove advantageous to the road. The returns which the hon. gentleman has moved for will go to establish that fact, and in my opinion the Intercolonial Railway is to-day in at least as prosperous a condition as it has ever been in at any period in its history. When the returns which the hon. gentleman has moved for are submitted to the House he will see that there is no reason for taking a gloomy view of the situation of the Intercolonial Railway. There has been a new commercial departure in the management of the institution, and the extension of it to Montreal has opened to it a future more prosperous, in my opinion, than any that has hitherto characterized its history.

Hon. Mr. BOULTON—I would just draw attention to the fact that the train mileage earnings of the Intercolonial Railway are 78 cents, and the train mileage earnings of the Canadian Pacific Railway are $1.43. That is to say, the rates that the people in the North-west have to bear to convey their traffic to the seaboard amount to $1.43, the profits on which go to a private company; while the train mileage on the Intercolonial Railway, 78 cents, is regarded by the government as satisfactory, that, being a national road, we are not called upon to run it on the same lines that the people in the other parts of the country have to submit to

Hon. Mr. PRIMROSE—Hear, hear!

Hon. Mr. BOULTON—My hon. friend from the Maritime Provinces says, "hear, hear." I can quite understand the view on which the hon. gentleman says, "Hear, hear," that he wants to get the thing done just as cheaply as possible; at the same time, I do not know that it is an honest policy to place a burden on one portion of the community in order to lighten it for themselves. I do not think that is a basis on which we could agree to manage public affairs or to carry on the legislation of the country. There are two things that operate in train mileage earnings, one is the excellence of the road bed which will enable it to carry large trains and a greater amount of traffic with one train. Then there is another thing, and that is the rates which are charged. I have always heard it claimed for the Intercolonial Railway that it is one of the best built lines on the continent of America. I have heard that statement made and I have always understood that that is a claim that is put forth by the people of Canada on behalf of the Intercolonial Railway. If that is the case, there should be no reduction in the train mileage earnings as compared with other roads in the country in regard to the Intercolonial Railway, and therefore we can only suppose that the reduction in train mileage earnings is, to a large extent, due to the lower freight rates that are charged on that road than are charged on the Canadian Pacific Railway or Grand Trunk Railway. I do not see why one part of the population should be supported at national expense and become a charge on the rest of the community. The hon. leader of the government said, in reply to the mover of the resolution, that it was carried on on the same basis as it had always been—that it was treated as a national road and, being a national road, it was not called on to do more than pay its running expenses. I regret to say it has not even, as a general rule, paid its running expenses. That it is in a little better state now, I believe is the case. It used to be as far behind as six or seven hundred thousand dollars. This year it was behind only $138,000. It was brought up by the Minister of Railways

and Canals in the late government to a deficit of only $20,000, but it seems to be going back now. I am not prepared to concide with the hon. leader of the government when he says that it has been customary to consider the Intercolonial Railway as a national road to be supported by the people irrespective of its commercial attributes at all. A new system might fairly be inaugurated on behalf of the whole country in order to make this Intercolonial Railway a better paying institution. So far as it is being brought into the city of Montreal, a great commercial metropolis, I can see no objection so long as the road is run on a commercial basis. If it was projected further, to the city of Ottawa, and this city made the headquarters of the Intercolonial Railway, so much the better, and if in the course of time it could make connections and find its way where competition is necessary in the great North-west, I would have no objection. If you can run the Intercolonial Railway up to the North-west on the same basis that you run the Intercolonial Railway in the east, we will hold up both hands for the extension of the Intercolonial Railway.

Hon. Mr. PRIMROSE—It seem extraordinary that when the question was put by the hon. gentleman for Wolseley (Mr. Perley) he was answered by the Secretary of State that it was impossible to separate the receipts and gross expenses of that portion of the road—that it could not be done, and in reply to a subsequent question put by the same hon. gentleman, the hon. leader of this House said : " It will be found on investigation that that portion of the road is a paying portion of the road." Now, how we can get at that decision without an investigation of the receipts and gross earnings of that particular portion of the road, I cannot understand. It seems to me that the two objections cannot co-exist.

Hon. Mr. POWER—I do not think it is so difficult to understand. It may be that the accounts of the Intercolonial Railway are kept in such a way that the expenses and receipts of the section between Montreal and Chaudière cannot be separated from those of the remainder of the road, but at the same time it may be perfectly true that the extension of the road from Chaudière to Montreal is known to have increased the business of the road, as it undoubtedly has. I understood the hon. leader of the House to say that the returns show that since the extension to Montreal the financial results of the working of the road have been more satisfactory than they were before. That seems to be not a very difficult thing to understand. The hon. gentleman from Shell River (Mr. Boulton) referred to the difference between the train mileage of the Canadian Pacific Railway and the Intercolonial Railway. I should like to ask the hon. gentleman if he does not think the difference might arise because there is a larger traffic over the Canadian Pacific Railway than over the Intercolonial Railway?

Hon. Mr. BOULTON—That does not make any difference. A train will carry 25 or 30 cars, just in proportion to the amount that is put on that train, and the rates charged for it are the cost of operation.

Hon. Mr. POWER—But if the train carries a valuable load, the returns must be greater than if the train carries a comparatively light load. In the past the trains of the Intercolonial Railway have not been as a rule heavily laden, and it must be borne in mind that while the Canadian Pacific Railway, or a portion of it, runs through the western country, a very large portion of it runs through the most thickly peopled portions of the province of Ontario, and it is difficult to make comparisons by simply taking an isolated fact like the train mileage. It is a subject which deserves discussion, and it is possible that later in the session we shall have a discussion which will show the exact facts.

The motion was agreed to.

SANITARY CONDITION OF THE YUKON.

NOTICE OF MOTION.

Hon. Mr. MACDONALD (B.C.) gave notice that he would, on Friday next ask the government if any steps have been taken to improve the sanitary condition of Dawson City, on the Yukon. He said :—Perhaps the Minister of Justice can answer the question now. There is a great deal of sickness at Dawson City and has been all winter. I trust the government will not allow things to go on as they have been going on recently.

THIRD READING.

Bill (A) "An Act for the relief of David Stock"—(Hon. Mr. Aikins).

The Senate then adjourned.

THE SENATE.

Ottawa, Wednesday, 26th April, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

EXTENSION OF TIME FOR PRESENTING PETITIONS.

Hon. Mr. MACDONALD, from the Committee on Standing Orders and Private Bills, presented their seventh report, recommending an extension of the time for receiving petitions for private bills and introducing private bills, and moved its adoption.

Hon. Mr. POWER—I do not oppose the adoption of the report, but I think it should be adopted with the distinct understanding that the time shall not be any further extended. This should be a final extension. We have come to the conclusion, during various sessions, that some rule of the kind should be adopted, and it is really time to adopt it now.

Hon. Mr. MACDONALD (B.C.)—Very important bills might come up later and we could suspend the rules, but that is for the House to adopt afterwards.

The motion was agreed to.

LOTTERIES IN QUEBEC PROVINCE.

INQUIRY.

Hon. Sir MACKENZIE BOWELL gave notice that he would to-morrow:

Inquire, in view of the number of petitions complaining of the evils arising out of the operations of lotteries organized and carried on in the city of Montreal under the plea of having been legally incorporated under section 205 of the Criminal Code, whether it is the intention of the government to introduce measures providing for the suppression of gambling by the means of lottery, and to make any infringement of the law in that particular punishable by fine and imprisonment?

He said:—Can the hon. gentleman answer that question now?

Hon. Mr. MILLS—I can answer my hon. friend that we are preparing a measure for that very object at the present time.

REDUCTION OF CITY POST OFFICES.

INQUIRY.

Hon. Sir MACKENZIE BOWELL rose to:

Ask the government, whether the Postmaster General has, during the past year, or at any other time, reduced any city post office to that of a town office, as was done on the plea of economy in the case of the city of Belleville, namely: the cities of Toronto, Hamilton, London, Ottawa, Windsor, Montreal, Quebec, Fredericton, St. John, Halifax, Charlottetown and Victoria? If not, why have not those cities which the public accounts show, as set forth in a tabular statement to be found at page 211 of the official reports of the debates of the Senate of the 14th March, 1898, cost a greater percentage of the revenue collected to perform the duties of said offices, than did that of Belleville reduced?

Hon. Mr. MILLS—The Postmaster General has placed an answer to the hon. gentleman's question in the following statement:

It does not appear to the Postmaster General that the conditions applicable to the Belleville post office, when placed upon a percentage basis, find a parallel in connection with any other city post office. The cost of the Belleville office appeared excessive, and likely to increase, owing to the provisions of the Civil Service Act, which contemplated increases in salaries; and the staff having been but a comparatively brief period upon the civil service list, the cost to the country of retiring them, and thus effecting considerable economy, was not excessive.

With the exception of Windsor, the other offices on a city basis were either in cities of a very considerable population, or provincial capitals, or otherwise so circumstanced as not to call for similar action. Windsor being a border town, opposite Detroit, has been utilized in connection with the exchange of mails between the United States and Canada, so that the revenue of that office does not fully indicate the work done there. Nevertheless, the Postmaster General did, at that point, reduce the staff by retiring certain of them under the provisions of the Civil Service Superannuation Act.

There has also been a reduction in the staff at Charlottetown and Fredericton.

Hon. Sir MACKENZIE BOWELL—The statement which my hon. friend has just read is precisely what I anticipated, but it does

not answer the question which I put. It gives reasons why certain offices have not been reduced like another, but the plea upon which the Belleville office was reduced from a city to a town office was that of economy, and it is shown by the tabular statement to which I referred, that all the other offices are in a worse position than that of Belleville. The fact that they are differently situated can make no difference, if the plea of economy is the basis upon which these reductions are to take place. I think if my hon. friend had said that, with one or two exceptions, the constituencies in which these different offices are situated are represented by supporters of the government, and Belleville is represented by an opponent, he would have come nearer the truth than the explanation, or the excuse, which has been given for the course which has been pursued.

Hon. Mr. MILLS—I think I have given exactly the truth in the statement I have read to the House. My hon. friend and I discussed this question last session. My hon. friend has not asked why certain other offices were not put upon the footing of Belleville. For instance, Brantford was not put on the footing of post offices in the large cities, although Brantford, if I recollect rightly, yields a larger revenue than Belleville. Then there was Stratford. My hon. friend did not put Stratford in the position that he put Belleville. My hon. friend did not put Chatham in the position in which he put Belleville. There are several cities which in population are at least equal to Belleville and in the revenue derived considerably in excess of Belleville, and yet these were not treated by my hon. friend opposite, when he had control of public affairs, in the same way that he treated Belleville. If the objection made by the hon. gentleman had force then, it would have equal force in favour of those other cities which I have mentioned as it has in the case of Belleville. The truth is, as the Postmaster General has pointed out, London, with a population of nearly 40,000 ; Toronto, with a population of over 200,000, and the city of Quebec, with a population of 60,000, do not stand on the same footing as Belleville, but those other cities which I have mentioned do, and if there was anything to be said in favour of putting Belleville upon the footing of the large cities, there was an equally strong argument in favour of doing so in the case of the other minor cities, where an equal revenue was obtained. Now, my hon. friend did not insist on putting them up—he did not put them up when he had the opportunity. The Postmaster General has simply put Belleville in with the class of cities to which Belleville may be fairly said to belong.

Hon. Sir MACKENZIE BOWELL—There is one little misapprehension under which the hon. gentleman labours. All the places mentioned have never been made city post offices. Chatham and the other places to which my hon. friend refers have always been treated as town offices.

Hon. Mr. MILLS—My hon. friend may call them towns, but Chatham is a city, Stratford is a city.

Hon. Sir MACKENZIE BOWELL—When were they made cities ?

Hon. Mr. MILLS—They have been cities for some time.

Hon. Mr. CASGRAIN—Is Chatham a city ?

Hon. Mr. MILLS—Yes.

Hon. Sir MACKENZIE BOWELL—But never city post offices.

THE MOVEMENT OF POPULATION.

Hon. Mr. PERLEY—Before the Orders of the Day are called, I should like to direct the attention of the government to a paragraph which appears in a newspaper published in one of the Maritime Provinces with respect to the exodus from those provinces to the United States. I was somewhat surprised to observe in the papers from that part of the country lately that large numbers are leaving—in some cases whole families—to make their homes in the United States. In the paper which I have before me lists of names of persons who are leaving the country are given. I am all the more surprised at this when I remember the reference made in the Speech from the Throne to the increase of immigration into Canada under the present government in such marked contrast to the exodus which went on under the recent administration. When I heard that paragraph read by His Excellency I was pleased to know that the exodus had stopped and that our own people were likely to re-

main in Canada. But for the last six weeks I have seen in almost every issue of the papers from the Maritime Provinces that a large number of people are leaving those provinces to go to the United States. This is a matter of surprise to me, because I did not expect, under the present administration, an exodus could exist. I am aware that under the recent administration there was a considerable exodus, but that could be accounted for by the fact that the hon. gentlemen then in opposition were very different from the hon. gentlemen now in opposition. The hon. gentlemen in opposition now are patriotic. They are not running down the country and saying it is a hard place to live in. They approve of the tariff, but the other gentlemen who preceded them in opposition were always complaining of the tariff and the railway freight rates, and the fact that the country, the North-west Territories particularly, was a barren waste, the home of the wolf and the bear, and that the Canadian Pacific Railway would never pay for the grease required to grease the axles of the trains. Under the present condition of things, I am somewhat surprised to find that an exodus is going on and that the people are not satisfied to live in this country under the administration of the present government. That is to be deplored, because it is a misfortune to see the young men of Canada, who have been brought up in the country and know how to work and make an independent living, leaving the country to become citizens of the neighbouring republic, while we are paying large sums of money to import the paupers of other countries, who cannot possibly make good citizens. Many of them are an undesirable class of people. The Galicians cost the country a considerable sum to get them here and to keep them after they came. They have a very degraded idea of humanity and Christianity. They are a class of people who believe that a man may kill his wife if she does not happen to suit him, and two of these men are now under sentence of death for murder in Manitoba. It is said, from the evidence of those men themselves, that when they went to the place where they committed the murder for a small sum, one man asked who was in the house and where the wife was. The man said his wife was away—that she had left him. He was asked why he did not kill her. The reply was because the law was different in this country—that men could not kill wives in this country, though they could be killed in Galicia. Then they killed the man and five children for $60. That is the class of people we are importing into this country. I saw, also, in a police court report the other day in Winnipeg, where one of this same race had preferred a charge against a neighbour for not delivering up his wife that he had bought a few days before—he wanted either the woman or the money. That is a very undesirable class of people to bring into the North-west, while we are allowing the young men of our own country to go to the United States. I understand that the Doukhobors are not a very desirable class either. I had a conversation, on my way down here, with His Grace the Archbishop of St. Boniface, and it turned on the subject of immigration. On that subject he said that these were a very undesirable class—people that he did not think it advisable to bring into this country. He had learned from reliable sources that when they went on a place, the first thing they did was to drive away the evil spirits.

Hon. Mr. MACDONALD (B.C.)—A very desirable thing to do.

Hon. Mr. PERLEY—They are very undesirable class of people, in my opinion, to bring into this country. I want to call the attention of the government to this subject. I do not want to make a speech hostile to the government. I know that my hon. friend from Halifax can never stand anything being said against the government but I thought it was my duty to call the attention of the government to the fact that there is a large exodus of the best citizens of our country from the Maritime Provinces. I realize now that the government have changed their policy from what it was when they were in opposition. They are now bringing in immigrants, and we are taxed to pay for bringing them here. We are at the same time paying large numbers of immigration agents to go to the United States and get back the very men that they, no doubt, very largely influenced to leave the country a number of years ago. They are trying to now get them back to settle in Manitoba. It is an unfortunate thing that we have to pay money to get them back to Canada after they leave the country. I have also noticed that there is no change made in

the traffic. We find the tariff is the same as it was under the late administration. They have made no change which would render it more easy for people to make a living, and one can hardly understand how it is that they can advise these people to come back, after having told them that the policy which was pursued formerly was one which rendered it hard to make a living. I therefore think, under the circumstances, that the government ought to take steps to divert the exodus from the Maritime Provinces which is now flowing to the United States, to our own North-west which is one of the finest countries for young men, particularly young Canadians, to settle in. We have a German immigration to that country, and the Germans are an industrious and thrifty people. They have to work hard, owing to their poverty, and they get no assistance, whilst others, who have no means at all, who have left their own country, perhaps for the country's good, are brought here and largely supported. The government has to feed them from the time they come until they are able to raise a crop. More than that, this class of people work for very low wages, because they live on very poor food. They are vegetarians, and a great many Canadians who have been accustomed to having a good living on bread, meat, and other foods, cannot obtain work at a price to enable them to live because they have to compete with these men who are vegetarians, living on potatoes and onions. The government should take some steps to advertise the North-west more largely in the Maritime Provinces. I know it is not the policy of the government to encourage people to leave one part of Canada to settle in another, but they would be justified in taking such means as might be necessary to influence young men, by giving them cheaper railroad rates, or even free transportation, or making some advances to them to enable them to go to the North-west Territories instead of United States of America. There they would find millions of acres quite as good as any of the land occupied, because the whole country is a fertile plain. They only require to go to the old settlers who have tested the problem of how to till the soil in the country. These men would have little or no difficulty, with very small capital, in going into that country and making good homes for themselves and they would be a very desirable class of settlers. There is no country that can surpass the North-west for grazing. We are not subject to the droughts and pestilence of many other parts of the world. We have heard of the great loss of cattle in Australian colonies in consequence of drought. In the North-west we may have some little drought once in a while, but it is very slight, and has no perceptible effect on the prosperity of the people. We do not make quite so much as we do when there is no drought. I have never had my cattle give more milk than the year we had no rain. We always have nutritious grass when we have dry weather. In other countries cattle starve by thousands, that never occurs in the North-west. Most years we have a very good crop. So that if the government would take some steps to advertise the North-west and induce the young Canadians who are now going to the United States to go to the North-west they would be doing a good work, and would make more money for the country, apart from keeping a valuable population in our county. I merely call the attention of the government to this matter. I know it is against the policy of the government to urge people to leave one part of the country to go to another part of it, but some arrangement might be made in the way of lower passenger rates and transportation of settlers' effects to induce these people to go there.

Hon. Mr. BOULTON—The hon. gentleman did not read the articles he quoted from.

Hon. Mr. PERLEY—The article appears in the *Gazette* of 19th April :

THE EXODUS GROWING.

(Bras d'Or *Gazette*, April 19.)

Peter Campbell and daughter of Arichat left for Boston recently, where they will reside in future. A great many young people are leaving Inverness for the United States. A number left Brook Village for Boston recently.

John A. McInnis of Claverhouse left last Thursday for Boston, Mass. Too bad to see so many of our young people going away. James F. McDonald of Dunvegan while on his way to Boston, last Tuesday, called on his many friends at Lake Ainslie to bid them adieu. Angus Ferguson, of Frambois, and John A. McLeod and D. K. Morrison, of Lower St. Esprit, left for the Hub last Monday. Alex. Munro, W. A. Boyd and Angus W. McDonald left Salem for Boston on the 14th inst. They will be much missed from the several societies of which they were active members. Mrs. Muray, who left Tuesday morning for Boston, was given a surprise party by the young people of Salem Road on the evening before she left.

(Charlottetown, April 19.)

Misses Florence and Annie McCalder and Master Willie McCalder leave to-day for Montana, where they will in future reside with their uncle, Daniel Buchanan, formerly of Long Creek, Lot 65, P.E.I., Wilbert Dockendorff, South River, who left home about a week ago for Boston, has secured employment.

The latter part is a quotation from the Charlottetown *Sun* of 18th April.

Hon. Mr. MILLS—The other paper is a Bangor paper.

Hon. Mr. PERLEY—No.

Hon. Mr. BOULTON—The hon. gentleman from Wolseley (Mr. Perley) has brought a very important subject, for the North-west at any rate, before this House, though in perhaps a somewhat informal way; yet having expressed himself at such length, I must add a few remarks. I know that the hon. gentleman, previous to going to the North-west, lived in the Maritime Provinces. He has pointed out, in a very admirable way, the prospects that there are for any one who comes from the Maritime Provinces for bettering his condition in the North-west. At the same time, when he gives an account of such a large number of people leaving the Maritime Provinces as he has given here to-day, there must be something very wrong with the Maritime Provinces, or the conditions which prevail there under the present government of the country. I see by the paper that the iron mines have failed and stopped work, after being fostered by a protective tariff for the last fourteen years. I see also that the iron works in the town of Yarmouth have failed, and that sixty men, who have been at work there more or less for the past forty-five years, have ceased to enjoy their occupation, and these evidences, of course, reported in the public press account for the exodus. I do not see the government is taking any particular steps to prevent the exodus of our strong healthy Canadian population and replacing them with an inferior class from the interior of Europe, with whom they can have no common sympathy for two or three generations at any rate. So far as the exodus is concerned, what we have seen in the public press is quite sufficient justification for the contradiction he has given to the government for the congratulations which they have put in the Speech from the Throne. I might add also that the hon. gentleman from Halifax, informed me that when he was coming up from Halifax, there were one hundred and twenty people on the same train with him going to the United States also. That was only on one train.

Hon. Mr. POWER—That is the junior member for Halifax?

Hon. Mr. BOULTON—I beg the pardon of the hon. gentleman from Halifax, but when the junior member for Halifax tells us that one hundred and twenty were on the train with him when he came up to attend his duties in this Parliament, and that they formed part of the exodus to the United States, I think there is something wrong which requires a remedy. The hon. gentleman from Wolseley (Mr. Perley) has not told us what remedy he would apply. From my own standpoint I have a remedy that I think would stop it, but I do not propose to enter into that question at the present moment. I have this to say, however, that I saw in the journals of the lower House a statement that $3,000 had been expended in assisting immigrants to come from Great Britain, and that $23,000 had been expended in getting immigrants from the interior of Europe, from Russia and Galicia and other points. That was last year, next year's accounts will contain much larger expenditures on the same class of emigrants. The immigration agents of the steamship companies are paid at the rate of $5 a head for men who cannot speak English, and only $2 a head for men who can. That is a most extraordinary position for the country to be placed in, that we should be paying such a premium for strangers and foreigners, who have lived under an entirely different form of government to what we have been accustomed live under, an autocratic form of government, men who have no ideas of self government, who do not know what the value of their vote is and who do not know the principles that our Canadian population has been brought up under, and who thoroughly understand, I am thankful to say, the principles of self government in our democratic institutions or limited monarchy under which we live. The sooner that kind of business is stopped the better. We are spending $200,000 for immigration purposes, and this is the result. As many go over the borders to the United States and leave Canada as are coming in under that heavy expenditure. We in

the North-west feel it very keenly. We are only a small population at present, and when we see foreigners, Doukhobors coming in at the rate of 10,000 in a job lot, and Gallicians brought in to the extent of eight or ten thousand, settled in a small population such as we are, we can see perfectly plainly that we are going to be swamped. In fact, I have heard it said by some settlers, who have lived there for eight or ten years, who have taken a part in the development of the country as pioneers, that if they are going to be overrun by that class—hundreds passing their door every day and looking for work and moving about—that they will have to pull up stakes and go somewhere else. That is a very deplorable state of affairs. The Doukhobors, I understand, will not intermix with the population. They will not let their young women go out to service; they keep them together, and take them west with them to form one solid community, with their own peculiar ideas and their own methods of conducting themselves. I do not know what agreement was made between the government and the representative of the Doukhobors on the immigrants coming to this country, but I believe he made some terms with the Canadian Government before they came to this country. What those terms are I do not know. Whether it is that they have special privileges which the rest of the population do not enjoy, I am not prepared to say, but if the government has given them special privileges over the rest of the population in the North-west Territories and Manitoba, a very great injustice is being done to the pioneer settlers, who have borne the burden and heat of the day in opening up that country without assistance. The fact that an exodus does exist, the various evidence we have that it does exist, should stimulate the government to take some steps beyond any they have yet taken to change that condition of affairs.

Hon. Mr. MILLS—I cannot say that I am surprised at the speeches made by the two hon. gentlemen who represent the North-west Territories, and yet the speeches made by these hon. gentlemen are the last that one would expect from representatives of a country that is but sparsely populated and where it is considered desirable to obtain a very large increase of the population. I think I am within the facts when I say that the speeches made by both hon. gentlemen are wholly unworthy of them. Those speeches are as unpatriotic as it would be possible to address to this assembly. Both hon. gentlemen have done what they could to traduce the character of those who have come from the continent of Europe into that country with a view of becoming settlers, and whose descendants will, in all probability, for centuries to come be worthy citizens of that North-west country. I should like to know what right the hon. gentleman from Shell River (Mr. Boulton) has to make an attack on the Doukhobors and Galicians, or what ground the hon. gentleman from Wolseley (Mr. Perley) had for the attack he has addressed to this House——

Hon. Mr. PERLEY—The law courts of the country will determine that.

Hon. Mr. MILLS—The hon. gentleman says the law courts of the country will determine that. The hon. gentleman has given a description of those people as being barbarians.

Hon. Mr. PERLEY—So they are.

Hon. Mr. MILLS—Who are they? Poles, the most democratic people in the centre of Europe, a people whose country was overrun and divided by the nations on their borders, a people who have been for a thousand years members of the Roman Catholic Church, and the hon. gentleman rises here and says that those who have been under the instruction of that Church for a thousand years are barbarians—that they are murderers—that they are wholly unfit to become citizens of Canada, or to associate with the native-born population of this country. I say that it is a most outrageous attack. We have built railways in the North-west—have spent hundreds of millions of dollars there, and for what purpose? That that country may remain desolate? That it may remain a great lone land without inhabitants? We have been seeking to secure a population for it, and it is only within the last two years that the efforts of the government in that respect have been successful. Now we have a large population flowing into that country from the continent of Europe, more in one year than you have had in five years before, and these hon. gentlemen do all they can to dissuade the people of Canada from per-

mitting settlers to come into the country. Human nature on the continent of Europe is very much the same as human nature in the United Kingdom, or in the United States, and it requires but a very short time, where you give men an opportunity—give them a fair chance in the race for life—to make a Canadian of a man, whether he be from Belgium, or Germany, or Austria.

Hon. Mr. BOULTON—Why do you not keep Canadians in the coutry?

Hon. Mr. MILLS—Does the hon. gentleman wish to issue an edict and forbid Canadians to go across the border?

Hon. Mr. BOULTON—Give them $5 a head to go west.

Hon. Mr. MILLS—That is the hon. gentleman's proposition, and when he can get a majority of the people of this country to agree with him in that respect, they will place him at the head of the government and give him an opportunity to carry his scheme of giving $5 a head to the 6,000,000 people of Canada to persuade them to remain in the country. The people who are here are willing to remain unless they can see that they are going to better their condition by going elsewhere. What does the hon. gentleman undertake to show? Why, that there is a very large emigration from Canada at the present time. I tell the hon. gentleman that I do not believe it. I have in my hand an extract from the *Mail* newspaper, which I shall read to the House, and I think it is of about as much authority as the extract the hon. gentleman has read. It says that "it is satisfactory to point out that Canadians are not now going in any number to the United States but that large numbers of residents of the United States are coming into Manitoba, the North-west Territories and British Columbia." The article concludes with the statement that "the exodus is a matter of history." Now, why does the hon. gentleman undertake to show that there is a large exodus from Canada at the present time? Is it because the facts warrant it? Is it because it is going to help the country to make such a statement? The hon. gentleman is anxious to damn the administration. He has a pique against the administration, and if by misrepresenting the condition of things in the country the hon. gentleman can damage the government he will make the effort. Now, what are the facts? There never has been a time in the history of Canada since a railway has been constructed when there has not been a very considerable emigration from this country to the United States. From 1867 down to 1874 there was on an average an emigration of something like 33,000 from Canada into the United States. From 1874 until 1878 there was an average emigration of nearly 22,000, nearly 10,000 less, and yet the hon. gentleman and his friends at that time spoke about the exodus from Canada, although it was nearly 50 per cent less than it had been during the previous seven years. Then there was a change of administration. The exodus was not diminished. It increased. It increased why? Because commercial prosperity revived in the United States two or three years sooner than it did in Canada, and the result was that the exodus from Canada increased from 22,000 and some hundreds in 1878 to 51,000 in 1880. Now we have no such exodus at the present time. The hon. gentleman has referred to a case where, in all probability, the parties may be going to work in the United States mills for three or four months and afterwards return to their own country, as large numbers do in the lower provinces. Supposing that were so—supposing a number of young people in the province of Nova Scotia, especially women who work in factories, find that they can get better wages during the summer season in Lowell or Worcester or in Springfield, then they can in any town or village of their own country, is it extraordinary that they should go there? They have been in the habit of doing so for more than a generation, and in all probability they may continue to do so for a generation to come; but what is the general condition of things in Canada today? Why, that you have five times the addition to the population from abroad each year that you have had at any previous period of the history of this country since confederation. Then why does the hon. gentleman bring this matter up? He has given no notice of it. It is not a question of privilege. He has brought it here, as he brought a similar question yesterday, and told us again of the conversation which he had with Archbishop Langevin in which the latter stated that these people who are going into the North-west, from Galicia, Russia

and Poland are a population totally unfit to settle there. I would tell the hon. gentleman in my opinion he must have misunderstood the Archbishop. I can hardly conceive that Archbishop Langevin would make such a declaration with regard to those who are his co-religionists.

Hon. Mr. PERLEY—I said the Doukhobors. They are not his co-religionists, nor are the Galicians: they belong to the Greek Church.

Hon. Mr. DEVER—I do not think any man of character could speak against the Doukhobors.

Hon. Mr. MILLS—Let me say this with regard to the Doukhobors, they are Quakers. They are notably an industrious people in every part of Christendom where they are to be found. They are peaceful. They are usually strictly honest people. They are remarkably industrious people, and yet the hon. gentleman from Shell River (Mr. Boulton) has spoken of them as a job lot, brought by the government into the North-west Territories. That is the way that he expects to aid in bringing immigration to the country! I tell the hon. gentleman, much as I esteem him, highly as I value his industrial efforts in the North-west Territories, much as he may have added to his fortune while there, I am inclined to think that there are many of those people whom he has to-day traduced in this House that ten years hence will exhibit as large a degree of prosperity under the opportunities they have as the hon. gentleman has exhibited in that country.

Hon. Mr. BOULTON—I wish to withdraw the term "job lot" and say "wholesale."

Hon. Mr. MILLS—I do not think the hon. gentleman has improved the statement much, and I am inclined to think that the observation of the hon. gentleman will reflect rather upon himself than upon those he has traduced.

Hon. Mr. McCALLUM—A job lot you get cheap.

Hon. Mr. MILLS—We are purchasing nobody. So far as the Doukhobors are concerned, they were aided by Count Tolstoi and by others in Russia who sympathized with those people in their resistance to oppression and have assisted them in coming to Canada and forming a colony in the North-west. I remember the time when certain parties in the United States known as "Know Nothings"—a most pertinent name I may say to my hon. friend—who undertook to discourage immigration from abroad, who made attacks upon those coming from the continent of Europe and from the United Kingdom in much the same way as the hon. gentleman has made attacks upon the Doukhobors and upon the Galicians here to-day. There have been added to the population of the United States in a single year 700,000 from the continent of Europe. They were, many of them, very poor people, far poorer than the Galicians or the Doukhobors who have come into our country, and those people have not brought any discredit upon the government of the United States. They have, in remarkably short time, become citizens of that country in feeling, in sympathy and in aspiration, as much so as those whose ancestors had been in the country for half a dozen generations before, and I predict to-day that those who have come to Canada from Galiacia and from the eastern confines of Russia will be found as estimable citizens, as much devoted to the institutions of this country and as much in favour of British connection as many hon. gentlemen who speak very loudly against them and who do everything they possibly can to injure the growth and the prosperity of this country.

Hon. Mr. McCALLUM—Who is doing that? Name them. My hon. friend the Minister of Justice says that the government have purchased nobody. I do not say that they have purchased anybody, but I do claim that when the government pays $5 apiece to bring Russians into this country, and only $2 apiece to introduce British subjects into Canada, they are discriminating against British subjects. When he speaks of the exodus I begin to think of the time when the hon. getlemen were in power once before. The country did not prosper well in those days, but when the late administration came into power and the national policy was introduced, things soon changed.

Hon. Mr. MILLS—That is a delusion.

Hon. Mr. McCALLUM—The hon. gentleman may think so: I say it is a fact. I claim that these Russian and Galician immigrants are not as desirable a class of people as immigrants from the British Islands.

Hon. Mr. BOULTON—Or Canadians brought back.

Hon. Mr. McCALLUM—Yes. I know you cannot lay an embargo on Canadians to prevent them leaving their native country, but I do claim that it is not fair to spend $5 apiece to bring Russians here when we are paying only $2 each to bring in British subjects. Further, I say it should be the policy of the government, as far as possible, to keep Canadians in this country. When the Conservatives were in power, the leaders of the Liberal party went through the country preaching blue ruin. They said that the manufacturers of the country were going to swallow everybody, and Sir Richard Cartwright told us that after swallowing everybody and everything, they would swallow themselves in the end. A curious kind of animal he painted the manufacturers. But a change has taken place. These hon. gentlemen who preached blue ruin when they were in opposition are very indignant when their policy to bring foreigners into this country is criticized. They deny that the Doukhobors are a job lot, forgetting that a job lot implies that they get them cheap. I say they are an undesirable class at any price. One of the conditions on which they come is what? That they will not be called on to defend this country if we should get into trouble. What good are they? They live within themselves. They do not want to associate with Canadians, and they are altogether an undesirable class. The government should offer every encouragement to British subjects to come to Canada, and every inducement to our own people to remain in the country. One good Canadian or native of the British Islands, is worth half a dozen of those foreigners.

Hon. Mr. FERGUSON—May I ask the hon. leader of the House on what authority he makes the statement that five times as many settlers came into Canada last year as came into the country any previous year in its history?

Hon. Mr. ALMON—May I ask the hon. Minister of Justice if the Count Tolstoi to whom he refers is the author of a number of books which were stopped in the custom-house on account of their immoral tendency? I am inclined to think he is. If he is the author of books which are too vile to be admitted into the country, we may be, perhaps, allowed to criticize the men, women and children that he is sending us. I may be mistaken, but I think I am right.

Hon. Mr. PRIMROSE—I rise for the purpose——

Hon. Mr. POWER—I rise to a question of order. There is nothing before the House, and there has been nothing for some time. There can be no discussion without a question before the House.

Hon. Mr. PRIMROSE—I merely wish to say, in regard to this question of exodus, that notwithstanding the disclaimer which has been made by the hon. leader of the House, I see before me in this chamber today hon. gentlemen who come from a district of the country in which there has been an exodus sufficient in extent to render such an expression as we have in the Speech from the Throne totally inapplicable to the present condition of affairs, that is, that "it is gratifying that there has been an almost total cessation of the exodus."

Hon. Sir MACKENZIE BOWELL—Will the hon. gentleman answer the question which has been put by my hon. friend beside me (Mr. Ferguson)?

Hon. Mr. MILLS—No, I am not going to answer any question.

Hon. Sir MACKENZIE BOWELL—The hon. senior member for Halifax raised a point of order. That should be decided. If the Speaker decides that we are out of order, I shall take steps to put ourselves in order.

Hon. Mr. POWER—My question of order is that there can be no discussion in this House, under the rules of the Senate, unless upon a question moved and seconded. There is no question before the House, consequently the discussion is out of order.

Hon. Mr. PRIMROSE—Why did not the hon. gentleman take that point of order earlier?

Hon. Mr. POWER—I took it because I thought the discussion was going too far.

The SPEAKER—There is nothing before the Chair. The Senate has been a good deal governed by usage I know, and such discussions have occurred many a time, but under our ordinary rule, there is nothing before the Chair.

Hon. Sir MACKENZIE BOWELL—I concur in the decision given by his honour the Speaker, and to put myself in order for a few moments I move seconded by Mr. Ferguson, that the House do adjourn. Before the motion is put I desire to reply to the extraordinary statement of the hon. Minister of Justice in reference to the exodus from the country prior to the advent of his party to power, and the further allegation that during the last year or two the influx of immigrants into the country has been five times greater than it had been in the past. I congratulate my hon. friend from Wolseley (Mr. Perley) on having raised, shall I say the ire of the hon. gentleman opposite. He threw a good deal more spirit and vim into his remarks to-day than he is in the habit of doing. Evidently he felt keenly the remarks made by the hon. gentleman from Wolseley, but I propose to confine myself to one point in order to show that the hon. gentleman osposite speaks at random very often when he rises to address the House. I shall read the figures contained in the Trade and Navigation Returns, which are the only authentic records we can have on questions of this kind. Before doing so I may be permitted, however, to call attention to the very great difference in the sentiments uttered by the hon. gentleman now and those of a few years ago, when he occupied a seat in the other House. Then the principal theme of the late Finance Minister and the present Minister of Trade and Commerce and the hon. gentlemen by whom they were surrounded was that Canada was going to destruction and that its people were leaving the country. My hon. friend nods. He admits then that was the position they took, and he now, as the hon. Secretary of State did when discussing these questions in the past refers to the evidence of the settlers' effects which were exported, without reference in the list to the imports of goods of a similar character. If you look at the Trade and Navigation Returns for the year 1897—turn to the imports of settlers' effects for the years 1893, 1894, 1895, 1896 and 1897, you will find that in 1893 the settlers' effects imported amounted to $1,702,759. The exports of settlers' effects for the same year were $1,303,379, being less than the amount imported. In the next year 1894 the imports of settlers' effects, were $2,665,893. This is from the United States alone. The exports for that year were only $940,709, as against over two million of imports. In 1895 the imports of settlers' effects from the United States was $2,005,848, and the exports for that year were, $1,222,000 ; and for the last year the imports were $1,803,275, and the exports only $927,888. Those are the last statistics which have been laid before us, and they prove incontestably that the statements made by the hon. Minister of Justice are not borne out by the records or by the facts, but are another evidence of the wild assertions which the hon. gentlemen make very often when referring to statistics and to—I was going to say facts—to questions upon which you can scarcely ever lay your hands on the actual facts. The only thing we have to guide us in this matter is the document which they themselves lay upon the table of the House, and that proves incontestable that the statement made by the Minister of Justice is not a fact which is borne out by the records.

Hon Mr. MILLS—I would say in reply to the observations of the hon. gentleman opposite, that the statistics which he has quoted do not justify his denial of the observations which I addressed to the House a few moments ago. I refer to the census which is the only reliable information in these matters. The hon. gentleman and his friends had a census taken at an intermediate period in the North-west Territories between 1881 and 1891, for the purposes of ascertaining what the population was. We have the statement of the Deputy Minister of Agriculture as to the number of emigrants that have gone into that country, and if I remember rightly there was one hundred and fifty thousand short, shown by the population.

Hon. Sir MACKENZIE BOWELL—Short where ?

Hon. Mr. MILLS—Short of the population which the Minister of Agriculture and the report of the Minister of Agriculture

showed had gone to the North-west Territories from foreign countries and from other portions of Canada. The hon. gentleman cannot get over that fact. Then let me call his attention to another fact. The evidence which he has read does not show the number of men who cross the border in the North-west Territories. Our statistics are fairly accurate for the older settled portions of the country, but they are not so accurate for the newer portions, and cannot be. When my hon. friend questions my statement as to the immigration, I ask him to look at the province of British Columbia as it is now in population and as it was two or three years ago.

Hon. Sir MACKENZIE BOWELL—That has nothing to do with it.

Hon. Mr. MILLS—Yes it has to do with it, for the far greater proportion of those people are people not from other portions of Canada, but from across the border, from Australia and South Africa and England

Hon. Sir MACKENZIE BOWELL—Strengthen your argument by referring to the Klondike.

Hon. Mr. MILLS—Yes, I am going to refer to the Klondike. And here you have a city that had no existence three years ago, with between twenty and thirty thousand people to-day, and yet there is not ten per cent, or anything like ten per cent, of that population British by birth. They are nearly all foreigners. And so I say I am justified, and I am within the mark, when I contrast the immigration into Canada recently with the immigration which existed at any earlier period within the history of this confederation.

Hon. Mr. FERGUSON—My hon. friend has made another very unfortunate remark on this subject to-day, coupled with a rather unfortunate one for which he is responsible, in the speech which he put in the mouth of His Excellency the Governor General at the beginning of this session.

Hon. Mr. MILLS—A perfectly accurate speech.

Hon. Mr. FERGUSON—Indeed! In the speech it was stated:

> To these evidences may be added another, which is most gratifying, the almost total cessation of the considerable exodus of our population, which at one time was a regrettable feature of our affairs.

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. FERGUSON—I would challenge the hon. gentleman to give any evidence to show that there is this cessation of the exodus to which he referred in the Speech from the Throne. We have no evidence whatever of it. On the contrary, we know that there is a movement of population going on at the present time, just as has been going on in other years, notwithstanding that there is a very considerable degree of prosperity in Canada. I am not referring to this for the purpose of magnifying it, nor I am deploring it. I never deplored a movement of the population in the great races to which we belong. I never took that ground, but I do object to fallacious statements being put in the speech with which His Excellency opened the session.

Hon. Mr. MILLS—My hon. friend should have discussed it when the speech was before the House.

Hon. Mr. FERGUSON—I did discuss it then and showed its fallacy, but notwithstanding that, my hon. friend now makes a statement that the influx of people during the last year has been five times greater than in any other year since confederation. I do not wonder that my hon. friend declines to defend that statement, because he came to the conclusion himself that he had drawn a long bow and would sooner let the matter drop.

Hon. Mr. MILLS—I gave my reasons.

Hon. Mr. FERGUSON—Yes, and what were the reasons? That the town of Dawson in the Klondike has grown up to twenty or thirty thousand.

Hon. Mr. MILLS—And Nelson and Vancouver.

Hon. Mr. FERGUSON—Perhaps the reference to Dawson was drawn from him by the observation made by my hon. friend on my left (Sir Mackenzie Bowell). We know very well that in the early eighties at Winnipeg as large an influx of population occurred as in Dawson, and he forgets when the remarkable growth at a later date Vancouver sprang into a respectable position as a city, and again when it was destroyed by fire, from its ashes grew a city of very

great importance in Canada. He forgets about the influx of Icelanders, Mennonites und Crofters who came into the country in quite as large numbers as the Galicians and the Doukhobors are doing now.

Hon. Mr. MILLS—Oh, no, no.

Hon. Mr. FERGUSON—Oh, yes. I am prepared to say that the Mennonites emigrated in quite as large numbers as the Doukhobors.

Hon. Mr. MILLS—There are not as many of them there now altogether.

Hon. Mr. FERGUSON.—My hon. friend says no, no. Excepting when my hon. friend is hard pressed politically there is no man whose word I would sooner take, but he made an extraordinary statement when he said that about five times as many people came in last year as at any time before. He must excuse me if I am not inclined to accept his view in regard to the other matter wherein he contradicts me. My hon. friend, the leader of the opposition, referred to the Trade and Navigation Returns, and I submit, hon. gentlemen, that these returns are very much more entitled to weight in ascertaining what the influx is than my hon. friend's reference to Dawson City or the Galicians or Doukhobors. I sub mit the Trade and Navigation Returns are more reliable guides in this matter than any remarks which my hon. friend makes without data to guide him. We turn to the Trade and Navigation Returns and we find that in 1894 the value of settlers' effects of people coming into Canada in that year, was nearly $400,000 greater than in this last year when he says there were five times as many people came in as in any previous year. I want to impress that upon hon. gentlemen, because it is a flat and emphatic contradiction of the hon. gentleman's statement. In the year 1894 the Trade and Navigation Returns show that from the United States the settlers, effects coming in amounted to $2,665,893, while in 1898 they were only $2,334,457. In 1894, which we all know was a bad year, which my hon. friend classes among the years when only a fifth part of the people came in, we have this extraordinary difference that they brought with them effects in value nearly $400,000 more than were brought by settlers last year.

Hon. Mr. MILLS—My hon. friend knows that there is not a single dollar in the Trade and Navigation Returns relating to the Yukon country.

Hon. Sir MACKENZIE BOWELL—Who said there was?

Hon. Mr. FERGUSON—I am not referring to that. We have no figures for 1899 yet. My hon. friend is too soon in talking about 1899.

Hon. Mr. MILLS—My hon. friend is too soon in contradicting me.

Hon. Mr. FERGUSON—But my hon. friend was speaking about the last completed year, and I am dealing with the last completed year, and if he is right in his statements that there have been five times as many people came in, they must have been poor in this world's goods at all events, because they brought with them $400,000 less of settlers' effects than were brought in by the alleged small number who came in in 1894. We are compelled to make these references because in the Speech from the Throne a most remarkable statement was put in the mouth of His Excellency. We are living in this country and say we do not decry it and that it is going to ruin, but we are not going to allow the hon. gentlemen on the other side to mislead the public and repeat such statements as are made in the Speech from the Throne and as by my hon. friend in this House.

Hon. Mr. TEMPLEMAN—Without any desire to prolong this discussion, which has been precipitated by my hon. friend from Wolseley (Mr. Perley), I would like to say that in regard to the immigration into the country, as far as the west is concerned, I do not think the hon. Minister of Justice overstated the case. As far as British Columbia is concerned I have not the slightest doubt that the immigration into the province during the last two or three years has been more than five times as great as any time previous to that.

Hon. Mr. FERGUSON—We do not dispute that.

Hon. Mr. TEMPLEMAN—I am speaking for a very important province on the Pacific coast, and without respect at all to Dawson City. The population of British

Columbia has doubled within the last eight and ten years and largely that increase has taken place in the last two or three years. You can point to half a dozen towns which have, in half a dozen years, increased wonderfully in population.

Hon. Sir MACKENZIE BOWELL—Nelson has grown considerably.

Hon. Mr. TEMPLEMAN—Nelson has grown in the last two or three years. I simply wish to corroborate, in so far as British Columbia is concerned, the statement that the increase has been marvelous indeed, that the immigration into that country has been very largely from the United States to the mining districts and largely from England, and to a considerable extent from Eastern Canada. I have only a very slight knowledge of the condition of affairs in the North-west, but as far as my knowledge goes the immigration into the North-west is infinitely greater than it ever was in the history of that country. The hon. gentlemen from the North-west know better than I do. I do not wish to enter into the political discussions, because it appears to me that some hon. gentlemen opposite, particularly my hon. friend from Wolseley, imagine that an election is going to take place next fall, and desire to make political capital.

Hon. Mr. McMILLAN—The hon. gentleman would leave us to believe that the immigration into British Columbia was from foreign countries. Is it not a fact that it is from other portions of Canada?

Hon. Mr. MACDONALD (B.C.)—A great part of it.

Hon. Mr. McMILLAN—The greater part of it—90 per cent.

Hon. Mr. DEVER—I think a good deal of spite and unpleasantness has been expressed on this side of the House in reference to this Canada of ours. I regret this very much, because I think it is a foul bird that fouls its own nest. I know something about the lower provinces, which have been mentioned more especially, just as much as any gentleman in this House. I have come as lately from the lower provinces as any hon. gentleman in this House, and before I left home, and since then, I have heard no expression given that the times were not good.

Hon. Mr. ALMON—The navigation in the Bay of Fundy is so dangerous they are afraid to go away.

Hon. Mr. DEVER.—On the contrary there has been a great deal of prosperity there within the last year or two, so much so that real estate is going up in that portion of the country in which I live. Business is good there—much better than it had been for a long time. With reference to parties going to and from the United States, there is no doubt at all times a great many are going to the cities of the United States and coming from there. We trade a good deal with the United States and they trade with us, and the consequence is that strangers might impute the movement of population to people going away from one country and settling in another. That is not so at all. For the last year or two we have heard of no families of any consequence removing from the province of New Brunswick. With reference to the class of immigration that has been brought out to this country, one gentleman seemed to have expressed himself very unkindly about a certain class I have some knowledge of. The Doukhobors came to our city in large numbers. They were heralded there by people who knew them, and the newspapers took hold of the discussion and a very strong feeling was aroused in their favour, and properly so. The ladies of our city congregated and arranged to give them a kindly reception. They waited on them and made them as happy as possible by giving them little presents and intermingling with them to ascertain what class of people they were. The consequence was they were reported as a very moral people. They are a class of people designated as Quakers, and if I mistake not, those of the Quaker persuasion is generally looked on as a moral class of people. The first act they performed after landing in America was to give praise and thanks to Almighty God for their delivery from the accidents of the sea, and their gratitude in getting to a country in which they felt they would have perfect freedom, both religious and political.

Hon. Mr. PRIMROSE—And sell their wives.

Hon. Mr. DEVER—Other nationalities can sell their wives too. I have no know-

ledge, and I do not think any other man who wishes to speak simply as to the facts knows that the Doukhobors are not a proper class of immigrants to bring to this country. From some remarks made by my hon. friend from Wolseley (Mr. Perley), he seems very anxious to associate himself, as far as I can learn, with a certain divine in Manitoba. I feel disposed to say that I do not think much of that divine if he would allow himself, thoughtlessly or otherwise, to divulge what I might call secrets to a general politician who might promiscuously come in his way, and I have my doubts, notwithstanding the ascertain of the hon. gentleman, that ever that clergyman used such expressions as have been repeated in this House. At all events, if he did I do not think it is to the credit of that hon. gentleman to break confidence and to retail and peddle out what he alleges was a private conversation. If his principal in the matter is no better than his statement about the Doukhobers, in my opinion it is worth very little to this House and to the country, because again I wish to say that the Doukhobors have been pronounced by the people who knew them to have been the best class of immigrants we have had come to our shores for many years. With reference to the general prosperity of the country, our banks will show that we are in a more prosperous state now than we ever were in commercially. Any stranger in the city of Ottawa can see that it has been improving every year for the last two or three years. As for the suburbs of St. John, they are extending, and, as I said, real estate is becoming more valuable every year. In my opinion, and I think in the opinion of a large number of people in the country, the cause of it is that the people feel they have a stable, honest, watchful, vigilant government at the head of affairs and it has given to the people a feeling of stability, so much so that I think there is a permanent prosperity before us what we have not had for years.

Hon. Mr. BOULTON—I am glad I am given an opportunity to say a few words in reply to the leader of the government. I do not think I merited the strong language he used in characterizing my utterances in regard to the immigration that is at the present moment the subject of discussion. I have been ten years in this House, and I do not think any one has heard me say anything derogatory to the character of a private individual or any class of individuals. It is as foreign to my habit and foreign to my feelings as it possibly can be. We have a right to discuss public questions so far as they concern the public weal without having anything attributed to us of a private nature. My reference to the question of the immigration of the Doukhobors being a job lot was, I think, perfectly pertinent—or brought in by wholesale. They were a distinct lot of immigrants; they were being forced out of Russia in consequence of their religious belief, or some other reason. There are 10,000, and there were two ships sent over expressly to bring that 10,000 people to Canada. It is only in that way that I referred to their being a job lot, and I think I was perfectly correct in making that statement. It seems to me that the school question which has been the subject of considerable acrimony for the past six or seven years, has developed a species of effort on the part of the government to keep level, so far as religions are concerned, in that country—if a certain number of Roman Catholics are brought in there as immigrants, they have to be offset by a certain number of Quakers or Spirit Wrestlers as they call themselves I believe. It is unfortunate that that feeling should prevail. That any member of the government should pander to the fanaticism of Sections of the people, or use it for political purposes. It does exist among our own people who desire to see religious tolerance the leading spirit. I have not a single word to say against the Galicians. I have not a word to say against the Doukhobors. We have employed Galicians ourselves since they came to the country and I have nothing to say against them in any shape or form. What the honourable gentleman from Wolseley (Mr. Perley) referred to was what appeared in the public press—the dreadful murder that took place recently out west. It was a perfectly legitimate subject for discussion. It exposed to the public what does pass through the minds of a certain class of immigrants. What I object to, with regard to this wholesale immigration of large numbers of foreigners, is that they are put in possession of the soil—put in possession of 160 acres of land and they will remain in possession of the soil from generation to generation no doubt. Is it desirable that we should pay

such a large sum, I think it was $7 a head, per head for men and women and children ?

Hon. Mr. McCALLUM—I thought it was $5.

Hon. Mr. BOULTON—I think it was $7 a head for the Doukhobors.

Hon. Mr. McCALLUM—How much does it cost to feed them in this country ? Have we not been feeding them all winter ?

Hon. Mr. PERLEY—Yes, and we will have to feed them all summer too.

Hon. Mr. BOULTON.--They have been supported since they came. They will have to be supported during the summer and will have to be supported for a considerable portion of the winter. I have no doubt, because the climate is of that character that it is very difficult to produce any large quantity of food the first year that they go in there, so that the expense is very great indeed. If they were to offer the same opportunity to our own people, or to people of our own way of thinking, they would have no difficulty in bringing 10 or 20 of 25 thousand there, and it is perfectly legitimate for us to raise our voices in this House and express our desire that that class of people should be settled amongst us instead of a population with whom we cannot assimilate, at any rate in this generation. I have no doubt that what the hon. gentleman says is true, that future generations of these people, the same as those that came to Ontario, will be good Canadian citizens, but that we should go to such an enormous expense to bring foreigners in and place them on the soil, leaving the odd numbereds section of land vacant between them, so that our own people cannot settle in among them or perhaps will not be made comfortable to settle among them, and feed them at the public expense, is a mistake. In Russia there are 104,000,000 people, in Austria something like 40,000,000 and these people write home and bring in their friends gradually until we find that the Great North-west, instead of being filled up by a population homogenous to the rest of the population, will be entirely foreign so far as this country is concerned in their ideas, and will go on developing their own habits and methods. How far that is going to be good for Canada as a whole, I am not prepared to say, but I am distinctly opposed to such a policy, and I think I am speaking the opinion of those who live on the soil in that country when I say, that we hope that wholesale immigration of that kind will not be continued—that while it may confer a certain amount of benefit to the country, as a whole, from a financial standpoint, it would be a great deal better to go slower and have a population that would be homogenous to the country than these foreigners are likely to prove themselves to be.

Hon. Mr. SCOTT—Did you oppose the Mennonites coming in ?

Hon. Mr. BOULTON—No, I was not there at the time Mr. Hespeler became a guarantee to the government for $120,000 for the re-payment of all expenses connected with the Mennonite immigration. That expenditure has been all repaid to the uttermost farthing. They have been no expense to the population, and it is not a proper comparison.

Hon. Mr. SCOTT—It was a loan after they went there. The passages were paid by the government and the land was given free.

Hon. Mr. MILLS—They never paid it back.

Hon. Mr. BOULTON—Every penny of the $120,000 was paid back.

Hon. Mr. MILLS—That was the advance. It was not the passage money at all.

Hon. Sir MACKENZIE BOWELL—Do I understand the hon. Minister of Justice to say that the loan made to the Mennonites was not paid ?

Hon. Mr. MILLS—No, I did not say so.

Hon. Sir MACKENZIE BOWELL—What was not paid ?

Hon. Mr. MILLS—The aid given to the passage across the Atlantic was not charged to the Mennonites.

Hon. Mr. BOULTON : I did hear, before I came to Ottawa, that a fund of $20,000 had been raised in Great Britain and the United States and elsewhere for the benefit of the Doukhobors, that this had been paid to the Minister of Interior and that there was some complaining among the Doukhobors that this $20,000 was not paid

over to them. How far that is correct I do not know. Whether that $20,000 is to be kept by the government to maintain the people for such a long time I do not know. My honourable friend from British Columbia who cried : hear, hear, when the leader of the Government was addressing the house has spoken of the immigration to that province and the mines that have been developed there. His province has passed a law to exclude Japanese, so far as it can do so. I do not see that it comes very well from him to express approval of the immigration of foreigners to our country when he has passed a law to say the Japanese shall not come to British Columbia.

Hon. Mr. TEMPLEMAN—It is quite obvious that British Columbia could not pass such a law.

Hon. Mr. BOULTON—I say that so far as you have been able to do so, you have passed it. You have passed a law that no Japanese shall be employed on public work, and the Chinese are to pay $500.

Hon. Mr. SCOTT—On any public work receiving a subsidy from the government.

Hon. Mr. BOULTON—Whatever it was, to the extent they were able to legislate, they did pass a law to say that no Japanese should come into the country. If it was constitutional they would go further and prevent Japanese from settling in the province. We are not taking that position at all. We are welcoming anybody who comes of his own free will and accord, and will give him a hearty reception and help him, but when the government bring 10,000 at a time, and isolate them from the rest of the population, we think it is injurious to the future welfare and proper settlement of that country which, if it only had fair-play would attract a class of population more harmonious to the whole.

The motion to adjourn was withdrawn.

PRESERVATION OF HEALTH ON PUBLIC WORKS BILL.

IN COMMITTEE.

The House resolved itself into a committee of the whole on Bill (C) "An Act for the Preservation of Health on Public Works."

(In the Committee.)

On clause 1.

Hon. Sir MACKENZIE BOWELL—I suppose that means all works in connection with the railways, telegraphs, &c., that have been legislated upon by the Parliament of Canada. It would not apply to works that had been authorized by provincial legislatures.

Hon. Mr. MILLS—No, it refers to works in process of construction, undertaken under the authority of the Parliament of Canada.

The clause was adopted.

On clause 3.

Hon. Mr. McMILLAN—With reference to subsection "c" I do not think the government wish to constitute themselves a body to examine medical men, and I would suggest this change: strike out the words "and qualifications" so as to read "as to the number of medical men to be employed on the works," and I would add that medical men so employed should be graduates and legally qualified to practice in any one of the provinces of this Dominion.

Hon. Mr. MILLS—I think what my hon. friend proposes is what was intended here. As to qualifications, of course we do not wish to authorize any contractor to bring in men who are not qualified under the law here.

Hon. Mr. McMILLAN—This would do it.

Hon. Mr. MILLS—We might change it to read as to the number of qualified medical men to be employed on the works.

Hon. Mr. McMILLAN—That would meet my views. You must remember each province has its own medical board and does not recognize the men of other provinces. In the case of a public work in Ontario, will a medical man from the province of Quebec, who may be employed on a public work, as this law contemplates, be permitted to practice in Ontario?

Hon. Mr. MILLS—As it reads there, the party must be qualified by the law of the place where he is employed.

Hon. Mr. McMILLAN—That would mean only medical men in Ontario could be employed on public works in Ontario.

Hon. Mr. MILLS—Yes.

The clause as amended was adopted.

On clause 4.

Hon. Sir MACKENZIE BOWELL—I think this is giving the governor in council unlimited power, although I do not suppose for a moment any government would exercise it; but it gives the government the power to prescribe the penalty. I do not know that I object to it particularly. I am only calling attention to the fact that it is delegating to the government very extraordinary powers. At the same time, I do not think any government would exercise them prejudicially to the parties.

Hon. Mr. CLEMOW—Could not this power be exercised by some judicial authority? It should not be left in the hands of the government.

Hon. Mr. MILLS—There is no intention to supersede the courts in the trying of parties. The question is under what law or regulation they shall be tried, and it is only giving the government power to make the regulations.

Hon. Mr. CLEMOW—The courts have to carry them out.

Hon. Mr. MILLS—Certainly.

Hon. Mr. CLEMOW—Why don't you say that? According to my reading of it the government have the power.

Hon. Mr. MILLS—The government is substituted for Parliament on a comparatively unbeaten track. We can only make regulations until Parliament otherwise provides, intending that Parliament shall legislate as soon as the necessary experience has been acquired.

Hon. Sir MACKENZIE BOWELL—There may be circumstances, such as those which arose in the Crow's Nest Pass, that might require the immediate action of the government, and it would be prejudicial, not only to public health but to the lives of people, if the government had to wait for Parliament to give the power.

Hon. Mr. MILLS—I propose, as an additional clause, to provide that any orders in council made under the authority of this act shall be laid on the table of the House within 15 days after the meeting of Parliament, so that Parliament would have supervision over everything that is done under the act.

The clause was amended and adopted.

Hon. Mr. OGILVIE, from the Committee reported the bill with amendments, which were concurred in.

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, 27th April, 1899.

The SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

THE MANITOBA SCHOOL QUESTION.

INQUIRY.

Hon. Mr. BERNIER rose to:

Inquire of the government, whether any memorandum, communications or representations have been received within the last twelve months by His Excellency the Governor General in Council, or by any member of the government, from any party or person whatsoever, bearing on school matters in Manitoba or in the North-west Territories?

Hon. Mr. MILLS—I may say in reply to the hon. gentleman that I believe a letter written some time ago by His Grace the Archbishop of St. Boniface, who also wrote a letter to the Prime Minister stating that he desired that the communication which he had sent should be considered confidential, so that the government have no public letter which they can communicate.

Hon. Mr. BERNIER—No memorandum?

Hon. Mr. MILLS—No memorandum. I stated to my hon. friend that a letter was received from His Grace, but His Grace also wrote a letter to the Prime Minister stating that he desired that that letter should, for the present at all events, be considered confidential.

PRESERVATION OF HEALTH ON PUBLIC WORKS BILL.

THIRD READING.

Hon. Mr. MILLS moved the third reading of Bill (C) "An Act for the preservation of health on public works."

Hon. Mr. McMILLAN—Before the bill is read the third time, I desire to make a suggestion. I find that it does not quite meet the objection I raised yesterday. In fact, I must have misunderstood the Minister of Justice, for I find that it excludes the medical men from other provinces from being allowed to practice where the public works are going on. As these public works are of a federal nature, I think it ought to allow medical men from other provinces to be employed in that capacity. I will give the House an illustration. Take the province of British Columbia; I do not think the province could supply medical men enough to engage on public works there, as happened in connection with the construction of the Crow's Nest Pass.

Hon. Mr. TEMPLEMAN—We have a surplus of them.

Hon. Mr. McMILLAN—British Columbia may have a surplus, but the other provinces have surpluses and they contribute as much towards the public works as British Columbia. I thought it would be well to allow medical men from other provinces to be considered as qalified to practice. The provinces of Ontario and Quebec and the provinces by the sea have men who are as well qualified as any in the Dominion of Canada, and probably British Columbia has also; at the same time, I do not think they should be prevented from being employed on public works no matter where that work may be. They have not been hitherto prohibited for I have known medical men from Ontario and Quebec to be engaged on the Canadian Pacific Railway on the north coast of Lake Superior and away west in the other provinces. I would like, therefore, to see this bill amended so as to provide for that, and would suggest the adding of what I mentioned yestereday—"that men so employed shall be equally qualified to practice in any of the provinces of the Dominion."

Hon. Mr. MILLS—The objection which occurred to me with regard to my hon. friend's suggestion, is that the qualification of men to practise medicine is within the jurisdiction of the province.

Hon. Mr. McMILLAN—So it is unfortunately.

Hon. Mr. MILLS—And it is for the province to say who may practise medicine within the limits of the province. British Columbia, I believe, has recently provided by its legislation that any one who is qualified to practice medicine in any one of the provinces of Canada and the North-west Territories shall also be at liberty to practise medicine within the province of British Columbia, but I am not aware that any other province has gone that far. I do not care to assume to confer a power upon medical men, or to assume to bestow upon the government power to employ medical men in contravention of the law of the local legislatures. The government may do so. The man who undertakes to practise of course takes a risk, but it is extremely doubtful whether the government of Canada, any more than an individual, could employ a medical man to practise in the province who is not qualified to do so by the law of the province, and it may be that we would be at liberty to employ a man who is not a qualified practitioner at all. That is extremely doubtful, and I do not think that there is likely to be any interference hereafter any more than there has been in the past, and I thought it was not desirable that we should assume a larger jurisdiction than we know we actually possess. If that question is to be raised, I would rather see it raised in some other way than upon what would seem to be, by the government, an encroachment upon local authority.

The motion was agreed to, and the bill was read the third time and passed.

EXCHEQUER COURT ACT AND EXPROPRIATION ACT AMENDMENT BILLS.

COMMITTEE STAGE POSTPONED.

The Orders of the Day being called:

Committee of the Whole House on (Bill B) "An Act further to amend the Exchequer Court Act."

Committee of the Whole House on (Bill D) "An Act to amend the Expropriation Act."

Hon. Mr. MILLS said:—I would ask that the order be discharged and put on the order paper for Tuesday next. I have received some communications, and parties have expressed a desire to write me further on the subject, and I wish to give them sufficient time to do so. I would ask that the order in which they stand on the order paper be reversed, so that the wishes of hon. gentlemen with regard to the order in which they should be discussed may be met.

The Orders of the Day were discharged accordingly.

THE SENATE DEBATES.

FIRST REPORT OF THE COMMITTEE ADOPTED.

Hon. Mr. BELLEROSE moved the adoption of the first report of the committee. He said:—The report explains itself, but should any hon. gentleman require further information, I am ready to give it. As to the gentleman who is recommended, he has been a translator in the House of Commons for many years, and the committee thought that a sufficient recommendation. However, they deemed it best to try the translator for a year, and give him a smaller salary to begin with than he would have ultimately. I may remark that Mr. Bouchard, who is now a pretty old man, has always been a French journalist, and consequently has had occasion every day to translate public documents, so that he should be a good translator, and that is the reason why the committee thought he was the man for the position.

Hon. Mr. MILLS—He is not the gentleman who has been removed from the staff in the other House?

Hon. Mr. BELLEROSE—No.

Hon. Mr. MILLS—Has not Mr. Desjardins been employed to do this work?

Hon. Mr. BELLEROSE—Not during this session, but during previous years. During this session Mr. Bouchard has been going on with the work since the beginning of the session at his own risk, because we had to wait until the Senate should decide the matter.

Hon. Mr. MILLS—I am simply asking for information whether a Mr. Desjardins was not employed in the work of translation, and whether there was any reason for superseding him by the appointment of Mr. Bouchard.

Hon. Sir MACKENZIE BOWELL—I presume the chairman of the committee answered by saying that this was a move in the direction of economy. Mr. Desjardins has in the past been paid so much per page for the translation for a number of years past, and if a gentleman can be appointed to the staff whose services would be at the disposal of the Senate during the whole year, at four or five hundred dollars less than is now paid for the translation, which is done (as I have already intimated) by the page, it would be an advantage to the Senate to have such a man to utilize his services in the translation of any documents in addition to this work, and at the same time save five or six hundred dollars a year.

Hon. Mr. MILLS—Mr. Desjardins, I believe, was a very competent translator.

Hon. Sir MACKENZIE BOWELL—No one has found fault with Mr. Desjardins as a translator.

Hon. Mr. SCOTT—Is Bouchard to do all the translation, or are others to assist him?

Hon. Mr. BELLEROSE—No. He will be an officer of the Senate, and will do the translating during the session, and during the whole year he will be under the control of the clerk, and will do all the work of translation which the Senate may require.

Hon. Mr. SCOTT—He will do all the work; there is no staff under him?

Hon. Mr. BELLEROSE—No, he is alone.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Friday, 28th April, 1899.

The SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (H) "An Act to incorporate the Imperial Loan and Investment Company of Canada (Hon. Sir Mackenzie Bowell, in the absence of Hon. Mr. Kirchhoffer.)

Bill (I) "An Act respecting the Canadian Northern Railway Company." (Hon. Sir Mackenzie Bowell, in the absence of Hon. Mr. Kirchhoffer).

THE GEOLOGICAL MUSEUM AND DOMINION ARCHIVES.

INQUIRY.

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

If it is their intention to commence this year the erection of new buildings for the Geological Museum?

If space will be reserved in the building for the Dominion Archives, which are now scattered in three or four different places?

He said:—Since this notice was placed on the order paper a declaration has been made in the House of Commons by the hon. Minister of the Interior embodying an answer to the question. I understand that it has been virtually decided by the government to erect a building for the Geological Survey, and that plans are about to be submitted to the government for that purpose. However, the answer of the hon. minister is somewhat indefinite. In fact, there is no mention as to the date when the government propose to commence the building. It is vague. I will therefore be permitted to say a few words on this question, which is of great national importance. My idea is simply to call the attention of the hon. members of the Senate to this important question, so that they may look into it, and if possible strengthen the hands of the government. Anything done by the government for the city of Ottawa is viewed, I am sorry to say, with a certain amount of jealousy by other cities, and therefore an expression of assent from this House would have the effect of encouraging the government in carrying out a policy which I believe would be of great utility. I remember in 1879 or 1880, when it was proposed to enlarge Metcalfe street, opposite the parliament buildings, so as to make a large avenue of 400 or 500 feet, Sir Hector Langevin, if I remember rightly, had that idea in his mind. It was part of the policy of the government. It was then opposed, and to-day we have reason to regret that it was not carried out. An avenue here just in front of the parliament buildings of five or six hundred feet, would be such an enhancement to the beauty and utility of the place that it would have been a good policy to adopt at that time. The expropriation could have been made then for a little over $100,000; now a couple of million dollars would not do it, and very possibly, if ultimately it is done, it will cost very many millions. It is important that in building here in Ottawa for future purposes, great attention should be given to making the structure sufficiently spacious for the requirements of future ages. Our public buildings here are already too small. If the parliament buildings were one story higher it would be a great advantage to us. The library of Parliament here, which is itself a gem, is unsuitable, in this way, that it cannot be enlarged, and that it is already too small. If when building it more attention had been given to the future requirements of the Dominion, we would not be in such a predicament. The library is a beautiful piece of architecture, but it will soon be very nearly useless. The idea in erecting a building for the Geological Museum should be to have one of large proportions. The importance of our mines is very great indeed, and they are constantly assuming greater proportions. Last year, or the year before, the revenue of the mines was inferior to that of fisheries. We see by the last report that a leap has been made, and while the fisheries have increased to twenty-two millions of dollars, the output of the mines has gone to over twenty-eight millions of dollars, and the increase will continue year after year. The mines of the Dominion of Canada are a great source of natural wealth, and will yield a large revenue, and it is very important that the proposed building should be constructed in such a way as to meet future requirements. I have looked into this question very closely. I shall not detain the House very long, because I believe some other gentlemen desire to take part in the discussion, but I shall, as regards the importance of the museum, read an extract from the Royal Society report of 1896—in the summary report of the Geological Survey Department, for 1894, the director writes as follows on the buildings now occupied by the survey:—

I may also again venture to direct your attention to the wholly inadequate accommodations afforded to the museum and offices by the present building on Sussex street. The collections now contained in this building, including the departments of minerology, lithology, palæontology, botany, geology and ethnology, either on exhibition or classified and readily accessible, agregate more than 120,000 specimens. The greater part of the space available is devoted to the illustration of the minerals and general geology of Canada; but it is impossible to display the specimens to advantage or in such a manner as to attract the public notice which they deserve. The position of the building and its construction further render it liable to the constant danger of destruction by fire, and when it is remembered that the collections include the typical specimens which have been described in

the publication of the survey since its institution, besides many others of a character which it would now be impossible to duplicate the very serious nature of this risk will be understood. The building also contains much accumulated material in maps, plans, notes and records, together with the entire reserve stock of the printed reports of the survey, and a library comprising a large number of scarce and valuable scientific works.

Hon. gentlemen will understand what an irreparable loss the country would sustain if this building should be destroyed by fire, as it may at any time be. Many years ago I remember there was a very serious fire in the immediate vicinity of the museum, and it was close work for the city fire brigade to save the valuable collections of documents and specimens. We have, I understand, over two thousand typical specimens which are unique and which could not possibly be replaced. There should be constructed a separate building, distant from places where fire could originate, and built in such a way as to render an enlargement of the building possible. There is no doubt that ere many years, it will have to be enlarged again. The suggestion to the government is not to build anything like the library here, but such a building that it could be extended one way or the other. That is very important. In my notice of motion, I also ask if a space could be reserved for the archives. The archives are another valuable collection which should be looked after better than they are now. It is shameful to see that our Canadian archives, which are invaluable, rich, unique many of them, which could not be replaced, are scattered—where? In the public library here, in the Department of Agriculture, in the Privy Council, in the office of the Secretary of State. Some in Montreal have been lost, I am told. They are so scattered that any one looking for historical information has to go from one department to another before he can ascertain where to locate the special documents he is looking after. Moreover, these documents, not being under the control of one man, are liable to be lost, as unfortunately has been the case with a good many of them. We have the military reports, for example, 1785 to 1890, which are unique. Let those be lost or burned, and it would be impossible to replace them. The loss to history would be such that future historians could not write that part of our Canadian history as they would if they were in possession of those documents. There are also private documents of a historical character. In fact, our wealth of archives is very great, and has cost a great deal of money; it has accumulated from about 1872 up to the present time, and there should be a structure, in my opinion, where all those archives could be collected together and securely stored. In the building to be erected for a museum, there should be space for the archives, if not for a permanent location, at least until such time as the increase in the archives will necessitate a separate building. At all events, I should like to see the archives stored in such a way as to be safe from danger of destruction by fire. I might incidentally call the attention of the government to the fact that many of the officials in the geological department are leaving the employ of the government, no doubt to better their positions. I have been pretty well acquainted with the department myself, and I know that we have lost a number of officials whom it will be very difficult to replace. They have left the service to take more remunerative positions, and the list of them that I have here and which I propose to read to the House covers a full page of foolscap paper. I mention this for the purpose of calling the attention of the government to the position of those employees who are now in contact with the outer world—with speculators, with foreign governments and universities—and who are frequently tempted by offers of much higher remuneration than they receive here to leave the service of our government. We should try to keep those men here. They are not like ordinary employees. In most cases, where dismissals have occurred, it has been found very easy to fill vacancies, but those skilled officials, possessed of technical knowledge, are not easily replaced. We cannot blame them when they are offered much larger remuneration than they receive here if they sever their connection with the department. The country suffers by the loss because it is not the first comer, or even the first geologist, who is competent to replace a man who has been in the service for ten, fifteen or twenty years and who is conversant with special localities where he can be of great service to the country. The services of a newly arrived technical officer, equally competent in general geology, would not be in such localities as valuable. The following is a list of employees who have left the Geo-

logical Survey to seek for more remunerative positions :

PERMANENTS.

J. B. TYRRELL, left in 1899, whose salary was $1,850. Is now consulting engineer at Dawson, Yukon.

WALTER FERRIER, left in 1898, salary $1,600. Is now manager of a mining company at Rossland, with a salary of about $3,000.

Mr. COLE, 1898, now assistant manager of a mining company at Rossland.

H. P. BRUMELL, 1895, salary $1,262, now manager of a mining company at Buckingham, in the province of Quebec.

Dr. F. D. ADAMS, 1889, salary $1,400. Now professor at McGill University.

Dr. A. C. Lawson, left in 1889 also. Now professor in the California University. Had a salary of $1,200.

A. BOWMAN, 1889. Salary also of $1,200.

M. A. C. COSTE, left in 1888. Had a salary of $1,850. The two latter have started on their own hooks.

TEMPORARY EMPLOYEES.

H. N. RUSSELL, assistant geologist, now manager of a mining company near Denver, Colorado; D. I. V. EATON, now in Kingston; M. FOSTER, now mining expert for Vanderbilt, New York, where he gets $5,000; Mr. A. BOYER, now an engineer in the Public Works Department; Mr. J. A. ROBERT, now in business in Montreal; Mr. KENDRICK, who acted as chemist here and is now professor and analyst in Winnipeg, where he derives a large salary; Prof. SPENCER, who is now in an American university; Dr. B. J. HARRINGTON, now professor at McGill University, where he is well remunerated; Mr. WM. LAWSON, now manager of a mining company.

This shows that we are losing the services of very valuable men, and why? For no other reason than that their services are not adequately remunerated. I make no plea for the employees, but I mention this fact as incidental to the museum, because it is very important that we should retain our technical men and not let them go to other places where, of course, they get larger salaries. They would, on an equal or even smaller salary, remain here, but when the discrepancy is great and the offers made to them are large, of course they leave. For example, I made a comparison of the salaries that officers occupying similar positions in the United States survey get, and I find that they are about twice as large as the remuneration our employees receive here. The work is identical. The requirements of the fisheries are the same and if we wish to retain our best men in the service I again remind the government that they should be well paid. I suppose they are like other employees. Before leaving they apply for an increase of salary, and when the government find that those increases are reasonable, as in many cases they must be, they should be offered inducements to remain. We should, in the matter of mines and in all matters concerning Ottawa, look out for the future of our country. The Premier, Sir Wilfrid Laurier, stated that he would make Ottawa the Washington of the North. It is desirable that Ottawa should be made the Washington of the North or a fine city at all events. It will necessarily be a large city, but for the three years these gentlemen have been in power I have looked in vain for anything like a Washington here. The museum to be erected should be a large building, suitable for the present time and for future generations, because what is being built now should be built in such a way that it would serve the purpose of the country for half a century or a century hence. Remember the policy of the Romans when they built their city. They felt that they were building for all time. Let us build in the same spirit, because our Dominion is making such strides that before long we will find that the city of Ottawa will, by force of things, become in fact a Washington of the North. Already we find that hosts of citizens are coming to us from other countries. We find that the Galician and Doukhobors and Finns, are crowding our hon. friends from Wolseley (Mr. Perley) and Marquette (Mr. Boulton) from the North-west. Every appearance of prosperity is before us. We should, therefore, in constructing permanent buildings in Ottawa look forward to those future requirements.

Hon. Mr. ALMON—This House is under a debt of gratitude to my hon. friend, the member for L'Acadia, for having brought the need of a museum so forcibly before the government. I am more interested, however, in the archives. The archives were kept for a long time in an underground room in the western building. If you wanted to go down to see it you had to pass through a badly lighted entry, full of old packing boxes, and when you got in there you found it was damp, and in the early winter there was a snow bank in front of the windows, which continued until late in the spring. It was unhealthy for the persons who were there, and certainly for the very archives themselves it was a great detriment. It was musty and damp. That was fortunately removed. I take credit to myself for having brought the matter before the House, and I

hope the archives will be put in a proper place. My hon. friend informs me they are put in different rooms, and not accessible, as they ought to be, to members. I am certain if they were in a proper place and members of the House knew the value of them, they would visit the place oftener and encourage the persons who have charge of them to take more pride in their work and keep them in better order. The necessity of keeping the archives is illustrated in Nova Scotia. I remember meeting a Mr. Fuller, a book man, coming down the street and he says, "Doctor, do you know what I have in my hand?" I said "No." And he says "I have a letter from Washington to the Governor of Nova Scotia." I said "Where did you get it?" He says "I saw it in the provincial secretary's office, and he told me I might have it." There is another case, the original survey of the Mason and Dixie line, separating the north from the south. The original of that survey was in the museum of the House of Parliament in Nova Scotia. Mr. James, secretary of the House, took it to the exhibition in Philadelphia and sold it for $600. He said it was given to him, but who had a right to give it to him, I do not know. Those are two instances that came to my own notice, and there are, no doubt, a great many others. I do not say that anything of that kind has happened here, because I understand that Mr. Brymner had always taken great care of these things, but, at the same time, he was so wedded to the underground place, that it kept them there. I am glad the matter has been brought before the House. I have no doubt the hon. Minister of Justice will see that these things are taken care of.

Hon. Mr. MILLS—The first question put by the hon. member, as to whether it is the intention of the government to commence this year the erection of new buildings for the Geological Museum, I am unable to answer at this moment. The subject is under the direction of the Minister of the Interior, and the hon. gentleman will no doubt be fully informed before the session proceeds much further. He asks also if space will be reserved in the building for the Dominion archives which are now scattered in three or four different places. Of course it is very desirable that some one convenient location where these archives will be protected against the possibility of destruction by fire shall be found. I have myself always felt a great interest in the museum and in the preservation of the archives. I think it was while I was Minister of the Interior, a good many years ago, that the museum was moved from the city of Montreal to Ottawa, because it was a very important branch of the geological department. A building was subsequently acquired for the purpose of a museum which has served the purpose for a great many years, although having been constructed for another and different object. It is not, perhaps, the best building for that purpose. A museum ought to be erected in some place where there is abundance of light and where it is far away from highways, so that the specimens which are collected will not be affected by the dust. Most museums are constructed without any impediment from the top of the building to the basement, and whenever a building comes to be constructed it will require to possess those characteristics. A building is necessary. The present building is not sufficiently strong to make it perfectly secure because the collection of a large number of specimens in a building is a tremendous weight upon it, and it requires to be constructed with special reference to that fact. The hon. gentleman will get the information later, when His Excellency will, if called upon, ask the House for the necessary appropriation. With reference to the preservation of the archives, it is a question which has often been considered whether they ought not to be placed in connection with the library of Parliament. Our library is too small even for the present purposes, and whether there ought to be an attempt made to extend the building or whether it would not, on the whole, be cheaper to erect a large library building on the site where the present library stands, is a matter which Parliament no doubt will at no distant day consider.

Hon. Sir MACKENZIE BOWELL—That cannot be.

Hon. Mr. ALLAN—You do not mean to destroy the present building?

Hon. Sir MACKENZIE BOWELL—You cannot build another.

THE POST OFFICE AT SOUTH BAY.

INQUIRY.

Hon. Sir MACKENZIE BOWELL rose to inquire of the government:

Whether Mr. W. H. McLean, of South Bay, in the county of Prince Edward, Ontario, has been dismissed

from the office of postmaster, and if so, the reason for said dismissal, and upon whose suggestion or recommendation such dismissal was made, and who has been appointed to fill the position made vacant by such dismissal?

Hon. Mr. MILLS—In reply to the inquiry of my hon. friend, I may say that Mr. W. H. McLean, late postmaster of South Bay, was not dismissed from that office. A re-arrangement of the mail service having been made by which the service of South Bay was increased from semi-weekly to daily, and that of the two offices between South Bay and Point Traverse increased from semi-weekly to tri-weekly, it was found necessary to remove the South Bay post office to a more convenient site. As a result of this change in the location of the office, a change in the postmastership became necessary and a successor to Mr. McLean was appointed. The change in the mail service referred to was recommended by Mr. W. V. Pettet, M.P., and approved by the inspector. Mr. W. H. Whattam is the name of the new postmaster of the office.

Hon. Sir MACKENZIE BOWELL—I do not suppose the hon. minister is in a position to say whether, finding it necessary to make the changes referred to, Mr. McLean was offered the position if he would remove to that locality.

Hon. Mr. MILLS—I am unable to inform the hon. gentleman. I can only give the information which was furnished me.

DISMISSALS FOR PARTISANSHIP.

Hon. Sir MACKENZIE BOWELL 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 Senate, the names of all commissioners appointed by Order in Council or otherwise since the 9th April, 1897, to inquire into and report upon charges preferred against any employee of the government, whether permanent or temporary, of offensive partisanship, or of any misconduct whatever.

2. The reports of said commissioners, or of commissioners previously appointed, not already brought down, and a statement showing the action taken by the government thereon.

3. The amounts paid each Commissioner since the 9th April, 1897, in fees, *per diem* allowance, travelling expenses and incidentals of all kinds.

4. The names, ages, offices and salaries of all employees in the inside or outside service of the government, whether temporary or permanent, who since the 9th April, 1897, have been removed from office by dismissal, superannuation, or otherwise, whether on a report of a commission or otherwise, specifying in each case the grounds of dismissal, and the amount of superannuation or gratuity granted, if any; also, the age, office, salary or remuneration of any and every person appointed in the place of, or as a consequence of every such removal.

He said:—This is dated from the date of the last return which was brought down, and will make the return complete when we have it before us.

Hon Mr. MILLS—There is no objection to the address.

The motion was agreed to.

SANITARY CONDITION OF DAWSON.

INQUIRY.

Hon. Mr. MACDONALD (B.C.) rose to inquire:

If any orders have been issued by the government for the improvement of the sanitary condition of Dawson City, in the Yukon district?

He said:—I suppose the members of the government have heard about the prevailing sickness at Dawson City, as well as I and others have heard of it, and I hope something will be done shortly to improve the sanitary condition of that place. All accounts agree as to the sanitary condition of Dawson City. The government are receiving large revenues from the Yukon district, and should do something towards improving the sanitary condition,

Hon. Mr. SCOTT—The sanitary regulations of Dawson City is under the control of the commissioner and council of the district, who are provided with sufficient funds to carry out such work as may be necessary. No special instructions have been issued because none are required. They fully appreciate the importance of the matter and we have been so advised.

Hon. Mr. MACDONALD (B.C.)—I am very glad to hear it.

IMPERIAL LIFE ASSURANCE CO.'S BILL.

SECOND READING.

Hon. Sir MACKENZIE BOWELL moved the second reading of Bill (G) "An Act respecting the Imperial Life Assurance Company of Canada."

He said:—I might explain that the provision in this bill is simply asking for further loaning powers. The loaning powers granted to this life insurance company are much more limited than those of any other company,

and considering the difficulty of investing surplus funds which they have in hand at the present time, which difficulties did not exist in years past, it is found necessary in the interests of the company that they should have their powers extended. The matter, I dare say, will be fully discussed before the Committee on Banking and Commerce, when further reasons can be given. I can only add this, that taking the Canadian Life Assurance Company, their powers are almost unlimited. The Sun Life of Montreal is also in the same position. These two companies are the most successful life assurance companies doing business in Canada; and, perhaps I might say, almost on the continent, and while they have these large powers they have been enabled to invest their money in the interest of stockholders as well as of the policyholders. If hon. gentlemen have paid any attention to the powers given to the most successful life companies in England and in Scotland, they will find they have not been restricted in the manner that some of our companies, particularly life companies, are in this respect. I shall not occupy the attention of the House further in giving reasons for asking for these extended powers, they can be more fully discussed before the committee. What the Imperial Life Company ask is that they shall be placed in as favourable a position as are other companies which have been most successful. I may also add this piece of information, although it is not information to those who have paid attention to the monetary institutions of the country, that some of the loan companies which have been most restricted in their operations have been the companies that failed. I do not attribute that so much to the law under which they were carrying on business, as to the dishonesty of those who were conducting them. In all those companies the character of those connected with them will have much more to do with their success in the future than any law under which they may act. The Canada Life is the best possible evidence of that, as is also the Sun Life in Montreal.

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

THE PACIFIC CABLE.

Hon. Sir MACKENZIE BOWELL—I should like to call the attention of the Minister of Justice and Secretary of State to a report which has been published in reference to the action which the Imperial Government proposes to take in aid of the construction of a Pacific cable between Canada and Australia,

The report which I hold in my hand, as having been cabled from London, on the 27th inst., says:

London, April 27—The *Times* announces this morning that the British Government has decided to contribute an annual subsidy to the full amount reported in the report of the Pacific cable committee of 1896, for the construction of a Pacific cable from British Columbia to Australia.

I may add, before reading further, that the committee of 1896, of which I was a member, made no recommendation whatever, as to the manner in which the cable should be constructed; probably the reference is to the committee of 1897. The despatch continues:

After expressing its satisfaction with the government's decision, the *Times* says: "It is not obvious why the Government have decided to pay a subsidy instead of joining on the same terms as Canada and the colonies. The subsidy method seems to involve foregoing all share in the probable profits, as well as the right of nominating commissioners in case the line pays, and the subsidy should no longer be required. If there be any alarm as to supersession by wireless telegraphy that scare may be dismissed, as the new system does not promise to bridge vast space.

On the 26th, another telegram was sent:

London, April 26.—At the semi-annual meeting of the Eastern Telegraph Company to-day the Marquis of Tweeddale said he believed that by international law the United States government was bound to recognize the company's concessions in the Philippine Islands and to take up the undertakings of Spain in this connection. He added that negotiations on the subject had been opened, and the company expected a reply shortly. Their relations with the United States authorities in the Philippines, he explained, were most satisfactory, and he was glad to say, relative to the various proposed cables connecting the United States with Australia and Canada with Australia, the various governments were still considering the questions, which were expected to be settled within six months.

In addition to this, information has been received that the Eastern Extension Cable Company have called their agent home from Australia to consult upon this very important question. From what has transpired it is quite evident that the Colonial Secretary, The Right Hon. J. Chamberlain is favourable to the all-cable route upon British territory alone. Whether his opinions are to be set aside by the extraordinary influence which we all know the Eastern Extension Cable Company possesses in Europe, remains

to be seen. The system which, if this report be true, the Imperial Government desires to adopt, will certainly delay the further consummation of this project for many years to come. Those who have looked into the question cannot but come to the conclusion, that the Eastern Extension Company's various ramifications in Europe, and in England especially, are of such a character that they are dangerous to any enterprise which may be suggested that would interfere with the monopoly they have at present over Pacific cable communication. I have given some attention to this subject, and have been surprised at the apparent apathy—unless there is something behind it—of the Australasian colonies on this question. They are the people who are bled in connection with this monopoly. The charges from Australasia to Europe, and particularly to Canada, to reach which they have to go round three-fourths of the globe, are exorbitant. I know also that the Eastern Extension Company, through the late Sir John Pender, represented to our own government in Canada that they never had received any subsidies to aid them either in the construction or the carrying on of their work. If any hon. gentlemen desire to be better informed on that question I would refer them to the report which was prepared in reply to that statement by the late government on the subject, in which it was shown conclusively that that company have been largely subsidized—that they have spent over five million dollars in the extension of their lines, and that they have to-day a reserve of between five and seven million dollars, extracted from the pockets of those who have had to use their cable. Its importance to Canada is this, that in order to increase our trade with the Austalasian colonies or any of the Pacific Islands, it is absolutely necessary that we should have cable communication. The old adage was that trade followed the flag. That may be true to a certain extent to-day, but you cannot carry on trade in modern times, successfully, unless you have cable communication with the different parts of the world. As an Imperial question, it is of the highest importance that England should be able to communicate with all her colonies without having to send messages through any foreign country or over any foreign cable. The Right Honourable Secretary of State for the Colonies, I think, fully appreciates this fact, and also the war department, over which the ex-Governor General of Canada, Lord Lansdowne, presides. Why this change should take place I cannot understand; but we do know that every step that can possibly be taken by those who are interested in the Eastern Extension Cable Company will be thrown in the way, in order to frustrate any attempt which may be made by Canada, Australia, or even England itself, and the influence of the company is so great that I very much fear that Imperial interests, as well as colonial interests, will be sacrificed in the interest of this great monopoly. Many people say that this is more an Imperial than it is a Canadian question. I differ from those who take that position. To my mind, that which is Imperial is also in the interest of Canada; that which is Canadian should be considered as Imperial; Canada being an integral part of the British Empire. We should act in unison on questions of this kind. I only hope that the government, having taken the steps which it has, in asking Parliament for an appropriation to aid in the construction of this great work, which, I repeat, is of vital interest, particularly to the Pacific province of British Columbia, as well as to this part of the world, will make strong representations to the colonial office and to the Imperial Government as to its necessity, not only from an Imperial standpoint, but from a Canadian standpoint as well, in order that the influence of the monopoly to which I have referred may be counteracted. I have a number of extracts in my desk which I intended to lay before the House, but I do not deem it necessary to occupy the time of the House at the present moment in bringing them forward. There is one point that struck me forcibly in an article in the *Bullionist* of London, in which the writer argues strongly in favour of the construction and laying of this cable; among other things it points out that the contribution which is being given, or which is promised, by the Canadian Government for the construction of this cable connecting the Pacific colonies with Canada is of infinitely more importance to England and Imperial interests, than the offer which has been made by one of the Australian colonies, to put a man of war, at their own expense, at the disposal of the Imperial Government. It goes on to show that while the expenditure connected with the maintenance

of a man of war, no matter of what size or how much it would cost, would not be of so great interest to England in case of trouble with other countries, but that the fact of the war department of England being able to communicate instantaneously with the different parts of the empire, saving as it would largely in the expense of carrying on the operations of any war. That is a point that has not been brought out so strongly before, either by those who have advocated the construction of the cable in Europe or in Canada; but those who will reflect for a moment will see the importance of that statement made by the *Bullionist*, and we know, further, that the facilities for transporting troops and munitions of war are just as important as having either the fleet or having men belonging to the regular army; and that the facilities which are offered for such a purpose are a very great saving in the carrying on of operations of that kind. There is another singular thing connected with this cable, and it shows that there is an extraordinary influence even in the Colonial Office itself upon this question. When I had the honour of being appointed by the late government to proceed to Australia to discuss trade questions and to consult with the different Australian Governments upon the feasibility of laying the cable, a few days after the colonial office had been informed of the action of the Canadian Government in these particulars, despatches were sent to each of the colonies of Australia, transmitting to them old reports which had been made years and years before, pointing out not only the impracticability of this route but that its enormous cost would be such as to make it almost impossible for governments or individuals to lay the cable on account of the great distances that would have to be stretched between the different land points along the route. When Mr. Fleming and myself went to New South Wales to discuss this question, the first thing we were met with was these despatches. We went to Queensland, we found the Premier and the Postmaster General with these despatches ready to lay before us, and in Victoria precisely the same thing. The question arises how or why should these have been sent under such circumstances? Again, when I moved for papers, a few days ago, it was not known that an agreement had been entered into between the Colonial Office and the Telegraph Extension Company, which was inimical to Canadian interests. What called my attention to it was an article in the Toronto *Globe* a short time ago, making the statement that such a document was in existence of which we, the outside world, knew nothing. As long ago as 1893, while we were negotiating with the colonies, the Imperial Government had entered into an agreement with the Eastern Extension Company, by which they were to have the sole right of laying a cable extending it from Australia to Hong Kong; and, more than that, Canada is specially excluded from the right of landing upon the shores of Hong Kong, unless done within a certain number of years. After that, if permission is given to Canada to lay a cable between this part of Her Majesty's Dominion and Hong Kong, the Imperial Government, or somebody else, will be bound by that agreement—that is, if the statements as I have pointed them out and as they are indicated in the *Globe* be correct—will have to pay an enormous sum in order to obtain the right from this company. The present scheme of the Eastern Extension Company is to extend their line from probably Queensland or New Caledonia where they have a line connecting that with Queensland at the present time, to the Philippine Islands, and from that to Hong Kong and via San Francisco to Europe, thereby cutting off Canada altogether; and just so long as they can maintain the monopoly that exists at the present moment, just so long will Canada be deprived of being the centre of the great highways and the benefits which would accrue to this country from such cable communication. Another significant fact, is, if newspaper statements be correct, a late Under Secretary of State for the Colonies is a director of the Eastern Extension Cable Company, also president of the Telegraph Construction and Maintenance Company. It would be improper to suppose that these facts have had anything to do with what has transpired, but that undue influence has been exercised is beyond a doubt. I have taken the liberty of making this statement with the hope that the government will not be remiss in their duty, at least in calling the attention of the Colonial Secretary to the importance of it not only as an Imperial work but as a colonial work, and to break up, if possible, the monopoly which is enjoyed by the Eastern Extension Company. The more I have studied the matter the more I consider it of

importance to this country. Not only should we be connected with the Pacific colonies but we should be connected with all the West India Islands by a cable from Halifax to Jamaica, and with all the islands with which we have any trade. If we expect to build up an export and import trade with these colonies, we should be connected at the earliest possible moment with every part of the empire. It is a matter of great importance that the Imperial Government and the people of England should know that we fully understand the influences that are at work in England used by this company to which I have referred, and that we shall try to break up that monopoly in the interest of the empire as a whole and more particularly in the interest of Canada.

Hon. Mr. SCOTT—Answering the question which the hon. gentleman has put after reading the extract from the *Times*, I am in a position to say, and I regret to say, that the main features of it are correct. I am unable at present to give him any further details, but the proposal now made by the Imperial authorities is in the nature of a subsidy and not as co-partner in the original arrangement. That has been proposed for several years and that is the proposal that was accepted. I notice in the report made by the Imperial committee that the original arrangement was based on the assumption that Great Britain and the colonies would be joint owners of this cable. In regard to the ownership, the committee which was composed of the Rt. Hon. Earl of Selburne, who represented Great Britain, who was the chairman, Lord Strathcona and Mr. Jones of Halifax representing Canada and the other gentlemen represting the different colonies, say :

> The committee are of opinion that the cable should be owned and worked by the governments interested. In arriving at this conclusion they would not undervalue the importance of allowing all commercial undertakings to be carried out wherever possible by private enterprise and assisted by government and in the present case there seems to be no probability that private capital will be forthcoming for the purpose of laying a Pacific cable without a larger subsidy than the governments interested in the project would be prepared. If government assistance in some form or other is necessary, the committee think that a scheme under which the cable should be constructed and owned by the governments interested is much to be preferred than a private company working under a government subsidy.

Since the time of that report public opinion has pointed strongly—more particularly in view of those who advocated the ultimate federation of the empire and who look to the unity of the empire—in the direction of a joint Pacific cable. It was considered essential. I regret much that should be departed from. I am unable to give the details at the present moment, as we have not got them in full, but from the advices that we have received, I believe, in its main features, the report in the *Times*, which the hon. gentleman has read to the House, is correct, and when the hon. gentleman gave notice a few days ago for all the papers connected with the subject, that had passed between the parties interested during the last twelve months, I had them collected with a view of placing them on the table. However, he did not press the motion on that occasion and if he desires now, I shall be very glad to lay them on the table. Among other papers I am able to lay before the House the agreement which was made in October, 1893, to which he has adverted, and which fully bears out all the statements made by the hon. gentleman under which it was quite apparent that the Eastern Extension Company had secured monopoly clauses that were quite at variance with the rights and privileges that the colonies should claim. This company was practically to get a monopoly, and so tightly was that drawn that under article five, which I will read, it is provided that :

> Nothing in this agreement shall affect the right of Her Majesty's Government to grant to the government of the Dominion of Canada, or of any colony in Australia, permission to lay or cause to be laid a submarine telegraph cable connecting Hong Kong with Canada or Australia, provided such connection between Canada and Australia be completed within five years from the date of this agreement.

That is certainly an extraordinary provision to be inserted in the document. It is signed by Lord Ripon. It will be a matter of surprise to the people of Canada to know that Canada has been excluded from the privilege she would have a right to claim. It is a matter of great regret, and there will be, no doubt, in Canada a very emphatic expression of opinion not at all flattering to those who have been promoting the Eastern Extension Company. I fear that all the criticisms the hon. gentleman has expressed on the floor of the House in the main are true. I am not in as good a position to speak as he is, because he has been intimately connected with the enterprise for years and made a voyage to

Australia in support of it. He knew the obstacles he had to meet with there and he knows those obstacles have been thrown in the way of the enterprise year by year. They represent financial strength equal to what the hon. gentleman has described, and it will be a matter of very great regret for all time to come—because if it is not done now I do not believe in the future it will be carried out. If it is not accomplished now, it is on the cards that the Eastern Extension Company may form an alliance with the American Company and build a cable from San Francisco, taking in those islands. The American interests centre there; and Canada will be for ever cut out from the interest and share she should possess in this enterprise which will have so much to do with the future development and growth of the British Empire.

Hon. Sir MACKENZIE BOWELL—I am much obliged for the statement the hon. gentleman has made, and I hope he will lay that document on the table.

Hon. Mr. SCOTT—I have the report of the commissioner, which was never produced before. The seal of confidence can now be removed from it.

Hon. Sir MACKENZIE BOWELL—I notice the portion of the report to which my hon. friend referred was dated in 1897. That was the result of the negotiations carried on by Lord Strathcona, high commissioner, and Mr. Jones, of Halifax, assisted by Mr. Fleming, who was there. The extract which I read refers to some report of 1896. That would be the report which was made by Lord Strathcona and myself when we were commissioners in England. That is why I said no report had been made at that time, indicating a basis upon which the work should be constructed. I see now it is only a mistake, probably of the *Times*, in stating 1896.

Hon. Mr. MILLS—The more the document is examined, the more grave it will appear, because I apprehend that for 100 years there has been nothing more seriously done under Imperial authority affecting colonial interests than the attempt to create a monopoly and restrain and cripple the commercial growth of this country. I will not venture to discuss the subject at the present time, but the legislature of Canada and the people of Canada cannot too seriously consider the subject. There are some things that are impossible that this country can afford to have done, and it seems to me that the compact set out in that document comes very close to that border.

Hon. Sir MACKENZIE BOWELL—I do not think there will be any difference of opinion on that question.

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, 17th May, 1899.

The SPEAKER took the Chair at Eight o'Clock.

Prayers and routine proceedings.

A CORRECTION.

Hon. Mr. BELLEROSE—Before the orders of the day are called, I ask permission to refer to an incident which occurred in the Senate on the 27th April, on a motion which I made asking the House to concur in the first report of the Committee on Debates. The Hon. David Mills is reported to have asked me on that occasion the following question, "He is not a gentleman who has been removed from the staff of the other House?" I am reported to have said "No." This answer of mine was not correct. My excuse is that I did not evidently catch the question of the hon. minister. The House will recollect that, at the very moment when the question was put and I gave the answer, the hon. leader of the opposition Sir Mackenzie Bowell rose in his place and called the attention of the minister to the fact that the minister was speaking in too low a tone of voice, and to speak louder, in order that the House might understand what he said. Add to that hon. gentlemen that the House was at this very moment quite noisy. Under such circumstances, it is not extraordinary that I should misunderstand the question and answer as I did. Had I understood the question, I could not have made such a reply, knowing, as I knew then, and as I have known for some time past, that Mr. Bouchard had been employed in the other House and dismissed. I have been many

years in this House and in public life, and have never been accused of saying anything that was not according to the truth. I could not, therefore, let the circumstance pass without putting myself right before the House, and particularly before the Minister of Justice, who is certainly one of the last hon. gentlemen in the House to whom I would give offence by giving them a misleading answer.

Hon. Mr. MILLS—I might say, in reply to my hon. friend, and for the information of the House, that as soon as my hon. friend discovered what my question was he came to me and stated that his answer was erroneous. I am perfectly sure that the House will believe the hon. gentleman when he stated that he misapprehended my question, and was led to giving an erroneous answer. I have no doubt whatever about that, and am perfectly sure my hon. friend would not seek to mislead any one in a matter of this kind.

BILLS INTRODUCED.

Bill (2) "An Act to amend the Criminal Code, 1892, so as to make more effectual provision for the punishment of Seduction and Abduction."—(Mr. Vidal.)

Bill (19) "An Act to amend the Act respecting works constructed in or over navigable waters."—(Mr. Macdonald, B.C.)

Bill (98) "An Act respecting the Cobourg, Northumberland and Pacific Railway Company."—(Mr. Kerr.)

Bill (35) "An Act to incorporate the Edmonton and Slave Lake Railway Company."—(Mr. Clemow.)

Bill (29) "An Act to incorporate La Compagnie du chemin de fer de Colonisation du Nord."—(Mr. Landry.)

Bill (46) "An Act to incorporate the Arthabaska Railway Company."—(Mr. Drummond.)

Bill (66) "An Act respecting the Lindsay, Bobcaygeon and Pontypool Railway Company."—(Mr. Dobson.)

Bill (45) "An Act to incorporate the St. Clair and Erie Ship Canal Company."—(Mr. Lougheed.)

Bill (25) "An Act to confirm an agreement between the Canadian Pacific Railway Company and the Hull Electric Company."—(Mr. Clemow.)

Bill (13) "An Act respecting the Home Life Association of Canada."—(Mr. Casgrain.)

Bill (28) "An Act respecting the British Columbia Southern Railway Company."—(Mr. Lougheed.)

Bill (7) "An Act to incorporate the Yale-Kootenay Telegraph Company, Limited."—(Mr. Clemow.)

Bill (27) "An Act respecting the Richlieu and Ontario Navigation Company."—(Mr. Landry.)

Bill (34) "An Act respecting the Pontiac Pacific Junction Railway Company."—(Mr. Clemow.)

Bill (12) "An Act to confer on the Commissioner of Patents certain powers for the relief of George L. Williams."—(Mr. Clemow.)

Bill (70) "An Act respecting the Bronsons and Weston Lumber Company, and to change its name to the Bronson Company."—(Mr. Clemow.)

Bill (11) "An Act to confer on the Commissioner of Patents certain powers for the relief of Thomas Robertson."—(Mr. Cox.)

Bill (67) "An Act respecting the Welland Power and Supply Canal Co., Ltd., and to change its name to the Niagara-Welland Power Co., Ltd."—(Mr. McCallum.)

Bill (26) "An Act respecting the Columbia and Western Railway Co."—(Mr. Lougheed.)

Bill (21) "An Act respecting the Canadian Railway Accident Insurance Co."—(Mr. Clemow.)

Bill (43) "An Act respecting the Canada Southern Railway Co."—(Mr. Lougheed.)

Bill (23) "An Act respecting the Alberta Irrigation Co., and to change its name to the Canadian North-west Irrigation Co."—(Mr. Lougheed.)

Bill (47) "An Act respecting the Brandon and South-western Railway Co."—(Mr. Kirchhoffer.)

Bill (14) "An Act respecting the Quebec Steamship Co."—(Mr. Landry.)

Bill (17) "An Act respecting the Ottawa and Gatineau Valley Railway Co."—(Mr. Clemow.)

Bill (8) "An Act respecting the Atlantic and North-west Railway Co."—(Mr. Lougheed.)

THE LATE SENATOR BOULTON.

Hon. Mr. MILLS—Before the orders of the day are called, I beg to refer to an event that is one of melancholy interest to us all. When we adjourned there was with us an hon. gentleman, a member of this House, who is no longer with us. I refer to the late senator from Shell River, who had for several years been a distinguished member of this body, Senator Boulton. That hon. gentleman was for a long period of time engaged in the public service. He entered the service at an early period of his life as an officer in the 100th Regiment. He served Her Majesty with distinction and rose from the rank of ensign to a higher office as an officer of that regiment. Upon retiring from it he went into the North-west Territories and there took an active part in upholding British authority. When the first rebellion occurred there he threw his influence and his abilities on the side of the maintenance of law and order. Subsequently he took an active part in the municipal affairs of that part of Canada. He wrote a very interesting account of the condition of things in that country when he first went there, and of the steps that had been taken to satisfy the people who were disposed to distrust the government of Canada, and to establish quiet amongst the earlier inhabitants of the Red River Valley. Mr. Boulton was honoured by the Crown in being called to this chamber, and hon. gentlemen know that he always took an active interest in the proceedings of the Senate and in the conduct of public affairs. We may not all of us have agreed with the views which he entertained on public questions. He was something of a student, and on many matters of public interest he took perhaps rather the view of a student—an academic view—than that of one engaged in practical politics; but the questions which interested him he studied with care, and as a member of this body, as a member of the committees of this House, he was attentive to his duties, and as active in the discharge of them as perhaps any hon. gentleman who sat in this Senate. When we parted here at an earlier period of this session the hon. gentleman was at that time in excellent health and spirits, and those of us who intended to return here, expected to meet the hon. gentleman in this chamber. Perhaps there was no member of this Senate who had before him a fairer prospect of long life than the late hon. senator from Shell River. We shall meet him here no more. He has been unexpectedly called away. While it was yet day his sun has gone down. The last night—the long night—has settled upon his career, and I would move, hon. gentlemen, that out of respect to his memory this House do now adjourn.

Hon. Sir MACKENZIE BOWELL—I rise for the purpose of seconding the motion which has been made by the hon. Minister of Justice. I do not know that I could add anything to what the hon. minister has already said in reference to the hon. senator whom we shall meet no more. All of us who have had the pleasure and the honour of his acquaintance must have formed a very high estimate of him, not only as a public man, but as a private citizen. The courteous and thorough manner in which he always treated every subject brought before the House, showed that he was in fact not only a student, but that he had imbibed what we would consider somewhat advanced opinions as to what should be the correct policy of any party governing the country. Those who knew him and his family, will deeply regret that the country should have lost so prominent a member of the Senate at so early a period of his life. I do not know that it would be improper at this moment to refer to other members of the Senate who have departed this life since the last session of this Parliament. We have been singularly unfortunate in losing some of the older members of the Senate, as well as some of those who have not been so long members of this body. Since the last sitting of Parliament we have lost, including Senator Boulton, no less than four of our members. First among them was the Hon. Mr. De Blois, a representative of one of the oldest and most respected of the French families in the province of Quebec. He was in every sense of the word a gentleman, in his demeanour and his intercourse with his fellowmen. We also lost a very old and respected member of the Senate in Senator Macfarlane, who was appointed to this chamber soon after confederation. He was an ardent advocate of the union of

the different provinces. He lent all the aid he could to bring about confederation, and occupied a very prominent position in his own province, and while his health permitted, took an active and intelligent interest in all affairs of state. We have also lost a young and active member in the person of Senator Adams. He occupied in his own province a prominent position, having been a member of the New Brunswick Government. Those who knew him could not but respect him for the intelligence which he displayed on every subject he attempted to discuss, and on any matter which he thought of interest to his own province and to the country generally. These are losses deeply, from a human standpoint, to be deplored. They only show us how uncertain life is. The hon. Minister of Justice pointed out that when the hon. gentleman from Shell River left us, about three weeks ago, at the adjournment, there was no one amongst the whole of us who to outward appearance would have been accepted as one who was likely to live for many long years. I deeply deplore the loss of the hon. gentleman to this body, as well as the loss of those other members to whom I have referred.

Hon. Mr. ALLAN—Before the motion is put, I desire to be permitted to add a few words to the expressions of regret which have fallen from the hon. mover and seconder of this resolution with reference to the very unexpected loss which this Senate has sustained in the death of Senator Boulton. I am sure that there is but one feeling of regret in this House at the hon. senator's sudden removal from amongst us, more particularly amongst those of us the older members of the House, who have been associated with Senator Boulton for nearly ten years, since his first admission to the Senate. There are many of us, no doubt, who differed very much from some of the views on public matters which Colonel Boulton advocated, but I do not think there is any member of this House who does not believe that on all occasions he was actuated by a spirit of honest sincerity in the views which he took on public questions, and in the opinion which he advanced in this House with so much ability and so much clearness on very many occasions. Another matter to which I cannot help alluding is the pains which Colonel Boulton took, and which I think may well be imitated by all of us, to inform himself thoroughly on all subjects which he brought before this House. His industry was immense, and he spared no time or trouble to thoroughly get, as he thought, at all the facts connected with the different subjects which came up for discussion in the Senate. Allusion has already been made to Senator Boulton's career as a soldier. As the hon. Minister of Justice has said, he first entered military life an an ensign in the Royal Canadian 100th Regiment, and after serving Her Majesty in different parts of the world, and attaining the rank of major retired from the army and, returning to his native country, subsequently went to Manitoba, where from the first he took an active part in the affairs of that province, and it will be remembered that when the rebellion of 1885 broke out, he organized a corps known as Boulton"s scouts, which did good service during that eventful period. I cannot help recalling an incident connected with Senator Boulton's first appearance in the Senate where he took his seat, in 1890. He was asked by the government of the day to move the address in answer to the speech from the throne. He followed the custom which, as hon. gentlemen well know, is one which is generally followed in the British Parliament, of the mover and seconder of the address appearing either in uniform or court dress. Colonel Boulton appeared here in his uniform in moving the address, and I well recollect what was said by an old and very much respected member of this House, long since dead, Hon. Mr. Haythorne, a member from Prince Edward Island, of how much pleasure it gave him to see the British uniform in this House, and to know that the wearer of that uniform had worthily served Her Majesty in other countries as well as in Canada. We all feel, I am sure, that in the death of Senator Boulton we have lost a man who, in every sense of the word, was a gentleman, who followed out his convictions honestly and conscientiously; and when his opinions might possibly have become more matured as he continued in public life, would have been an increasingly valuable member of the Senate and, I have no doubt a most useful man to the country. I desire to add my own expressions of most sincere regret, both for the loss of the senator himself and for the sorrow and grief which his untimely death has brought on his wife and family and all connected with him.

Hon. Mr. SCOTT—I wish to express my concurrence in all that has fallen from the hon. senator from Toronto who knew Senator Boulton well for many years. I also had the pleasure of knowing him for a long time, and of knowing, though I did not always concur in his views. Senator Boulton occupied a very unique position in this House. A very ardent and warm Conservative, he yet differed from his party on a most important question, and while very many gentlemen did not concur in the views he expressed, yet it must be conceded that he fortified his arguments always by apt illustrations which his study of the subject of free trade had given him facility to quote at any moment. Senator Boulton came from a very distinguished family in Upper Canada. The Boultons occupied high positions, both on the bench and at the bar, in the legislative halls, and in every way were probably one of the leading families of the old province of Upper Canada. One member of the family was a Chief Justice in the Island of Newfoundland. The late John Boulton, and his namesake, was at one time mayor of Toronto. They filled positions of very great distinction in the gift of the people of Canada. While we here express our great regret at the sudden taking away of Colonel Boulton let us also add a word of sympathy to those who will miss his presence for many long years, the family of which he was the head, the bread winner for the afflicted family that he leaves behind him. They are entitled to our deep sympathy at the present moment. Few members left this House under more painful circumstances than the late Colonel Boulton, leaving us in the full vigour of life less than three weeks ago; to-day he is buried in the church yard near the village where he lived.

Hon. Mr. KERR—It may appear to some hon. gentlemen presumptuous on my part, being one of the most recently appointed to this House to say a word upon this occasion. My apology must be that my acquaintance with the late senator has extended over a period of more than forty years. I have not enjoyed the acquaintance of any other senator during that long period, save and except that of the distinguished leader of the opposition, who has seconded the motion in such tender and pathetic language to-night. Senator Boulton was the son of my nearest neighbour, and during many years I had the pleasure of not only enjoying his acquaintance, but, what I valued more, his warm and continued friendship. During these forty years, although differing from me on public questions in many respects, it has always been, and is to-night, a special gratification to me to know that during that long period, not a cloud ever flitted over our friendship or marred that kindly feeling which we had for each other, and it will not be surprising, and you will indulge me when I say that I feel, in the taking away of Senator Boulton so suddenly and so unexpectedly, depriving us of his presence here and his wise counsel, that it is not only a great loss to this distinguished body but personal loss that I shall no more have a the pleasure of meeting him here and enjoying the benefit of his association and counsel in years to come. I could not hope to add anything to the appropriate, tender and touching observations which have been made by the mover and seconder of the address, and so beautifully endorsed by the two distinguished senators who have added their contributions to what has been said. Senator Boulton was well born and well bred. As the seconder of the motion has said, he bore an honoured name—a historic name. His name, like that of the contemporaries of his father, who is still living, and his mother mourning in Cobourg to-night the loss of a dutiful and loved son, his name, I say, was a household word, like that of the Robinsons, the Cayleys, the Camerons, the Allans, Baldwins, the Blakes, the Gambles and others whom I could mention—names that have been household words in Ontario during my lifetime, and the names of gentlemen who have done so much to build up and establish in this country those institutions which are a reflection and largely a copy of British institutions. Senator Boulton, left college in early life and adopted the profession of arms, rendering valuable services to the empire abroad, and after resigning active work in the army, believing that "peace has her triumphs more glorious than war," he turned his attention to the arts of peace, and I do not think that the north and west had a better friend, one who desired more to promote their welfare and happiness, especially the agriculturalists of the great prairie province of Manitoba, than the late Senator Boulton. He had the welfare of the agriculturalists of his province very much at

heart and he never ceased to advocate their claims and their interests. As has been said when the news came to Cobourg in the troublous times in the North-west, the people of Cobourg—the birthplace of the late senator—naturally took a deep pride in his gallant conduct, his noble stand for law and authority. If any thing were wanting to give him a warm place in the affections of the people of Ontario, I think that that gave him a strong claim to their consideration. Senator Boulton not only was loyal to British institutions and connections, but he was loyal to this chamber. I would take the liberty of reading a short passage from a letter which I received from him on the 17th March last, in which he says:

> Although there is a disposition to decry the usefulness and good faith of the Senate from a party standpoint, it is a more useful and a more capable body than is allowed to appear on the surface by the public press. The Senate is a sound constitutional plank in our machinery of government which I regard as an extension of the British constitution in Canada.

These words will be a lasting memorial and do great credit to the good judgment, the appreciation and the clear headedness of Senator Boulton, who so appropriately and so beautifully expressed his opinion of the high position and the important functions this body had to perform in the machinery of the government of this country. Moreover, Senator Boulton had great faith in British connection. I think he was as loyal and patriotic a subject as Her Majesty has in this fair Dominion. It was his day dream to build up a great country on the west side of the Atlantic under the ægis of the British Crown, and every inspiration and every aspiration that he had was in that direction, and although his views upon questions of trade policy may have differed somewhat from the views of hon. gentlemen on both sides of this House, I have thought, perhaps, some hon. gentlemen within the sound of my voice have thought that perhaps these views were not less interesting, not less worthy of consideration, because of the fact that they happened to be the views of neither political party in this chamber. But, as has been said, whether his views on the trade policy were sound or otherwise, there is no doubt in my mind—and I am glad to hear it enunciated by much higher authority than myself, by words much weightier than mine—that whatever his views were upon the trade policy of this country, or upon any other question, he held them sincerely, honestly and conscientiously. Senator Boulton's life is ended; his life work is done. And is that the end of it? I think it is England's great dramatic poet who has said, "The evil that men do lives after them; the good is oft interred with their bones." I believe—and it is my faith and creed, that it is equally true, that the good that men do lives after them. I should feel depressed beyond measure, as I walk the corridors of this Senate Chamber and of the Commons and look upon the portraits of men who have built up the mighty fabric of this Confederation, to think that their life work is ended. I think we may fairly take up the words applied to another, that while his body lies mouldering in the grave, his soul goes marching on. I am sure that the influence of Senator Boulton's useful life will not be lost upon me, and should not be lost upon any one who enjoyed the pleasure of his acquaintance. His was a busy life. For about six weeks I enjoyed the pleasure of his close acquaintance in this House, and I had opportunities to form a judgment as to his industry, and before I heard the sad tidings of his death, I took the liberty of stating, in my own town, to his admirers and some who did not know him so well as I did, that I never met a man of more industry, of more application, of more devotion to duty than the late Senator Boulton. He was a man of varied talent. While he was doing his duty as a public man here he was also writing to periodicals on scientific and other subjects, and, in that way, extending the sphere of his influence in many directions. I trust that the example of Senator Boulton will be an inspiration to all young Canadians, and that they will, like him remember to work while it is day for the night cometh when no man can work. That influence, I believe, will be lasting. It has been said that—

> Were a star quenched on high,
> For ages would its light,
> Still travelling downward from the sky,
> Shine on our mortal sight.
>
> So, when a good man dies,
> For years beyond our ken,
> The light he leaves behind him lies,
> Upon the paths of men.

I believe the light that Senator Boulton shed during his life will lie on the paths of many a young Canadian, and

inspire him to imitate his noble, useful and valuable life.

Hon. Mr. POWER—There is one thing which, I think, must have struck every hon. gentleman here with respect to the deceased senator from Shell River. He was in this House for ten years, and took a very active part in the business of the Senate. He held very strong views on different subjects. He made a great many speeches, and he was sometimes treated, I regret to say, with not quite as much attention and courtesy as he was entitled to; but, during all those years, no member of the House ever heard the deceased senator utter an ill-tempered or offensive word. I think that his gentleness and amiability were his most striking characteristics, and I have stood up to-night simply for the purpose of emphazising that fact. I think we all felt and appreciated that, and that although he belonged to no party, he was as well liked and is as deeply regretted to-day by members of both parties, as would be the most active man on either side of the House.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, 18th May, 1899.

The SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

APPOINTMENT OF CAPTAIN H. H. NORWOOD.

INQUIRY.

Hon. Mr. PRIMROSE inquired:

1. Whether Captain H. H. Norwood is still in the employment of the Dominion Government in the Yukon district, and if so, in what capacity?
2. If not, was he dismissed, and if dismissed, for what reason was he so dismissed?
3. What is or was his salary as one of the inspectors?
4. Is the government aware that the said Captain Norwood is a citizen of the United States, and strongly in favour of the annexation of Canada to the United States?
5. Does the government know that Captain Norwood, in the course of his experience, never had one hour's work in connection with minerals of any description, and that he is very illiterate?

He said:—Captain H. H. Norwood left Nova Scotia when he was a mere boy and never returned to take up his dwelling there until about three years ago. Strange as it may appear, whilst this man appears to have been the appointee of the Liberal government at headquarters, he is totally discredited by his Liberal friends in the district in which he resides. He has never voted in Canada. He is a United States citizen. He is also a blatant annexationist, and these facts surely should render him thoroughly ineligible for any position under the Canadian Government. Even in the municipal elections held last November he did not vote, but in one ward where he made the fight a personal one, the candidate whom he supported was defeated by a majority of one hundred and forty-six in a total poll of less than 300 votes. He is posted, it is true, in whale blubber and he is an honour graduate in whale oil, having devoted his whole life and energy to that business; but he knows nothing whatever of the production of gold, or of the qualities of gold ore, and under these circumstances the man could not be expected to have these qualifications, but he had that which seems to have implemented all deficiencies, in the shape of what is technically called a "pull" upon one of the ministers, a pull at once so tenacious and so elastic as to affect his conversion from an expert in whale blubber and in whale oil to a full fledged inspector in the Yukon gold districts. His appointment, to my mind, seems to be about as incongruous as setting a rough coarse blacksmith to work upon the delicate mechanism of a high grade watch, or commissioning a pettifogging lawyer of the lowest possible type to proclaim the evangel of good will to men. Neither of the parties occupying either of these positions would prove so thorough and complete a misfit as would a whaling captain in the position of a gold inspector. Unfortunately for them, this is not by any means the only case in which it appears that the present government has shown a disregard, to say the least of it, of the ordinary fitness of things and of the necessity for having something like a proper adaptation on the part of their appointees to the duties which they are expected to

discharge. I would ask the hon. minister to answer these questions seriatim as they are placed upon the order paper.

Hon. Mr. SCOTT—I think, after the comments we have heard from the hon. gentleman, that it would not be an unwise proposition if we were to follow the practice of Parliament and restrict comments on questions, particularly those that are of a character assailing gentlemen who are not present, and no notice of the proposed attack having been placed on the record. The hon. gentleman says that the reason for Captian Norwood's appointment is that he had a "pull" on some minister. I think it is a most uncalled for and improper remark to make in putting the question that appears on the paper. The hon. gentleman was not consulted, I suppose, in the selection of Captain Norwood. I do not know who appointed him or on whose recommendation he was appointed.

Hon. Mr. McCALLUM—You had better find out.

Hon. Mr. SCOTT—The question was not asked. I am prepared to answer the questions seriatim as they are placed on the paper, but I do think it is exceedingly improper, in putting these questions, to make an attack on a gentleman who is not here to defend himself, and also a general attack on the policy of the government. He says this government makes appointments that are not to be approved of in any direction, going entirely away from the record that is before us. In answer to the first question Captain Norwood is in the employ of the government as Inspector of Mines; second, he was not dismissed; third, the salary is $125 per month; fourth, my answer is No; fifth, the answer is No. The government is, however, aware that Captain Norwood has proved an exceptionally capable officer and that he is not illiterate.

SALARIES OF JUDGES.

Hon. Mr. KIRCHHOFFER inquired:

Whether it is the intention of the government, during the present session of Parliament, to introduce any measure having for its object the increase or readjustment of the salaries of the judges of the Superior or County Court of the Dominion or of any of the provinces thereof?

Hon. Mr. MILLS—The subject is under consideration.

BILL INTRODUCED.

Bill (J) "An Act respecting Usury."—(Mr. Dandurand.)

LA BANQUE DU PEUPLE.

Hon. Mr. McMILLAN—Before the orders of the day are called, I wish to call the attention of the hon. Secretary of State to the fact that, owing to my limited knowledge of French, the papers which were laid on the table here in connection with the Banque du Peuple, are of no use to me. I should like the portion of them given in French to be supplied in English as well.

Hon. Mr. SCOTT—The institution is a French one, and they make the return in French. I presume it would be the duty of the translator of the House to make the translation. We have no English copy. It would be much better if the translation were made by an officer of the House.

SCHOOL LANDS OF MANITOBA.

Hon. Sir MACKENZIE BOWELL—I should like also to call the attention of the minister to the fact that I moved for papers in reference to the school lands of Manitoba. My hon. friend the Secretary of State laid on the table this modest return, not in answer to my motion, but in answer to a motion from the hon. gentleman from Provencher. I must candidly confess I have not read all these papers. I have taken the trouble, however, to so far examine them as to find one document which would comply with a portion of the motion that I made, and if my hon. friend would take that and extend it to the present time, the information will be nearly all that I require. That portion of the return to which I refer is the Manitoba school lands showing the revenue and expenditure from the commencement until the 30th of April, 1893. I suppose it is considered of very great importance, because it is duplicated. I find two copies, one in typewriting and the other in handwriting. It gives very clear information.

Hon. Mr. SCOTT—It just so happens the hon. gentleman made his motion the day I brought this down. I shall be very glad to have the other information supplied.

Hon. Sir MACKENZIE BOWELL—It gives a good deal of information. The next

is the particulars as to the advances made to the Manitoba schools. The total is also here. It would be a very interesting document if we could have this table to which I am calling the attention of hon. gentlemen, extended. If I could get it, it would answer all the purposes required.

Hon. Mr. SCOTT—Extended to the present time?

Hon. Sir MACKENZIE BOWELL—Yes.

Hon. Mr. SCOTT—If it is in duplicate, I can take one of the copies and tell the officials of the department to prepare the return. That will be the only document required then, I understand?

Hon. Sir MACKENZIE BOWELL—Yes; that is all I require.

INTERCOLONIAL RAILWAY ROLLING STOCK.

Hon. Sir MACKENZIE BOWELL—A motion was passed on the 24th of March, asking for a return of the rolling stock that had been purchased in connection with the Intercolonial Railway and its extension to Montreal, and also the amount paid for said rolling stock and the expenses of working the extension since the time it came into the hands of the government. It is likely we shall have that question discussed in a very short time in this House, and it is necessary that hon. gentlemen should have full information in relation to the subject. I propose to-morrow, or next day, to ask for some other information, of which, however, I will give notice.

ANTI-JAPANESE LEGISLATION IN BRITISH COLUMBIA.

Hon. Sir MACKENZIE BOWELL—The Minister of Justice will remember that, before the recess, I called his attention to the important question of the British Columbia legislation in reference to Japanese, and, as the time will expire for the disallowance of that legislation, if such be the intention of the government, some time early in June, I should like to ask the government whether they have adopted any policy, or whether they have received any intimation of the wishes and intentions of the Imperial Government on this question, which is supposed to affect Imperial as well as Canadian interests.

Hon. Mr. MILLS—I may say to my hon. friend that these bills have been considered in my department and we are waiting an answer from the Colonial Office, which we have not yet received. If no answer comes, action of some sort will nevertheless be taken before the year expires.

THE FRANCHISE ACT.

Hon. Sir MACKENZIE BOWELL—There is another question I should like to ask in reference to correspondence for which I moved, between the Dominion Government and the provincial governments, in reference to an appeal in case any one considered himself improperly treated in reference to the Franchise Act. It is somewhat important that we should know exactly what the opinions of the different provinces which are affected thereby, are upon that question. I observe by the newspapers that the province of British Columbia has passed an Act disfranchising certain people who formerly had the franchise and to ask whether the government intend to interfere with that law.

Hon. Mr. MILLS—None of the statutes are here yet.

Hon. Sir MACKENZIE BOWELL—I was going to point out that if they do not interfere with that legislation, then British Columbia will occupy a different position in reference to its franchise to that of other provinces in which certain officials of the Dominion Government were disfranchised, and that under the law which was passed by this House, provision was made to allow that class of voters to be placed upon the voters' list. If such a bill as that to which I have called the attention of the minister has been passed by the province of British Columbia, then there will be a certain class of voters in that province who would be deprived of the franchise which this Parliament thought it necessary to provide when they gave power to have them placed on the list, even though it is not in accordance with the provincial franchise.

Hon. Mr. TEMPLEMAN—The Dominion officials were not disfranchised in British Columbia.

Hon. Sir MACKENZIE BOWELL—Who were disfranchised?

Hon. Mr. MACDONALD (B.C.)—The provincial officials.

Hon. Mr. TEMPLEMAN—The Imperial officers and the provincial officials.

EXPROPRIATION ACT AMENDMENT BILL.

IN COMMITTEE.

Hon. Mr. MILLS moved that the House resolve itself into a Committee of the Whole on Bill (D) "An Act to amend the Expropriation Act."

Hon. Sir MACKENZIE BOWELL—Before the Speaker leaves the Chair, I think it better that some discussion should take place on the general principle of the bill, rather than to have that discussion in committee. When the hon. gentleman introduced this bill I expressed, from what little he said, some approval of what I thought was its general principle; but on looking more carefully at its provisions, it seems to me to be a highly improper measure to place upon the statute-book, interfering as it does with the rights of individuals from whom property has been taken. I cannot understand why the government should ask for any greater powers than are given to railway or to other companies that have the power of expropriation. Under this bill a man's property may be taken by some engineer—and we know very well that they are not always very discreet in interfering with the rights of private individuals. The government, if I understand this bill, has the right to seize the property under a plea of expropriation and hold it for any length of time they please, and then finding that they do not require it, give it back, or portions of it, to the owner. It is true provision is made giving power, under another bill, to the Exchequer Court to compensate him for the land which they have taken, and also I think for the damages which the property may have sustained. But is not that going further than any government should ask power to go? You may take a man's property from him and hold it a year, six months, or two years, because there is no limitation to this. The property might be one from which the owner derived a livelihood, and, under the supposition that it was to be retained by the government and a fair compensation paid therefor, he may have made arrangements for some other business, pledging the money which he expects to get for the expropriated property, in this other business, and then he finds that though he has made that bargain and entered into this other arrangement, the government coolly say to him: "We do not want your property, we want only ten or fifty feet or five hundred feet," as the case may be. It seems to me that is taking a power which might be exercised not only tyrannically, but with great injustice to the parties owning the property is wrong. I want to divest myself altogether, in discussing this question, of any individual case that is before the courts now, and, speaking for myself, I should object to making any law of this character retroactive in its effect. You take a man's property. You may destroy his business, and then, after having kept the property for years, you have placed it in court and the suit is proceeding and it may last for years, and in the meantime that man is kept out of his property, and he loses all the benefits that might accrue from his retaining it, and the first thing you know, while all this loss has been sustained by the owner, it is thrown back upon his hands.

Hon. Mr. MILLS—He gets damages for that.

Hon. Sir MACKENZIE BOWELL—I was not present at the debate on this bill at the second reading, but I suppose this may be considered a continuation of the same debate. In the speech made by the hon. Minister of Justice he gave an instance of where a man had given a small amount for a property which they expropriated or intended to expropriate, and now asks an enormous sum for it. Supposing that to be true? A man often buys a property at a low rate and afterwards finds it has a value he never anticipated it had. Is that any reason why he should not ask the reasonable sum for it? You might pay ten thousand dollars for a mining claim, and it might be good for nothing, or it might be worth hundreds of thousands of dollars; but the fact that you gave a few thousand dollars for it would not justify the government in taking it from him at a small advance on that sum, simply because the owner for the time being gave only a small amount for it. But, apart from that, unless the Minister of Justice can give us some better reasons than

were disclosed in his speech in defence of the bill, it should not become law.

Hon. Mr. MILLS—The bill has been read a second time, and I think the motion is now to go into Committee of the Whole House, so that the propositions which the hon. gentleman takes exception to will be better discussed when we come to the clause than on the motion to go into committee to consider it. We are not now undertaking to read the bill a second time. It has been read and I do not understand that the hon. gentleman is going to oppose the principle of the bill, but simply the specific provisions of certain clauses, and that I think can be better done in committee when we are confined in our discussion to the particular provisions to which the hon. gentleman may be disposed to take objection, rather than to go over the whole measure as if we were still engaged in the second reading. I suggest that we had better go into committee.

Hon. Mr. DEBOUCHERVILLE—I think it was understood at the second reading that the principle should be discussed later. This clause is the whole principle of the bill, and before going into committee is a proper time to discuss it. We cannot discuss the principle of the bill in committee.

Hon. Mr. SCOTT—I did not understand that there was any objection taken to the first clause of the bill. It could not be fairly argued that the Crown should not be permitted to take a limited estate so long as notice was given in advance. The Crown ought not to be compelled, surely, to buy the whole property when they required only a part, or the Crown should not be obliged to purchase the property in fee when they only required the user for a year. That provision is set forth in the first clause. I did not understand there was any serious opposition to that. I understood the opposition was to the second clause of the bill, which provided that at any time before the compensation money had been actually paid the Crown could then avail itself of its desire to take a less estate than contemplated in its original notice. I understood the opposition was to that particular clause and not to the first clause.

Hon. Mr. LOUGHEED—I had not the opportunity of being present when this matter was discussed upon the second reading. However, it appears to me that a more important principle, if anything, is involved in the first clause of the bill, which has just been referred to by the hon. Secretary of State, than in the other portion of the bill. So far as I have been able to ascertain—and I have made some little investigation into the English Land Clauses Act. There is no parallel to the principle which it is proposed to introduce into the first clause of the bill now before us. In fact, there is no approach to it in the English Act. The principle of the English Act is entirely antagonistic to the principle which is now being introduced into the Expropriation Act. In fact, so far does the English Act protect the interests of those whose lands are about to be expropriated that the Crown is not permitted to make divisible any part of an estate which is necessary to be used in its entirety by the owner. I would direct the attention of the hon. Minister of Justice to section 92 of the Land Clauses Act, which enacts as follows:—

> No party shall at any time be required to sell or convey to the promotors of an undertaking a part only of any house or other building of manufactury, if such party be willing and able to sell and convey the whole thereof.

Not only does the English Act preclude the exercise of any such right as the Crown taking part of an estate, but it in no way countenances, so far as I can ascertain from the limited search I have been able to make since seeing the bill, such proceedings as are provided for in the bill before us. It seems to me that for the Crown to enter upon the estate of any one individual and say "we shall take a limited interest in this estate and we shall tie it up for either a short or a long period of time until we satisfy the demands which we desire to make upon the estate, either in using it in part or in whole, and then to hand it back to the original owner after it has been dismantled, after its value has departed, after the owner perhaps has been prevented from making any disposition which at the time the Crown took it he otherwise would make, is forcing upon the individual a wrong which certainly cannot be compensated as is contemplated by the Exchequer Court Act, dealing with the valuation which should be placed upon the land. Let me instance this case: there is a possibility today of an individual being able to make a very satisfactory disposition of the entire estate which he owns. The land may be in

demand. The market may be high and values may be rising, and he can sell the whole of that property at a very great advantage to himself. The Crown steps in and interposes with this right which it is proposed to vest in the Crown under this Act and say to the individual " we shall not permit you to make that disposition which by reason of the rising market you could make of the property in question, but we intend to come upon this property and use it for a term of years, removing stone or timber, as the case may be, and at the end of that time, we shall hand it back to you." In the meantime the man has been deprived of making a disposition of his property, a right which every individual in the state should have. At the end of three years or any particular period, if it so pleases the Crown to hand the property back, there may be a depression in real estate—the owner in the meantime has been prevented from making a sale or using his estate to advantage. Will any hon. gentleman here pretend to say it will be possible for the Court of Exchequer, or any board of arbitrators, to seriously determine the loss which that man has sustained by reason of the opportunities which have gone by during the years which have passed? We very well know that remote damages cannot be considered by the court or by a board of arbitration. It is utterly impossible for a board of arbitrators or the Exchequer Court to take into consideration the possibilities which might attach themselves to that land, or the opportunities which might have presented themselves to the owner, and it seems to me that if there is any element in the state which should not be vested with high and arbitrary power of this nature it is the Crown. The Crown can afford, very much better than any corporation or any individual, to deal justly with that man, and why should those extraordinary powers, notwithstanding the rights which we always accord to the sovereign power of the state, be vested in the Crown by which an individual may be deprived of the exercise of a right which every subject has a right to exercise, namely, selling his property in the best market and at the best price which he can obtain for it. Under these circumstances, we are introducing a principle which has no parallel, so far as I can ascertain, in England, or in the United States, and which is without parallel in the history of any law of eminent domain, so far as the books inform us upon the subject. I therefore think that, as far as the principle of the bill is concerned, it is pernicious and should not be countenanced by this House.

Hon. Mr. POWER—The argument of the hon. gentleman from Calgary goes a little too far. If the principle for which he contends were adopted, the Crown would be obliged to take the whole of any property, no matter how extensive. If there were a property 200 acres in extent, and the Crown required to take an acre, then, under the theory laid down by the hon. gentleman, the Crown would be obliged to take the whole 200 acres. If the argument which the hon. gentleman has attempted to base on the English statute were a good one, then that would be the case. Now, what is the effect of the English statute which he has read? The effect is this, that if a portion of a factory, or a dwelling-house, or any other building is to be taken, then, unless under exceptional circumstances, the Crown would be obliged to take the whole building. One can see there is some reason in that law, when you come to deal with a building, but this bill does not apply to buildings at all. What does the Act, as it stands, provide for? It provides for the taking of a portion of the land, and the only question as to this particular clause of the bill, is whether, if the Crown happen to require, in the construction of some public work, some portion of a man's land for a month or six months, they shall be obliged to buy it out in fee simple. There is no reason why the Crown should be obliged to take the property in fee simple any more than the Crown should be obliged to expropriate a whole farm of which they require only a part. We ought to be governed to a certain extent in these cases by practical experience. What has been the experience of this country in the matter of the expropriation of lands? Is it not a fact that the tax payers have been fleeced in nearly every case where private lands have been taken for public works? Between the original line of the Intercolonial Railway at St. Charles Junction and the station at Lévis, this country paid, I think, about $2,000,000 for land damages, where one might have bought out the whole district for less money. This same sort of thing has taken place all over the country. Every one knows that when arbitrators are appointed, their disposition is to deal liberally with the

private individual as against the government. We know that land in the estimation of the witnesses who are called, who are generally the neighbours and friends of the man whose land is being taken, assumes a fabulous value.

Hon. Mr. LOUGHEED—Have you no confidence in the Exchequer Court?

Hon. Mr. POWER—Certainly. The court may feel that the public are being fleeced, but it is obliged on the evidence to award larger sums than should be awarded. Our duty is to see that, if public works have to be constructed in this country, they shall not cost any more than they ought fairly and reasonably to cost. This measure is not in any sense a party measure. The first clause of this bill, I think, makes a very desirable improvement in the Act as it stands. It provides that if the land is required only for a limited time, then the plan and description shall indicate what time it is required for and that the Exchequer Court shall award damages for the mischief actually done the owner. The judge is always fair and reasonable. There has never been a complaint that he was not disposed to give fair play to persons whose land was being taken, and I am rather surprised at the attitude assumed by the hon. gentleman from Calgary.

Hon. Mr. KIRCHHOFFER—The hon. gentleman from Halifax, has placed a construction on the argument of the hon. gentleman from Calgary which is entirely distinct and different from what he stated. That hon. gentleman in no part of his argument laid down the contention that the government were obliged to take the whole of a man's land. But there is, by the Expropriation Act, a course laid down for the government. They have, before expropriating land, to file a map showing what land they are to expropriate. That part they should be obliged to take. No one claims that, because they want a part of 200 acres, they shall be obliged to take the whole of it. There is nobody in this House who is not prepared to allow to the government the fullest power they should have with regard to expropriation, but the only point in which they are entitled to get additional power is to take such land as they require, outside of that, I do not see why the government should have larger powers than a railway company or a large corporation. A railway company's powers of expropriation are limited. They can take land because it may be absolutely necessary they should have it for railway purposes, but, after that, they must deal as private individuals. The government should state what land they require, and have power to take it, but to permit them to hand it back after holding it for some years is a power which should not be given them. I have said before, and I say it again, no matter how individual members of the government may wish to act fairly, it gives the power to members of the government to do great injury to individuals, and I think very often pressure is brought to bear upon them to use against individuals, powers which should not be in their hands. I do not think the government wish to be placed in that position. The only reason given why it should not be left in the hands of the Exchequer Court, as given by the hon. gentleman from Halifax, is that the judge must act on the evidence. Certainly the judge must act on the evidence, and it is the duty of the government to bring evidence to the contrary if they wish to get the land for less value than the parties who own the land put upon it. But, as we have seen, the government here have taken a portion of land from an individual. They take it first for a limited period. Then finding that they have done an illegal act, they come before the Exchequer Court and have the action dismissed and pay the costs themselves. Let this be a lesson to the government, that when they go into a thing of this kind they should decide what they require for their purposes for whatever public work is going forward, then file their plan, and let them be obliged to stick to it. That is the correct way to proceed.

Hon. Mr. POIRIER—I rise, not on a question of order, but to ask a question concerning suggestions made by the Exchequer Court judge to the hon. Minister of Justice. In answer to a question from the hon. gentleman from Halifax, who asked at whose suggestion this legislation was brought in, the hon. Minister of Justice said it came from two or three sources, but that he had received most important suggestions from the Exchequer Court judge himself in reference to these measures. Not so much because it may look, to say the least, uncommon that the judge before whom a case

which will be affected by this legislation is to be tried should express an opinion about such legislation, as from motives of curiosity (justifiable, I imagine), I would ask the hon. minister to tell us what those suggestions were and when they were made to him? I have referred to a remark made by the hon. Minister of Justice, reported in the Debates of the 24th of April last, when the question came up. It would be interesting for the House to know what suggestions the Exchequer Court judge made to the hon. minister, when they were made, and what bearing they have on this bill.

Hon. Mr. MILLS—I might say to my hon. friend it is not of the slightest consequence to this House what particular suggestions the judge made. I suppose every Minister of Justice finds that the judges discover, in administering the laws, what they think are defects and suggest certain amendments. I said this measure had been considered and suggestions made in respect to it by the Exchequer Court judge, because these are matters which come under his observation, and, so far as we can, we profit by his experience.

Hon. Sir MACKENZIE BOWELL—I do not propose to discuss the matter further than to say to my hon. friend opposite, that the position he takes in reference to discussing the principle of a bill on a motion to go into committee is quite correct, providing always that the principle has been affirmed by those who were here. The object of the parliamentary rule requiring a certain interval of time to elapse between the different stages of a bill is to give every member of the House an opportunity of expressing his opinion and view upon the principle of the measure, and not only upon the principle but the effect which it might have on the community; and it was for that reason that I took advantage of the motion to go into committee, which allows, under our rules, the fullest possible discussion; not only on the principle of the bill but on its details. That was the object of the rule adopted by the British Parliament and by all legislative bodies in order that the representatives of the people might have every opportunity for discussing measures. That is the reason why I took advantage of this opportunity, because by going into Committee of the Whole without stating our objections, we would be admitting the whole principle of the bill, and from what I see of it, I am fully in accord with the sentiments uttered by the hon. gentleman from Calgary, that the principle of the bill is pernicious.

Hon. Mr. MACDONALD (B.C.)—After the discussion we had on this bill, I was in hopes that the Minister of Justice would see fit to withdraw it altogether. I think every clause of it is oppressive and unjust to citizens. The very clause approved of by the hon. gentleman from Halifax, that the government might take my land for a year or two, and then throw it back on my hands, is iniquitous and unjust and should not pass this House. There is no member of this House who wishes to throw out a government measure at any time. We wish the government to lay before us measures which will be approved of in the public interest, and it is with a great deal of reluctance that I at any time have voted to throw out a government bill. I do hope that the minister will withdraw the bill, because I do not think it should pass this House. The powers asked for are too arbitrary. There is no objection to taking a man's property, but to take if for a time and then throw it back on his hands, is highly improper. I shall never agree to that principle.

Hon. Mr. MILLS—This bill has been read the second time. So far, the principle was approved of by the hon. gentlemen who were present. The second clause was taken objection to, and that it was stated, could be considered in committee.

Hon. Mr. DEBOUCHERVILLE — I understood and others understood that we allowed the second reading, reserving our objections to the principle.

Hon. Mr. MILLS—I do not think my hon. friend accurately remembers the facts. The hon. gentleman for Manitoba took exception to clause 2, and stated what his objections were, and I said that the proper time for discussing the objection to a particular clause of the bill would be in committee, and I asked my hon. friend that notice should be given of the specific amendments which would be required, and he put a notice on the paper. That notice is on the paper now, suggesting the amendments that he desires. All that was done on the assumption that this House was going into com-

mittee on the bill. Just consider what the position is at this moment. The bill has been read the second time. No one can dispute that fact. Then there is an order of the House with regard to it. What is that order? That the House shall go into committee on the bill at a certain time. The time has arrived. That is the order of the House, and it would be a novel thing if the House were to say that we shall go into committee on a certain day and we intend to disobey our own order and shall not go into committee.

Hon Mr. McCALLUM—What is the consequence if we do not go into committee?

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman contend that it would not be perfectly in order for any member of the Senate to move that we go into committee this day six months? You might just as well say that when you read a bill the first time and give notice that it shall be read a second time to-morrow, that the order of the House having been passed to read it the second time you must read it. In olden times the reading of a bill the second time was always considered an affirmation of the principles contained in the bill. Later, the modern practice in the House of Commons and you will find it laid down distinctly and positively in *Hansard* by the late Sir John Macdonald—that is, you allow a bill to pass its second reading, reserving the principle so that you may consider it, if you like, in committee, and you can there, when the bill is reported, oppose the principle of the bill. That has been laid down over and over again as a principle of legislation in the House of Commons during the time my hon. friend the Minister of Justice and myself were there, certainly by Sir John Macdonald, and it was accepted by both sides of the House and acted upon hundreds of times.

Hon. Mr. MILLS—No.

Hon. Sir MACKENZIE BOWELL—I say yes. It is a matter of opinion. I venture the assertion that *Hansard* will sustain exactly what I have said and that the utterances of Sir John Macdonald are precisely in that line—I do not say the exact language that I have indicated to this House.

Hon. Mr. MILLS—The rule, I take it, is this: every man who votes against a second reading of a bill is assumed to oppose the principle of the measure. Any member may permit the second reading of a bill reserving to himself the right to take exception to the principle of the bill, and every member who votes against the bill, may oppose the principle of it from the beginning to the end right through. There is no doubt any other member may change his mind on the subject. But the hon. gentleman has now referred to a different matter and that is, the House having read this bill the second time and adopted an order that we should go into committee for the consideration of the bill, the House may refuse to do so. I think that the hon. gentleman will find it difficult to turn to the proceedings of the other House and find any such course adopted. I have been in this Parliament for over 30 years. I do not think the hon. gentleman will find during the whole of that period a motion of that sort. If the hon. gentlemen wish to reconsider the principle of the bill, or take exception to the principle of the bill, they may go into committee and hon. gentlemen may move that the committee rise without reporting progress and so kill the bill. That is one mode of proceeding; but the hon. gentleman will not find an instance, in my opinion, of a refusal to conform to the order that has been made to go into committee.

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman lay down the principle that the House has no right to do that? I did not make the assertion that motions had been made to throw out bills in going into committee. What I say is, it is the right of any member of the House to make such a motion, that there is no rule of the House to prevent it, and that the object of every step in the progress of a bill, whether you affirm the principle or not, is to give every member an opportunity to oppose it if he thinks proper to do so. My hon. friend from Calgary was not here when the principle was affirmed, as the hon. gentleman says; neither was I.

Hon. Mr. MILLS—Does the hon. gentleman say that his absence from the House at the second reading gives a member the right to go back and take the first reading again?

Hon. Sir MACKENZIE BOWELL—No, but it gives a member the right at any time, when a motion comes before the House, to oppose the bill. It has been read the

first and second time, and is now set down to be considered in committee. It is my right to move that the bill be considered in committee this day six months.

Hon. Mr. MACDONALD (B.C.)—My hon. friend from Manitoba and myself did not approve of the bill, but we allowed it to be read the second time as a matter of courtesy.

Hon. Mr. ALMON—What is before the House. The last I heard was a motion that the Hon. Mr. Vidal take the chair. Since then some hon. members have spoken several times, in my opinion in the most disorderly manner. Will the hon. gentleman tell us what is before the House?

Hon. Mr. KIRCHHOFFER—If, as the hon. leader of the House has stated, there is an order of the House that we now go into committee, why has it been moved that the House go into committee?

Hon. Mr. CLEMOW—The other day, when this matter was before the House, I stated that it was an open question, that the principle was not affirmed. The hon. leader of the House brought in, I believe, two bills. Now he substitutes others. I understood the principle was not affirmed, because, I think the House would never have affirmed a principle which I consider is tyrannical and unjust. I contend that the government has sufficient power at present over the people of this country, and I shall never be a consenting party to the Crown occupying a position superior to that of any private individual. The Crown now compels you to give up property that you may not wish to dispose of. They now ask power, that after keeping for a certain time, and finding no further use for it, to give it back to you. I say that when the Crown wants a piece of property they should, like an individual, make out a plan of what they require and conform to the law as others do. Now they propose that they shall have an advantage over the citizens of this country. The government should not require any such advantage. I believe the people of Canada are prepared to pay a fair and reasonable price for any property needed for the public service, and they should not take an unfair advantage of any citizen. We know from experience that the government have exercised a very arbitrary and improper power in many respects in the past. I know of many cases wherein the government have been very arbitrary. Even after the decision of the Exchequer Court in favour of a plaintiff, the government have taken upon themselves to say whether they should pay the interest accruing upon a judgment that would be collectable against an individual. That is unfair and unjust. In a variety of ways, the government take an unfair advantage of the people of this country. They make a contract with a man; they owe him a large sum of money; the contract expires, and they, not having the money to pay it at the time, say "we will not pay you any interest." Is that fair? I contend that if the people were sufficiently independent, they would not do business with the government without security. I have had an opportunity of judging of those cases. I could mention a few cases which were decided by the Exchequer Court in which the government have acted in an unjust and arbitrary manner. After costly litigation, in which the individual succeeded, the government refused to pay the litigant interest, because there is a clause in the Act which says the Finance Department "may" pay interest.

Hon. Mr. SCOTT—Alter the law.

Hon. Mr. CLEMOW—The law never was that way until the present government came into power.

Hon. Mr. SCOTT—Oh, yes, it was.

Hon. Mr. CLEMOW—Oh, no. There have been cases where one party was paid and another was not paid. Mr. Smith was paid and Mr. Jones was not paid. A dozen cases of that kind have happened. I do not desire to give the government further power to oppress people. This is the most tyrannical and oppressive measure ever brought before the Parliament of a free country, in every sense of the word. I would like to move a six months hoist to this bill. I do not think we should place such power in the hands of any government, whether Liberal or Conservative, though I do not believe that a Conservative government would take such a course at all. They would act honestly and fairly in any matter that came before them. I have these cases before me, and the hon. gentlemen know perfectly well that advantage has been taken in these cases by the government, and

I do not want that to be continued. Let the government say what amount of land they require, and let them lay it out and deposit the plans in the proper place, and pay the value honestly and fairly. If they cannot agree with the owner let them leave it to arbitration, but the man should know whether he will be ruined or not. The land may be reduced in value during the time it is held by the government, and the fact that the government held the land for a certain time would put a blot upon it. Fair play should be accorded to every one dealing with the government. My hon. friend the Secretary of State informs us that the law at the present time recognizes the principle contained in this bill. If that is the law it should be changed.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. CLEMOW—The government may say, "we have no money; the appropriation has been expended, and we cannot pay you." Then the party may ask, "will you pay interest?" And they say, "Oh no, that is not our system." But if you happen to owe the government you must pay interest. Let us have this matter decided now. I am willing to move that this bill be read this day six months, to test the opinion of the House, and I think that is the honest way to do it. I am not afraid to call a spade a spade. My hon. friend the Secretary of State may not agree with me. He has had some reason in the past and may have in the future, but I am not afraid to give my candid opinion. I will move the six months' hoist, seconded by the Hon. Mr. McCallum.

Hon. Mr. SCOTT—I would like to refer to one or two statements which have been made during this discussion. The present government has made no claim whatever for interest.

Hon. Mr. CLEMOW—It is wrong.

Hon. Mr. SCOTT—I quite agree with my hon. friend that the Crown should be in the same position as an individual. This bill is not an innovation, and I think if we went into committee we could agree upon some phases of it. It has been stated that the Crown should not be permitted to take any property for a given time. If the Crown desires to cross a man's farm and take right of way over any portion of it, it has a right to do it for five years or any other term. Suppose that, in taking the property, the government shall say exactly what they want. If they want a property for three years they shall say so, and that should be specifically set forth at the time the notice is served. The question of incidental damages would come up before the judge, and he would necessarily take cognizance of what the damages would be for the limited period. It is altogether a matter of compensation; there may be language stronger or wider than the House could agree to, but I do not think that should prevent us going into committee.

The SPEAKER—When the order of the day was called, I understand that it was my duty to leave the Chair without any further motion as it was one of the orders of the day.

Hon. Mr. CLEMOW—I have moved an amendment.

Hon. Mr. MILLER—The hon. gentleman is in order in moving an amendment.

Hon. Mr. CLEMOW—I move the six months' hoist, seconded by Hon. Mr. McCallum.

Hon. Mr. LOUGHEED—I hope my hon. friend from Rideau will not press his motion giving the hoist to this bill. So far as I am personally concerned, I should like to hear every possible explanation that can be made by the government in regard to the merits of the bill. If satisfactory explanations can be made, I do not desire to throw anything in the way of the government in carrying out such a measure. I expressed myself as much opposed to the principle introduced into the bill. I am equally emphatic as to its inutility and its impolicy. Yet it seems to me it would not be advisable that a full ventilation of the merits of the bill should not be had. If, after the explanations, the House is not satisfied as to the wisdom of the bill, it is then possible for the House to take such action as they desire.

Hon. Mr. McCALLUM—The bill has been pretty well discussed. The hon. gentleman from Calgary has not heard the discussion, but I think we all understand the measure. The hon. the Secretary of State says there is no change in the law. Then why introduce this bill? It is a very important measure, and I consider the govern-

ment have power enough to take all the lands they want under the present laws to carry on the legitimate business of the country, and they should not be allowed more privileges than any private corporation in this matter, because there is such a thing as governments oppressing the people at times, and I do not want to give them power to do that. Governments have no soul. I, therefore, have much pleasure in voting for the amendment which has just been moved.

Hon. Mr. ALLAN—I rather envy my hon. friend from Monk, because he says he thoroughly understands the bill. I confess that the difficulty with me is that I do not thoroughly understand the bill. There are some parts of the bill I do not like at all, but I should be glad to hear further explanations upon it, because, as I read the clauses, I cannot satisfy my own mind that the bill should pass in its present shape. I hope the House will give every opportunity to have a thorough explanation of the bill. It would be a great pity if the hon. gentleman from Rideau should insist on his motion.

The SPEAKER—I understand that the House is not insiting on the amendment and that I should now leave the Chair.

Hon. Mr. CLEMOW—I do not desire to raise any unnecessary objection, but I am not a lawyer and cannot help it. The motion is made to go into committee. Then a motion is made that the House do not go into committee at present, but that we go into committee this day six months. I should like to have the question settled as to whether that motion is in order.

The SPEAKER—There is no motion to go into committee. It was an order already on the orders of the day. Therefore, no motion would be necessary.

Hon. Mr. McCALLUM—Why was the motion made to-day that the Speaker should leave the Chair and the House go into Committee of the Whole? Certainly there was a motion to that effect.

Hon. Sir MACKENZIE BOWELL—The Speaker says that that motion is not necessary.

Hon. Mr. McCALLUM—And my hon. friend moves the six months' hoist.

Hon. Mr. MILLS—The practice in the House of Commons and the practice here is to go into committee without making a motion. It is a mere intimation that the party in whose charge the bill is is ready to go into committee on the bill.

Hon. Mr. McCALLUM—I think it is our privilege to move against the bill at any stage whatever. If the hon. gentleman chooses to make a foolish motion he can do so, but to say that you are deprived of the right to make a motion now I think is not correct, because it is clear there must have been a motion made or we could not go into committee.

Hon. Mr. MILLER—I wish to say, with regard to the question of order, that I think the practice in this House and the practice in the House of Commons is somewhat different. The practice in this House is to go into committee on motion. When that motion is put from the Chair it is open to an amendment. It is a rare thing that an amendment should be made to such a motion as the hon. Minister of Justice has made. I do not recollect any amendment to a motion such as this. If I desired to defeat the bill I would take the course advised by the minister and allow the House to go into committee and resort to one of the expedients which are open to any hon. member to get rid of the bill.

Hon. Mr. MILLS—I understood that Mr. Speaker had ruled upon the question. I do not understand that a motion is required here any more than in the House of Commons. Practically there is no motion, because this is one of the orders of the day.

Hon. Mr. MILLER—When a bill is put down for a second reading it is just as much an order of the day as this motion to go into committee is an order of the day, and the hon. gentleman is aware that such a motion is liable to amendment, that the bill be not read the second time but that it be read three months, or six months hence.

Hon. Sir MACKENZIE BOWELL—I would suggest to the hon. gentleman from Rideau, after the expression of opinion in the House, and considering the facilities which are offered him for defeating the bill if he desires to do so, that he do not press his motion just now, but permit the House to go into committee. There are three or

four ways in which he could accomplish his object after we have heard the explanation of the Minister of Justice.

Hon. Mr. POWER—I do not propose to undertake to differ from the hon. gentleman from Richmond (Mr. Miller) altogether, but the House will bear in mind that the committee stage is a different thing from a reading of the bill. There are only three stages substantially. Sometimes the committee stage is omitted altogether. For instance in the case of the supply bill.

Hon. Sir MACKENZIE BOWELL—That is only by courtesy.

Hon. Mr. POWER—And the language which is used by the Speaker when he resolves the House into committee is different. He says "pursuant to the order of the House I now leave the Chair," and that indicates the difference between the two positions. I do not undertake to say that the House has not the right to do as the hon. gentleman from Rideau proposes, but I trust, as a matter of courtesy to the government, and in pursuance of the request of his own friends, that the hon. gentleman will allow the bill to go into committee, where he can make a motion to kill it.

Hon. Mr. MILLER—When the Speaker says "pursuant to the order of the day, I now leave the Chair," he refers to the motion which has just been put.

Hon. Mr. CLEMOW—I do not wish to obstruct, but if I have a certain right I want to know it. I do not desire to be put in a false position, I made the motion in good faith. I feel strongly against this bill and think it should be defeated, but if the government can bring in some other proper bill in relation to this matter, I will support it.

Hon. Mr. ALLAN—I do not think it is necessary to take up the question of right. I suggest the question of expediency. Is it expedient that we should throw the bill out now, or is it more expedient that we should have a thorough explanation of the bill and an opportunity of knowing exactly what its provisions are?

Hon. Mr. CLEMOW—I shall waive my right to have the amendment put to the House.

Hon. Mr. McCALLUM—The question of expediency is one thing, and right is another. If you put it as a question of expediency, all right, but you must not say I am going to be forced into it.

Hon. Mr. ALLAN—The hon. gentleman is a Highlander and cannot be forced.

The SPEAKER—I understand the hon. member from Rideau withdraws his motion?

Hon. Mr. CLEMOW—Yes.

The motion to go into committee was agreed to, and the House resolved itself into Committee of the Whole on the bill.

(In the Committee.)

Hon. Mr. MILLS moved the adoption of clause 1. He said:—I will read the law as as it stands now and point out to the committee, what I pointed out on the second reading of the bill, what this clause is intended to accomplish beyond what may be accomplished under the law as it now stands. Seection 8 of the Expropriation of Lands Act of 1889, of which this is an amendment reads:

> Land taken for the use of Her Majesty shall be laid off by metes and bounds; and when no proper deed or conveyance thereof to Her Majesty is made and executed by the person having the power to make such deed or conveyance, or when a person interested in such land is incapable of making such deed or conveyance, or when, for any other reason, the minister deems it advisable so to do, a plan and description of such land signed by the minister, the deputy of the minister or the secretary of the department, or by the superintendent of the public work, or by an engineer of the department, or by a land surveyor duly licensed and sworn in and for the province in which the land is situate, shall be deposited of record in the office of the registrar of deeds for the county or registration division in which the land is situated, and such land, by such deposit, shall thereupon become and remain vested in Her Majesty.

That is the power of expropriation under the statute as it now stands. Now we propose by the provisions of this bill to amend that section by adding the following:—

> 2. When any land taken is required for a limited time only, or a limited estate or interest therein only is required, the plan and description so deposited may indicate by appropriate words written or printed thereon that an estate for years only or some other limited estate or interest in the land is taken, and, by the deposit in such case, such estate for years or other limited estate or interest shall become and be vested in Her Majesty.
>
> 3. All the provisions of this Act shall, so far as the same are applicable, apply to the acquisition for public works of such estates for years or other limited estates or interests in lands.

That is, instead of taking the fee in the land you take power by this bill to take a

less estate than the fee, a leasehold estate, or some other estate less than the interest of the party in the land. Let me take one or two instances by way of illustration. Suppose the government wish to-morrow to build a bridge across the ravine east of this building. It would run over, it might be, the top of some house, the proprietor of which might not be disturbed by what is there done. The government does not want the property in the valley beneath. It does not want the house, it simply wants an easement. We know that under our law a man's title extends down to the centre of the earth in one direction and up to the heavens in another. The power to build an overhead railway, for instance, or an overhead bridge might be a power which the party would refuse to permit you to exercise unless you were disposed to take the entire estate. The experience of the government has been that in many cases it would be convenient to take a less estate than the fee in the land, and it does seem to me that where you grant to the Crown power to take the whole of a man's estate in fee, it certainly is not an arbitrary thing to take a less estate than the fee. Take, for instance, another case. A government acquire a quarry for the purpose of constructing a public work of some sort, but, in order to get to that quarry, they are obliged to use a lane running through a man's property half a mile. Surely it is to the interest of the man, if he is to have reasonable compensation for his land, that the government, instead of taking the fee in that lane or way to the quarry, should be at liberty to take a lesser estate. They may only require the quarry for a specific purpose.

Hon. Mr. LOUGHEED—You already have that right.

Hon. Mr. MILLS—Does the hon. gentleman admit that is a right power to have?

Hon. Mr. LOUGHEED—Because it is only temporary. You already have that.

Hon. Mr. MILLS—Does the hon. gentleman admit that we have the right to acquire that temporary interest?

Hon. Mr. LOUGHEED—We are discussing a very much larger right.

Hon. Mr. MILLS—As I understood the hon. gentleman when he addressed this House an hour ago, he denied that we should have such a right.

Hon. Mr. LOUGHEED—My hon. friend referred to a temporary cause in which the right might be used for the carriage of building material, and gave the House to understand, during the progress of his argument, that it would not be necessary to expropriate the fee simple of that road. I say, under subsection D of section 3 of the Act, you have that right already. The case that you want to provide for in the proposed bill, is an entirely different case from that.

Hon. Mr. MILLS—My hon. friend has evaded my point. The hon. gentleman argued, without looking at the statute, that that was an arbitrary power which the government ought not to possess, and now he turns round and says that the government do possess that power. That fact is shown by section 5 of the statute as it now stands, that the government have the power to take, in certain cases, a limited estate as well as to take the fee.

Hon. Mr. LOUGHEED—No.

Hon. Mr. MILLS—The hon. gentleman argued, you not only ought to take the fee but the whole property, and he read a portion of the English statute to show that we are introducing a principle here that is not recognized in the English law. I say we are not doing that—we are not introducing a principle that is not recognized in our law as it stands. We have the power, under the statute, to take a limited estate, or the power of taking the fee, and under this bill we do not go beyond that.

Hon. Mr. McCALLUM—Will the hon. gentleman let me answer that question. Under this bill do you not take the power to compel a man to take his land back? Is that not the object?

Hon. Mr. MILLS—We pay him, and he has the right to go into the court, and if he shows that during the period the land was in our possession he has lost his opportunity of parting with the land, he may ask to have that made a consideration in the assessment of damages.

Hon. Mr. McCALLUM—And do you consent to give him consequential damages?

Hon. Mr. MILLS—Certainly not, unless you specially provide for it. What do we propose to do? The bill provides:

2. When any land taken is required for a limited time only, or a limited estate or interest therein only is required, the plan and description so deposited may indicate by appropriate words written or printed thereon that an estate for years only or some other limited estate or interest in the land is taken, and, by the deposit in such case, such estate for years or other limited estate or interest shall become and be vested in Her Majesty.

The hon. gentleman has argued against that on principle, but I say that on principle that does not differ from the Act as it now stands. It is no extension of the principle involved in the existing law. When this bill was up before the House for a second reading, I do not think there was a single hon. gentleman present in the House at that time who took exception to either subsection 2 or subsection 3 that we proposed to add to section 8 of the law as it now stands. The hon. member from Manitoba did take exception to section 2, and when we come to that I will be prepared to discuss that subject; but I think the hon. gentleman will see that, so far as subsection 2 here is concerned, the one now under consideration, there is no extension of principle other than that, perhaps, involved in taking a less estate, which I think we do now. We certainly take a limited estate for years, and this enables us to take certain specific easements about which there might be doubt at the present time.

Hon. Mr. DEBOUCHERVILLE—Will the hon. gentleman name any civilized country where there is such a law as this?

Hon. Mr. MILLS—I take it this country is a civilized country, and I have pointed out to the hon. gentleman that as the law now stands there is not a principle in this subsection now under consideration that is not involved in the statute as we have it already.

Hon. Mr. McMILLAN—Then why this amendment?

Hon. Mr. MILLS—Because it is required. It is an extension of that principle, but it is the same principle.

Hon. Mr. DEBOUCHERVILLE—If this exists already in the law, as the hon. gentleman says it does, why introduce this bill?

Hon. Mr. MILLS—Because this is to meet a class of cases not provided for in the statute as it exists.

Hon. Sir MACKENZIE BOWELL—Is there not this difference; you have the power now I understand—both railway companies and the government—of taking a limited portion of a man's estate if required for public use.

Hon. Mr. MILLS—Yes.

Hon. Sir MACKENZIE BOWELL—All you have to do is to survey it, register the plans, and it becomes *de facto* the property of the government. Is not that the case now.

Hon. Mr. MILLS—In certain cases.

Hon. Sir MACKENZIE BOWELL—In all cases. If you require a piece of property through which to run a canal, under the Expropriation Act you can take it.

Hon. Mr. MILLS—You take the fee.

Hon. Sir MACKENZIE BOWELL—You take the fee of the land required.

Hon. Mr. MILLS—Yes.

Hon. Sir MACKENZIE BOWELL—This bill goes further than that, as I understand it. You can take the property of individuals and keep it for twelve months or twelve years if you like, and then, if you find you do not want it, you throw it back on the owner's hands. The clause provides "When any land taken is required for a limited time." I can understand the propriety of taking lands for a limited time if you require it for a road, or require to go through a man's land to reach a quarry or a gravel pit. You have that right under the Expropriation Act at the present time; but under this bill you can take a man's property and keep it and use it as long as you please, and then throw it back on his hands. It is true that you make a provision in the Exchequer Court Act to compensate him. Take, for instance, a quarry; you require stone for the construction of a lock on a canal. You take possession of a man's quarry; you keep it twelve months, take out all the stone you require during the twelve months, and then give the quarry back to him. You deprive the owner of the right of selling that stone at a profit to you or to any other party who

requires it, and after you have obtained all you require you throw it back on his hands, less the value you have taken out of it. You say he can go into the Exchequer Court and fight for the value of it.

Hon. Mr. MILLS—That is what he does now if they cannot agree.

Hon.Sir MACKENZIE BOWELL—No, there is this difference: if you take that property and register your plans, it becomes *de facto* your property, and you cannot throw it back on the man's hands afterwards, nor can you say to the individual afterwards "we require only an acre, or half an acre of what we have taken from you." There is the great objection. If you require that quarry, or a certain portion of land.

Hon. Mr. MILLS—That is not in this clause. It is in the next.

Hon. Sir MACKENZIE BOWELL—Yes, it is in this also. What I was stating was this: you want a man's quarry; you go and expropriate an acre or five acres of that land, or you require land through which to construct a canal, and you take from the proprietor ten acres. After building your canal, and after he has been out of the ownership of the quarry and also of the ten acres you have taken from him for some time, you find that you do not want all of that land and you say to him "we do not want ten acres; we want only eight," or "we have used your quarry for a certain time; we took an acre from you, but we find that half an acre will supply what we want. You can have it back."

Hon. Mr. SCOTT—The hon. gentleman has misconceived the situation. The government decides that it wants five acres of a man's property for five years. They file a plan, and they have a right to do what they like with that property for five years. If it is a quarry, any court would fairly consider that in five years all the stone would be taken from it, and therefore would very properly award to the person whose land they were expropriating the full value of the property.

Hon. Sir MACKENZIE BOWELL—I can mention a quarry in North Hastings that they are taking stone out of for the Victoria bridge that you could not take all the stone out in twenty years.

Hon. Mr. SCOTT—The question would arise, what quantity could they take out during the time the Crown had it. The plantiff should be entitled to the fullest amount that the Crown could get. The Crown could not, after notifying the party that five acres was required, say we only want two acres. That would be impossible.

Hon. Sir MACKENZIE BOWELL—Yes, under this bill you could.

Hon. Mr. SCOTT—No, because the award would be made. In the instance the hon. gentleman gave about the canal, the Crown would have to pay for the land at the time, and surely the Crown would not expect the man to take the land back again and recover its value back from him? The Crown must complete the transaction. The Crown is bound by the award of the judge to complete the compensation at the time, and therefore there is no opportunity or facility for the Crown to divest itself of any portion afterward.

Hon. Sir MACKENZIE BOWELL—The hon. Secretary of State is altogether mistaken as to the wording or intention of this clause. There is no limit of time within which the Crown is obliged to complete its bargain. I asked that question on the first reading. When it was moved by the Minister of Justice, I asked if there was a limit of time within which they could hold the land, and he said no. If you look at the report of the debate you will find the explanation given was that you can hold the land as long as you please, until the money is paid, and it depends upon the government when the money is to be paid.

Hon. Mr. KIRCHHOFFER — What would you do in a case of this kind: an individual owns a quarry which is expropriated by the government. That individual has other contracts to supply stone from that very quarry. The government take the quarry away from him. How is a court going to assess the damages for which he is liable for non-fulfillment of his contract? The government hold the quarry for two or three years, during which time the owner is absolutely ruined. He is not able to supply the stone under his contract. At the end of that time the government return the quarry. How are they going to assess the damages or award compensation for a case of that kind?

Hon. Mr. LOUGHEED—I should like the Minister of Justice to instance some case, not already provided for in the Act, to which this bill will extend. If the public requirements are of such a nature as to cover such instances as have been suggested, actual instances certainly should be submitted to this House for the purpose of pointing out to members the desirability of passing this particular legislation. The hon. Secretary of State has instanced certain cases in which it is desirable that legislation should be placed upon the statute-book to meet the requirements of the Crown. In the class of cases mentioned by my hon. friend, he will find legislation in section 3 of the Expropriation Act covering the very particular class of cases to which he alluded. The right is given to the Crown to take possession and enter upon any lands deposit and remove stone or other material for the purpose of any public work, &c. That being the case, my hon. friend surely will not contend that the Crown is handicapped or hampered at the present time in the carrying out of its public works.

Hon. Mr. MILLS—It is.

Hon. Mr. LOUGHEED—Will my hon. friend instance a case in which it is so handicapped? My hon. friend must draw a distinction between a temporary user of a road, or quarry, or property, such as is set out in section 3 of the Act, and the expropriation for a limited time of a property belonging to an individual, during which time that individual is absolutely deprived of all right of property in his own land or other property. Now, the bill does not even go so far as this to throw upon the government or compel the government to mention the limitation of time which it contemplates using a man's property.

Hon. Mr. SCOTT—That must be in the notice filed.

Hon. Mr. LOUGHEED—The bill does not say so. All you have to do is simply to mention that it is for a limited time.

Hon. Mr. SCOTT—It must be limited to a certain time. The time must be named in the notice.

Hon. Mr. LOUGHEED—Will my hon. friend point out in what way the damages could be assessed in a case like that mentioned by the hon. gentleman from Brandon?

Hon. Mr. POWER—In the case put by the hon. gentleman from Brandon; if the government expropriated that quarry absolutely, would not the owner of that quarry be placed in as bad a position as if they took it for a year?

Hon. Mr. LOUGHEED—No, because he divests himself of all interest in it, and he knows where he stands. Under this bill the sword is hung by a hair over his head for years. He does not know whether that land will depreciate in value in the course of time, so that he could not dispose of it.

Hon. Mr. POWER—The land is just as likely to go up as down in value.

Hon. Mr. LOUGHEED—Let me instance a case: An owner of land observing that property in a particular vicinity is not likely to increase in value, but rather depreciate, at once takes steps to dispose of that property. Say, concurrently with that, the government serves him with notice tying up this property for a term of years. At the end of that period the market may become so absolutely depressed as to render his land of no value whatever. In the meantime he is deprived of the power of selling his land. Will my hon. friend say that a court could assess damages equivalent to the loss the owner sustained? I say such damages would not be ascertainable.

Hon. Mr. KIRCHHOFFER—The hon. gentleman from Halifax says the land may appreciate in value. No one objects to the government getting the advantage of the increased value when they pay for the land. They can do what they like with it.

Hon. Mr. MILLS—My hon. friend from Calgary has referred to the power given in section 3 of the Act as it stands. Any one who will look at the provisions of that Act will find that if the provisions of this bill are all arbitrary, then the provisions of section 3 are still more arbitrary.

Hon. Mr. McMILLAN—Two blacks do not make a white.

Hon. Mr. MILLS—The hon. gentleman knows this, that the section has been introduced in the public interest; that it has been in the law for several years, and nobody has complained in regard to it. It makes provision that the government may enter on a man's property and deposit there

material taken from other places. They may practically destroy the value of the land. On what does the proprietor depend for compensation? If he and the government cannot agree with regard to the value of the property that is damaged or used in this way, he has his redress in the Exchequer Court. Under this bill he has his redress exactly in the same way. As I said before, there is no new principle introduced into this bill.

Hon. Mr. LOUGHEED—But you cannot tie a man up under section 3 of the Act, and that is where the objection to this bill lies.

Hon. Mr. MILLS—You do tie the lands up. The present law provides that whenever any gravel, sand, &c., is taken at a distance from a public work, the minister may lay down the necessary sidings, &c., through any land intersecting, and such right "may be acquired for a term of years, or permanently." It may be acquired for a term of years for a certain specific purpose, and the section continues:

> And the powers in this section contained may be used in all respects after the public work is constructed for the purpose of repairing or maintaining the same.

Here is a right that the House will see the government may acquire and maintain in the property during its construction, but it does not end there. The paramount interest of the government enables it to go on land, under the provisions of this statute and exercise the same right of easement as long as that public work exists for the purpose of keeping it in repair, and obtaining material. The powers are confined to the use of the right of way. But we extend it to other purposes equally necessary in the interests of the government for the maintaining of public works that are from time to time required, and they are to do so without being liable to exorbitant charges for damages or compensation from the party. Now, where is the difference between a government taking an easement which may be continued indefinitely and any power provided in this bill? Hon. gentlemen will see that this power of returning a portion of the lands expropriated by the Crown is a power that must be exercised before the question of amount is settled between the government and the party. If the government expropriated lands under the provisions of the law, and the parties cannot agree upon the price, or if the government finds after the expropriation is made that a less area than was first contemplated is required, they may restore a portion of the lands to the party, but all that must be done before a settlement for the property takes place. It must be done while the question is still in dispute between the government and the party to whom the lands belong.

Hon. Mr. ALLAN—What is the meaning of the second clause when it says: "Whenever from time to time, or at any time, before compensation is made."

Hon. Mr. MILLS—At any time before compensation is made.

Hon. Mr. ALLAN—What about the first words "Whenever from time to time?"

Hon. Mr. MILLS—The hon. gentleman will see these words are intended to cover —

Hon. Mr. ALLAN—The hon. gentleman said that all this must be done and the award made before an expropriation is made for temporary purposes.

Hon. Mr. POWER—I would suggest that we might strike out the word "or" when we come to that clause.

Hon. Mr. MILLS—"From time to time" means while the matter is still under consideration and while they are still unsettled as to the amount required to be held by the government. It is before an award is made. If my hon. friend thinks that more definite words are necessary than those employed in that clause for the purpose of guarding the rights or interests of the individual, I am prepared to consider any suggestion that may be made when we come to that section.

Hon. Sir MACKENZIE BOWELL—Could the hon. minister suggest some specific case, which will lay the whole matter before the Senate practically, which necessitates this change in the law? If he can do that we will then be better able to judge. The great objection that is taken to this bill is, as I understand it, the taking a man's property and holding it for a limited time until, as you say, a settlement has taken place, and then if you do not want it, hand it back to him, no matter what the damage may be. Under the present law when a

property is expropriated by the Crown there is an end of it.

Hon. Mr. MILLS—Not necessarily.

Hon. Sir MACKENZIE BOWELL—Yes, necessarily. Draw the distinction if you please between the powers given to the government or a railway company now of acquiring an easement of a property in order to reach that which they require to carry on their works and the clause in this bill. That is all the hon. gentleman has been arguing for the last half hour. The government have the right already to take possession of a man's property to reach a gravel pit, and they have power to expropriate the gravel pit, but they have not the power, under the present law, to take the gravel pit and then after a certain time throw it back, or a portion of it, on the owner's hands.

Hon. Mr. POWER—It is to be regretted that in dealing with the first clause of the bill hon. members will slip off to the second. The clause before the committee deals simply with the case where land is required for a limited time only, or a limited estate there is required. The plan and description to be deposited will indicate by proper words that a limited estate is required. As it stands now, the Crown can take a man's estate in fee simple in the land, and if the owner of the land and the government cannot agree the damages are settled by the Exchequer Court. It has never been contended that the Exchequer Court is ungenerous or illiberal in dealing with claims for damages. If that can be done, what earthly reason is there why the Crown cannot come in, and if they require a piece of land for some public work for a year or two, file a plan and state that. Why cannot the damages be as easily arrived at as the damages for taking the land altogether?

Hon. Mr. ALLAN—Will the term for which the estate is required be stated?

Hon. Mr. POWER—The clause says so. It says the plan and description may indicate by proper words the estate or time. Then everybody knows, and the man whose land is being taken for a year or two knows just how long it is to be taken. There is certainly no difference in principle between the two cases, and I cannot see how any difficulty can arise. Let us not mix up this clause with the next one, about which there may be some difficulty.

Hon. Mr. LOUGHEED—The case mentioned by the hon. gentleman from Halifax is already provided for by the Act.

Hon. Mr. POWER—No.

Hon. Mr. LOUGHEED—Will the hon. gentleman look at the Act?

Hon. Mr. POWER—I have looked at the Act, and I do not find it. It covers certain specific things.

Hon. Mr. LOUGHEED—The Minister of Justice says the present law is harsher than the proposed bill.

Hon. Mr. KIRCHHOFFER—And the greater must include the less.

Hon. Sir. MACKENZIE BOWELL—Would the hon. gentleman from Halifax kindly point out the extent to which this clause gives power to the government that is not in the Act? You say they are not alike. Then what is the difference?

Hon. Mr. MILLS—My hon. friend will see that we ask for power to take a limited interest, or an interest for a limited period of time, or the fee, in certain lands. You have, under the law now, power to take the fee in lands, or a limited estate for certain purposes, but for certain purposes mentioned. Looking at section 3 of the Act, it will be seen that you make and use all such temporary roads to and from such timber, stones, clay, gravel and so on. The government acquire a quarry. They are obliged to pass through the lands of another party for the purpose. They take a limited estate for a highway. They make certain improvements upon it. They may hold it for a term of years mentioned, or they may abandon it at any time when they cease to use the quarry. Now, every argument which the hon. gentlemen have used against this provision of the bill applies against the provisions of the law as it now stands in respect to highways. The ground upon which we defend such an expropriation by the government is the ground of public necessity. A quarry would be useless to a government if they had no possible way of approaching it and you give them, as a matter of necessity, by the provisions of the Act, the power to take the land for a limited period of years.

Hon. Mr. LOUGHEED—Under section 5 you have the right to expropriate it for a right of way.

Hon. Mr. MILLS—Yes, but not for other purposes.

Hon. Mr. LOUGHEED—What other purposes do the government want it for?

Hon. Mr. MILLS—I do not know what purpose the Department of Public Works might want it for. I gave my hon. friend an instance to-day as it now stands. You could not run across a ravine over a barn or building with a bridge for railway purposes under the provisions of the law as it now stands, because you have not the power of expropriation unless you take the whole fee.

Hon. Mr. LOUGHEED—The railway company has to expropriate by taking the fee and why should not the government do it?

Hon. Mr. MILLS—The party might not want to part with it. And the hon. gentleman undertakes to say that the Crown, which is under the control of Parliament, whose encroachment would be constantly watched by the people's representatives in the House of Commons, is not to be entrusted with any larger discretion than you would trust to a private railway corporation. I say that is a monstrous proposition and one that has never been recognized in the legislation of this House. Hon. gentlemen have raised objections to this bill but, if they have any value at all, they would be good against the law as it stands to-day.

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. MILLS—The hon. gentleman says no, but I say yes. I say under the law as it now stands you have the power to expropriate.

Hon. Mr. McCALLUM—Amend the law.

Hon. Mr. MILLS—That is what we are trying to do. There are many cases to which it is not applicable, and we ask permission to take a limited estate in the land, or a fee, and when we ask the power to restore a portion of property, we are asking a power that has to be exercised within a limited period of time. Let me ask the hon. gentleman who sits opposite (Mr. Lougheed) how the law of compensation is to be determined with regard to the provisions of this Act in respect to subsection D of section 3? How is the court to determine what the value of the interest the government have taken is?

Hon. Mr. LOUGHEED—As provided by section 25.

Hon. Mr. MILLS—It can only be determined when the government state the extent of the interest and the period of time for which the interest is to continue, and in that respect it is broader than what we propose here, because it will be necessary here, when you file a plan and set out the interest you propose to take, to state the number of years for which that interest is to continue, and so you have means placed at the disposal of the Exchequer Court to determine the value more precisely than you have in the case of the subsection to which I referred. I am satisfied hon. gentlemen will see that this is a reasonable proposition. It is one which experience has shown to be necessary, one which it is in the public interest to adopt, and which can do no possible injury to any just right or interest which any party may set up under its exercise.

Hon. Mr. ALLAN—As I understand, under the clause now under discussion when the government desire to take a limited estate in any property they will have to state the number of years they desire to hold it.

Hon. Mr. MILLS—Yes. You could only ascertain the value of the interest by the number of years it is to run.

Hon. Mr. ALLAN—That they have to state at the time?

Hon. Mr. SCOTT—Yes. The clause reads:

2. When any land taken is required for a limited time only, or a limited estate or interest therein only is required, the plan and description so deposited may indicate by appropriate words written or printed thereon that an estate for years only or some other limited estate or interest in the land is taken, and, by the deposit in such case, such estate for years or other limited estate or interest shall become and be vested in Her Majesty.

Hon. Mr. O'DONOHOE—I have been most anxious during the debate to come to a conclusion upon the arguments advanced by the hon. Minister of Justice and the hon. Secretary of State. A good deal has been uttered about limited estates and estates for a short time and for a long time, but there

is no question about this, that between vendor and vendee the time specified in their agreement is a whole perfect period, although it be only an estate for years. An estate by a lease of lands is an estate for years, but do you mean to say that the lessee can, at any time after that lease is made, go and say to the owner, "I want you to take back all this estate that I do not require?" No, the lease was made for ten years or for fifty years. He takes the whole of that time. It is no part of it he takes. It is no part of that estate that the lessee or vendee takes. Neither is it a part of the estate when the Crown deals with the fee. It is not a part of that estate that is taken. It is not a limited estate for days or months or years. The Crown takes the whole estate and everything that is in that estate, and agrees with the person from whom it is taken to pay him for what is taken, but if he had entered a condition in his deed with the government, "If you like to give me back within a year or within two years, one or two or three acres of this land, we will settle now for the price that I must remit you for the land you take back from me," there would be some sense in it. But take the case of the government having five years ago acquired land for a certain purpose. The agreement for that land was made at that time under the law as it was. He did not make a treaty with the government giving them power to bring in an Act of Parliament whenever they pleased, changing the law, and this law under which the land had been given for public purposes was in existence, and it was not in contemplation of the parties that it should be changed for the benefit of the government. If there is a change in it that change must be at the time of the sale and purchase which comes afterwards, and the price to be refunded by the government is to be considered by both parties before the original deed or contract has been made. The change in the law contemplated here would have this effect—I will not say it was contemplated by the government that it should have the effect—of changing the law as it was when the contract was made. Which of us will have a piece of land purchased on such terms from the government. The government has no right itself to take lands except by the statutory power conferred upon it in the public interest, but this is asking for additional power long after the contract. When the purchaser sold his land he sold the whole of it, as the hon. Minister of Justice has said, from the sun down to the bottom of the earth. He sold all that and there is no use speaking of, or leading to confusion in speaking of limited estates or estates for years, or less than a year, but take the whole thing that was in the contemplation of the parties at the time the sale passed. What passed to the purchaser is his, and what passed to the vendor is his. They have no interest any longer if it was an estate in fee. The vendor ceases to have any interest in the estate that passed, and the purchasers, the government, have nothing to say further in the matter. The property is theirs, and if they want to make any change in it thereafter, it must be the matter of a new bargain, just the same as if neither of the parties had ever had anything to do with one another. It seems to me this is, in effect what is abhorred by the law—a sort of *ex post facto* legislation. It is bringing in a measure to amend the law as it was when all the transactions up to the present time had been carried out. I have not heard from my hon. friend the Minister of Justice an instance given at all bearing upon such a case as might arise under this change—not one. Although he says the experience of the past would warrant this being done at any stage in the public interest by the government, I deny that, and if it was not deniable, I have no doubt, with the assiduity and keenness of perception of the hon. Minister of Justice, that we would have the cases cited in which such a thing occurred, and until I hear such a citation, I shall not be a party to any *ex post facto* legislation affecting contracts made in the past. That is my position, and it is not one of opposition because of the source from which the legislation springs, because my feeling is to be with the government whenever I think their legislation is right, and I believe that when their legislation is well considered and right, they will seldom meet with any party opposition in this honourable chamber.

Hon. Mr. MACDONALD (B. C.)—I beg to ask the hon. minister whether under this clause the government can take a less estate than that expropriated two years ago? Supposing the government expropriated five acres a year ago can they now say we will take one acre?

Hon. Mr. MILLS—The hon. gentlemen had better reserve that question till we come to clause 2.

Hon. Mr. MACDONALD (B.C.)—This clause speaks of taking a limited estate. Has it a retroactive effect?

Hon. Sir MACKENZIE BOWELL—The question which my hon. friend has just asked has only intensified the question which I asked some time ago, to give us some specific case in which the government has suffered by not having the power which they now ask. I find, looking at this definition of lands in the English law, that they are much more conservative than we are:

> There are no sections in the Land Clauses Act of 1848 which empowers the undertakers to compel any owner of land to create a grant or easement in their favour, although such easement might be sufficient for carrying on the purposes of the undertaking.

Hon. Mr. POWER—That is the undertaker—not the Crown?

Hon. Sir MACKENZIE BOWELL—I understand that applies to the expropriation of all lands; and lays down the principle, even supposing it does apply to companies, that you have no right, against the will of the owner, to take possession even of the easement although it may be necessary for carrying on a public work. In our Expropriation Act the power is given to the government to take possession against the will of the people, so that we have gone much further in Canada than in England. It seems to me the whole object of the bill is simply to enable the government to take possession of a man's property and hold it until they have paid the money, and there is no limited period in which they shall pay the money, and then hand it back, or a portion of it. Under the present Act the moment they file the plans of whatever they desire to take of the property it becomes absolutely the property of the Crown, or of the company that has the power to expropriate and has expropriated. What the government wants to do is this: take a lease of the property, whether it be a gravel bed, quarry or other valuable piece of property, and after they have taken possession of it, hold it for a certain time and then say to the owner "we only want half of it." That is really what it is in a nutshell, and there is no use trying to hide it, and if the minister would tell us why they want that power, and the cases that have arisen to justify it, the Senate will be in a better position to judge.

Hon. Mr. SCOTT—I have no objection personally to any amendment that would require the Crown to pay in a limited time the award as between debtor and creditor. I do not think the Crown ought to be permitted, after the award has once been made, to hold the money indefinitely in order to ascertain whether they want the whole of the land. I think the award should be final, and if the bill does not so express it, I think the Minister of Justice will be prepared to make it clear. I daresay there are instances where the Crown had not paid up the amount in a reasonable time. If the government are not appealing against the award they should pay.

Hon. Mr. CLEMOW—Why should they not pay interest?

Hon. Mr. SCOTT—I think they ought to pay interest.

Hon. Mr. CLEMOW—Why do they not do so?

Hon. Mr. SCOTT—It is owing to the administration that was in power prior to us, for eighteen years, that they are paying no interest.

Hon. Mr. MILLS—My hon. friend asked me to instance a case. Let me give an instance which I gave him the other day in connection with the construction of a canal, a case where the turning ground connected with the mill was taken for the construction of the canal.

Hon. Sir MACKENZIE BOWELL—What ground?

Hon. Mr. MILLS—The ground where the customers of the mill used to turn round. It was necessary for the mill. What the government would desire to do in that case would be to acquire ground elsewhere in immediate contact with the mill and provide a turning ground, instead of being compelled to purchase the mill at a very exorbitant figure. Of course the Crown might be regarded by the proprietors of the mill as an excellent customer, and the owner might think that the money at which the property would be valued would be of more use to him than the retention of the mill, but we have no power, if we construct a

canal and use the land close to a mill, to provide that other land shall be given in place of that which we have taken, lands in the immediate rear of the mill furnishing any amount of room, and we leave it to the judge of the Exchecquer Court to say whether the lands given him in exchange are adequate compensation for what has been taken from him.

Hon. Mr. LOUGHEED—That is the next clause.

Hon. Mr. MILLS—I am giving it because hon. gentlemen have persisted in discussing the provisions of the whole bill.

Hon. Mr. LOUGHEED—The limited estate clause would not apply to that interest.

Hon. Mr. MILLS—No, but that is an interest that the Crown cannot at the present time compel the party to take—cannot offer in compensation. The court cannot say that it shall be so taken. They cannot estimate its value. The whole provision of this bill, from beginning to end, is for the purpose of enlarging the power of the court in order that justice may be done both to the Crown and to the party. I am myself wholly unable to see the force of the objection which the hon. gentleman from Calgary (Mr. Lougheed) raised to this provision of the bill, and I think my hon. friend by this time sees that there is not a very great deal of force in the objection. He must see that the clause is a reasonable one and one which should form part of the law.

Hon. Sir MACKENZIE BOWELL—Do I understand the hon. gentleman to say that there is power to take a man's property on one side of the mill and give him property on the other side? That is the instance which he illustrated. The hon. gentleman has argued that if it is necessary to expropriate land which is necessary for the public to get to the mill, you want power to take that land and get an entrance to the mill for the customers by another route. There is no power in this bill to compel a man to take it in exchange.

Hon. Mr. MILLS—Yes, there is.

Hon. Mr. ALLAN—The first clause, after the explanations which have been made, simply means to give the government power to take a lease, in point of fact, for a term of years for a less property, which they consider they may require in the construction of public works; and if it is amended in the direction suggested by the hon. Secretary of State that this word "may" shall be changed into "shall," and they shall make these plans and define the period for which the land is wanted, and pay the compensation within the specified time, then I think it would remove the objection to the clause.

Hon. Sir MACKENZIE BOWELL—What is the difference between "may" and "shall" in an Act of Parliament?

Hon. Mr. MILLS—They are both alike when applied to the Crown in respect of duties, but not in other cases.

Hon. Mr. LOUGHEED—There is no analogy between the provision in section 1 of the bill and the illustration or case mentioned by the hon. gentleman from Toronto. So far as the government leasing the land is concerned, I fancy there would be no objection whatever, provided the Crown might lease the land from the owner. A lease always involves an agreement between two parties, but it would be an extraordinary case for a lessee to go to a lessor and say to him, "I insist upon leasing your land for five or ten years whether you want to let me have it or not."

Hon. Mr. POWER—Would it not be just as extraordinary to go to an owner of a lot of land and say "I insist upon taking your land in fee simple whether you wish me to or not."

Hon. Mr. LOUGHEED—No, that is the right of eminent domain for purposes of public utility to expropriate lands. I will now read from Cripps' Law of Compensation, which is the leading authority on the question of expropriation:

> There are no sections in the Land Clauses Act, 1845, which empower the undertakers to compel an owner of lands to create or grant an easement in their favour although such easement might be sufficient for carrying out the purposes of the undertaking.

Now the hon. gentleman has laid considerable stress on the fact that the Crown should not be asked to purchase a larger estate than necessary for the purposes of the undertaking, and yet under the English law which is the source of our legislation, no such principle has been there recognized or introduced into the Act as to allow the

Crown to take arbitrarily a less interest in land than the fee.

Hon. Mr. POWER—I should suggest to the hon. gentleman that perhaps there was some later authority than the Act of 1845. That is a long time ago.

Hon. Mr. LOUGHEED—It was amended in 1860, but the amendment did not affect that clause.

Hon. Mr. POWER—And our law is altogether different from the law we had in 1845. I think the hon. gentleman has done enough in the way of logic or mathematics to know that the whole is greater than the part, and that if you can take the whole of a man's estate, you should be able to take a part of it, and if the law allowed the government to take land in fee simple, it should allow the government to take a lease for the term mentioned. I move that the word "may" in line 9 be stricken out and the word "shall" be substituted.

Hon. Mr. LOUGHEED—My hon. friend will not say that the courts will not determine "may" as mandatory. It is interpreted mandatory as often as permissive.

Hon. Mr. POWER—"Shall" is always mandatory.

Hon. Mr. MILLS—Here it refers to a duty and is mandatory, but I do not object to the change.

The amendment was agreed to.

Hon. Mr. POWER—In line 12, after the word "taken," I move that these words be added:

Specifying the amount of such estate or interest.

That will indicate whether it is for a year or two years, or for any other term.

Hon. Mr. MILLS—The word "extent" would be better than amount.

Hon. Mr. LOUGHEED—Better put the extent of years. It may be an estate for life or an estimate fee simple.

Hon. Mr. POWER—You mention the extent of the estate and I think that is the proper way.

Hon. Mr. DEBOUCHERVILLE—I would like to know when the motion was made to adopt this clause.

Hon. Mr. MILLS—I moved the adoption of the first clause.

Hon. Sir MACKENZIE BOWELL—I do not see what effect it would have to mention the extent of the estate. If you file the plan you must state what you are taking.

Hon. Mr. POWER—My object in moving the amendment was to get the clause in the shape in which it should be and then the vote could be taken on the clause as amended.

Hon. Sir MACKENZIE BOWELL—I could understand the force of the amendment if it limited the period in which it was to be done.

Hon. Mr. POWER—The object is to provide that the government shall state beforehand just what they want, that they must state whether they want it for one or two or three years, and that they must set that out in the plan or description.

Hon. Mr. DEBOUCHERVILLE—I move that the whole clause be struck out.

The CHAIRMAN—The hon. gentleman might let the amendment be made and then let the vote be taken on the clause.

Hon. Mr. DEBOUCHERVILLE—Yes.

The amendment was adopted.

Hon. Mr. DEBOUCHERVILLE—I move that the clause be struck out.

Hon. Mr. POWER—I do not think that that is an amendment. I think that voting against the passing of the clause is the mode to accomplish what the hon. gentleman wants.

Hon. Sir MACKENZIE BOWELL—When the adoption of the clause is moved, the hon. gentleman can vote.

Hon. Mr. MILLER—A division can be taken on the motion for the adoption of the clause, and we would get the sense of the committee at once with regard to the whole bill.

The motion being put to the committee for the adoption of the clause 1, it was declared lost on the following division:—

Yeas, 12; Nays, 19.

Hon. Mr. CLEMOW moved that the committee rise.

The motion was agreed to.

Hon. Mr. VIDAL, from the committee, reported that the committee had risen.

The Senate adjourned.

THE SENATE.

Ottawa, Friday, 19th May, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

STANDING COMMITTEES.

Hon. Mr. MILLS—I find, in looking over the list of committees, that by some mistake, although the Striking Committee put the name of the hon. senator from British Columbia (Mr. Templeman) on several of the committees, his name in some way or other has been omitted, and I would move, seconded by Hon. Sir Mackenzie Bowell, that the Hon. Wm. Templeman's name be placed upon the Committees of Railways, Telegraphs and Harbours, Debates and Reporting, and Divorce, in place of the late Senator Boulton.

The motion was agreed to.

THE COMMITTEE ON STANDING ORDERS.

QUORUM REDUCED.

Hon. Mr. MACDONALD (B.C.)—I have to ask the House to adopt a resolution which should properly come from the Standing Committee on Standing Orders, but there is no quorum at present. The maritime members have not come forward, and there is a great accumulation of work to be done, and I have to ask the House to pass a motion reducing the quorum to three.

Hon. Mr. MILLS—It seems to me to be a very small quorum, and perhaps it is a failure of duty on the part of members that might not happen very often.

Hon. Mr. MACDONALD (B.C.)—It will only be for the remainder of the session, and I think three members of that committee and the chairman will do the work as well as five.

Hon. Mr. MILLS—I am not objecting.

The motion was agreed to.

EXCHEQUER COURT ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (B) "An Act further to amend the Exchequer Court Act."

(In the Committee.)

Hon. Mr. MILLS moved the adoption of the first clause. He said:—I think perhaps this bill explains itself. The first clause reads:

1. The Local Judge in Admiralty of the Exchequer Court of Canada in and for any Admiralty District in Canada may at the request of the judge of the Exchequer Court hear any cause, matter or proceeding in the said court arising in such Admiralty District, or hold any sitting of the Exchequer Court for the trial of causes in such Admiralty District, and when so acting shall in respect of such cause, matter or proceeding, or the holding of such sitting have and exercise all the jurisdiction, powers and authorities of such court, and of the judge thereof.

There is sometimes a single case to be tried, and a judge in the Admiralty Court, where such a case would arise, say in Vancouver or Victoria or down at Halifax, can undertake the duty at the request of the judge of the Exchequer Court, and at much less cost, and without any inconvenience to the public, and also I think that where the judge may be otherwise occupied, it may be important that the judge in Admiralty should have the power of undertaking the work of the Exchequer Court judge. This has been found by experience to be a power that it would be convenient that the judge of the Exchequer Court should possess.

The clause was adopted.

On the second clause.

Hon. Sir MACKENZIE BOWELL—I would ask the Minister of Justice whether he has thought of the question of the power of the Senate to appropriate moneys. I am not sure. I know that no independent member of the Commons can introduce any measure affecting the expenditure of money. It must come by message from His Excellency, and the Senate has no power to

authorize the expenditure of money, but whether the general terms in which this is worded would obviate that point I am not positive, but I have great doubts upon the point.

Hon. Mr. MILLS—I do not object to the sum of $100 being in brackets, although I am inclined to think that, not being an appropriation, but the assignment of a certain sum of money already voted for a work undertaken, that that perhaps could be done, but I would say that it might be put in with the sum blank, leaving it to be filled in by the House of Commons.

Hon. Sir MACKENZIE BOWELL—I think that would be the safest way.

The clause was adopted.

On the third clause.

Hon. Sir MACKENZIE BOWELL—This bill provides for giving power to the Exchequer Court to carry out the provisions of the bill which was rejected by the Senate last night.

Hon. Mr. MILLS—If my hon. friend will read the clause, he will see that that is not so.

Hon. Sir MACKENZIE BOWELL—I have read the clause. It varies to the extent of giving power to the Exchequer Court to award damages which might have occurred or accrued from the expropriation of property which had been handed back, or the expropriation of property for a certain time, and that bill not having been passed, this clause certainly is not required.

Hon. Mr. MILLS—My hon. friend will see that this clause enlarges the power of the Exchequer Court. If my hon. friend will compare section 3 of the Exchequer Court Act, chapter 38 of the statutes of 1889, he will see that there are certain variations. I will read the section as it stands now, and if my hon. friend will look at the bill, he will see what the variations are:

If the injury to any land or property alleged to be injuriously affected by the construction of any public way may be removed wholly, or in part, by any alteration or in addition to any such public work, or by the construction of any additional work, and the Crown by its pleadings or on the trial, undertakes to make such alteration or addition, or to construct such work, the damages shall, so far as the future is concerned, be assessed in view of such undertakings and the court shall declare that, in addition to any such damages awarded, the claimant is entitled to have such alteration or addition made, or such work constructed.

The variation, my hon. friend will see, is in the words that have been added. The clause reads:

If the injury to any land or property alleged to be injuriously affected by the construction of any public work may be removed, wholly or in part, by any alteration in or addition to any such public work, or by the construction of any such additional work.

That, so far, is exactly the same as the law now stands. Then the bill proceeds:

Or by the abandonment of any portion of the lands of the claimant.

Hon. Mr. MACDONALD (B.C.)—That is the objectionable part.

Hon. Mr. MILLS—That is new. "Or by the grant to him of any land or easement." The point is illustrated exactly by the case I mentioned yesterday. In building the Trent Valley Canal, the canal is cut not far from a grist mill. The road runs between the canal and the mill, but the canal has cut off the turning ground at the side, or at the end of the drive. The mill owner says "You have rendered my mill useless to me, I want you to take over the entire property—I want $14,000 for this mill." Now, the mill is as accessible as it was before. The road is not injured, but there is a piece of ground in the rear which it would be possible to acquire for a turning ground, in every way, in the estimation of those who have reported upon it, as suitable for the purpose as that which he before possessed, right beside it. On the opposite side the canal has cut away a portion of the turning ground. Now this provision, if carried, would enable the Exchequer Court, if the government made such a proposition, to say whether that ground was as suitable for the purpose as that which the mill owner possessed before—would it serve the purpose and, if so, to what extent has his property been damaged? If it is not as good in every way as it was before, then the difference will be estimated in damages by the judge of the Exchequer Court. I am just mentioning this one case as an illustration and it is constantly coming up. Let me mention another case. The government have acquired a quarry. They have used a piece of land opposite the quarry, an acre or two acres, for a piling ground upon which to pile the stone and dress it. They have no power to take a limited interest in that property. The party may say "You must ac-

quire the fee." We can acquire a limited interest under the law to the road leading to the property, but we only require the use of that property while we are engaged in some public work. There can be no impropriety—there can be no difference in principle between giving the Crown the power to say that we will take that for one year or two or three years, than giving the Crown the power to take the right of way over the ground on the same point for the same purpose for a limited period. Supposing a man has a farm or a piece of land lying between the public work that is being constructed and the quarry from which the material is being obtained. The law as it is gives power to take the road—not to take the entire fee, but the easement, and to use it so long as it may be required. That is provided in section 5 of the Expropriation Act as it stands. Now, is there any difference in principle or in practice between acquiring an easement or taking a lease for that right of way for two, three or four years, and taking a lease for an acre of ground at the end of it for the purpose of piling up the material you want to draw away on that road? Is not that principle exactly the same, and why should the attempt be made to limit the power of the Crown and compel the Crown to take the fee for a piece of ground it may not require for more than six months? You cannot compel them—you did not compel them when chapter 39 of this statute in 1889 was under discussion—you did not compel the Crown to say that if you want the right of way you must take the fee. You did not say that. Looking over the discussion that took place on this Act, I do not find a single word said on the subject in this House. Now, why should there be difficulties put in the way with regard to acquiring a piling ground, for instance, and acquiring a right of way? In principle they are exactly the same. Now, this clause, as I said when the bill was being read the second time, does not in principle differ from the law as it now stands. You applied it then to the right of way. I propose that in addition to the right of way it may be also applied to a piece of ground that you may require for the purpose of piling the material upon that you use in construction of public building or public work. Let me take another case. We want opportunity of obtaining lands and offering them to the company or to the party, who says we have damaged their property by what we have taken, in mitigation of the damage which may be done. Let me take an instance which I mentioned to my hon. friend, who sits opposite me, yesterday. The government is engaged in the construction of a basin or a dock in the harbour of St. John. In the construction of that they cross a railway running out to the deep water terminus, cutting right across the track. The government would like the power ——

Hon. Sir MACKENZIE BOWELL—Is that the street railway.

Hon. Mr. MILLS—No, I am speaking of an ordinary railway.

Hon. Sir MACKENZIE BOWELL—If it is at St. John it must be the Intercolonial or the Canadian Pacific Railway.

Hon. Mr. MILLS—It must be the Canadian Pacific Railway. Why should the government not have the power of acquiring property alongside of and down the track if they see proper, running further in?

Hon. Mr. LOUGHEED—Have you not that power now?

Hon. Mr. MILLS—No.

Hon. Mr. LOUGHEED—You have not the power to expropriate?

Hon. Mr. MILLS—We have the power to expropriate, but we have not the power to say: "We give you this in substitution of what we have taken and leave it to the Exchequer Court to say what is the difference in value." Let hon. gentlemen understand this question and see what they are seeking to do. Supposing this railway were to demand $500,000. They say: "You have cut off our connection with the deep water terminus." If we had the power of proposing another tract of land at the end of the basin, we could say, "We have not done so." We have taken away, it is true, a portion of the land which you now hold as a track, but we have substituted other land for it which still gives you your connection with the water terminus which you had before. It may be better. It may not be so good, but that is a question that the Exchequer Court would decide upon evidence if the Crown and the party cannot agree, but it is of consequence—of immense consequence that in

such an undertaking the Crown should have the power of proposing something else in place of what they have taken in order that it may not be in the power of the corporation to come before a court and to say "Our connection with our water communication has been destroyed and absolutely taken away." I mention these as illustrations of the importance of the work, and I may say to hon. gentlemen that the gentleman who has given us suggestions upon this subject, based upon a large experience in these matters, is not a political friend or supporter of the administration. If he has still any political sympathy or feeling, it is with hon. gentlemen opposite and not with us, and I am perfectly sure that his recommendations to my department are as honest as they are sincere and are certainly in the public interest. Now, let me read this provision:

If the inquiry to any land or property alleged to be injuriously affected by the construction of any public work may be removed wholly or in part by any alteration in or addition to any such public work, or by the construction of any additional work.

So far that is exactly word for word with the statute as it now is:

Or by the abandonment of any portion of the lands taken from the claimant.

Supposing it could be shown after the land has been expropriated, but before a final settlement has been reached, that by abandonment of a portion, the injury would not be a serious injury, that the only claim the party would have would be for the actual value of the property taken, and that no damage would be done to what he retained, surely the Crown ought to have the power of restoring to the party that which would seriously damage what remains if the Crown cannot do so?

Hon. Mr. MACDONALD (B.C.)—Does that bill give power to abandon a part of the land damaged?

Hon. Mr. MILLS—Yes.

Hon. Mr. MACDONALD (B.C.)—And take a limited interest as well?

Hon. Mr. MILLS—The question of limited interest does not come up in this bill. It is the abandonment of "lands or easements." The Crown may give him a right of way where he had no right of way before. If we should remove the mischief which might be done him—it is taking the power to remove the mischief in that way but it does not take it out of the hands of the court—it does not say he shall not have redress. It says the Crown may undertake to remove the injury that may be done by doing that, and the extent to which it does succeed in what it has undertaken will be estimated by the court. It is a matter of litigation. "And, if the Crown by its pleadings, or on the trial, or before judgment," some hon. gentlemen object to these words "or before judgment." I am perfectly willing to make any amendment.

Hon. Mr. POWER—That is in the statute now.

Hon. Mr. LOUGHEED—No, it is not in the statute.

Hon. Mr. MILLS—Whether it is or not, I am willing to say this in the bill, that no proposition shall be made without the consent of the other party after the question has been argued. I think, up to the time that the matter comes before the court, the Crown ought to stand in the position of any other party to propose a means of redress if such means can be discovered.

Hon. Mr. MACDONALD (B.C.)—How about cases before the court now.

Hon. Mr. MILLS—If a case has been argued, then it would not be touched by this bill at all; but, if there has been notice of trial, there is no reason in the world why——

Hon. Mr. MACDONALD (B.C.)—That is the crucial point of the whole thing. This bill, of course, would touch a certain case now pending in the courts.

Hon. Mr. MILLS—My hon. friend is labouring under a delusion. There may be fifty cases where property has been expropriated that have not been up for discussion or decision at all, and that might come under this bill. For instance, supposing my hon. friend had a case in court to-day, and the right of appearing as a witness on the part of either party to a case were taken away, and the law were restored as it was before, no one would think of calling that an *ex post facto* law—the altering of the law of evidence. Every case that was pending at the time the law of evidence was changed was dealt with and decided under

the law of procedure as amended by that amendment to the law of evidence. That took away from the party no right. His right is a right to compensation. We take away from him no right. If his property is damaged, if by any alteration previous to any litigation or controversy on the subject, by any proposition we may make to him, may mitigate the damages, surely that is not taking a right away from him.

If the Crown by its pleadings, or on trial or before judgment, undertakes to make such alteration or addition or to construct such work, or to abandon such portion of the land taken, or to grant such that is to grant land in place of that which is taken and which will remove the damage of which the party complains.

The damages shall be assessed in view of such undertaking. If it does not mitigate the damage in the least, then the assessment of damages would not be affected in the least, but if it does mitigate the damages and reduce the injury to the party, surely that is not a matter of which he can complain—that is not a thing which can be set up as a matter of *ex post facto* legislation. There is no right which he possesses which is interfered with in that case except it is beneficially interfered with. The government is not going to press a proposition that will aggravate the damages and increase the difficulty, and therefore the party might say: "You injured me largely by what you proposed to do in the first place, but you have further increased the injury by the alterations which you propose to make." If he could make such a plea as that, he might say that you are putting him in a worse condition than before, and if you had expropriated before the Act came about, you ought not to apply the Act to him. But that is not the case at all. The case is that the damages are mitigated—the injury is diminished by the alteration proposed, and if his injury is diminished he has nothing of which to complain. Why if you right the injury which is done and it goes on by any change that the government propose to make until it reaches a vanishing point, his injury has disappeared altogether, and therefore there is no ground of complaint. In this matter, then, there is not any ground of valid objection that can be urged from that point of view.

The court shall declare that, in addition to any damages awarded, the claimant is entitled to have such alteration or addition made or such work constructed, or such grant made to him.

Now, the Crown says to a party, "What you propose to do will be an advantage," and the court says that all that this concluding portion of the clause does is to provide that a proposal which the government has made and with reference to which the damages have been assessed shall be carried out. The government could not undertake to obtain a mitigation of damages in diminution of injury done to a party and after the court had dealt with the question, then turn round and say, "We will not carry out the provisions agreed upon." This clause is intended to meet that, and it provides that in addition to any damages awarded—that is, pecuniary damages—the claimant is entitled to have such an alteration or addition made or such work constructed or such grant made to him. There may be a retaining wall built—there may be a hollow or depression that requires to be filled up, or the ground levelled off. The damages are diminished in consequence of work of that sort being done, and the judge has awarded him diminished damages accordingly, and the clause provides that the government shall carry that provision out—shall do what it promised to do in connection with any work or undertaking. I think hon. gentlemen will see, the more they consider the provision of this bill, the more just and fair they are. No injury is done to the party. A benefit is conferred upon the public. Let me take an instance I have mentioned, of a man who wants to get rid of his mill and who makes the taking of a small corner from his turning ground an excuse for his saying "Parties coming to my mill cannot conveniently turn on these grounds any longer and I want you to take the mill over." We do not want the mill. The mill is no advantage to us. The Crown is not engaged in milling operations. There is plenty of land at the rear of the drive that can be acquired for that purpose, and why should not the Crown have the power to acquire that territory and put the man and his mill in as good a position as they were before? If the Crown cannot, then he is entitled to that extent to damages, and surely the provision is a reasonable one and one that will enable, in many cases, the government to protect the public treasury against unnecessary charges which are made without any serious injury to the parties complaining.

Hon. Sir MACKENZIE BOWELL—Will the hon. gentleman tell the House

on which side of the harbour the improvements are being made in St. John? Is it on the Carleton side or on the eastern side of the harbour?

Hon. Mr. MILLS—I cannot tell my hon. friend. I have not looked into the matter. It was mentioned to me by my deputy as an instance in which this power would be important.

Hon. Sir MACKENZIE BOWELL—If my recollection is right, the improvements are taking place on the east side of the river—that is the St. John portion, and not on the west side, or Carleton, and if that be the case, there are no railways in the city of St. John, not even street railways, that I am aware of, except that which belongs to the government. It is true the Canadian Pacific Railway crosses the river and enters the station, but that does not interfere with the harbour, as every one knows who has been in St. John.

Hon. Mr. MILLS—That is not the slightest consequence.

Hon. Sir MACKENZIE BOWELL—It is, because the hon. gentleman said the railway was interfered with.

Hon. Mr. MILLS—I gave it as an illustration, and it was given to me as an illustration by my deputy. I take it that he is correct.

Hon. Sir MACKENZIE BOWELL—It must be somewhere else then.

Hon. Mr. MILLS—No. Even though there were no such case in existence, it serves for an illustration as well as if it were an actual fact to show how injury could be done and how it could be prevented.

Hon. Mr. LOUGHEED—The hon. Minister of Justice seeks to introduce into this bill the principle upon which there was a very strong pronouncement last night and which would be voted down by this House.

Hon. Mr. MILLS—No, my hon. friend will see that it was not voted down. The corresponding provision to this in the bill was not reached. It was a wholly different provision.

Hon. Mr. LOUGHEED—Then my hon. friend should not proceed with this provision of the bill until the second clause in the Expropriation Bill is passed by the House. My hon. friend must necessarily concede that the clause he has been dealing with is simply the machinery to carry out clause 2 of yesterday's bill. If that clause does not pass, my hon. friend must know very well, particularly as a lawyer, that he simply would be beclouding this bill by tacking on to it machinery for the exercise of power which is not yet vested in the Crown. My hon. friend proceeds to-day with a very strong discussion of the principle of the bill of yesterday, principles which he knows very well this House is adverse to. I regret very much that my hon. friend saw fit to introduce into the matter of the discussion to-day an implication that the House was dealing with this question from a political standpoint, and that the clause was recommended by one of a different political faith from that to which my hon. friend belongs. I, for one, have always opposed, and opposed very strongly, extending the powers of the government to invade those private rights which, under every British system of government, we have considered sacred. It seems to me that the government already have powers that are very much too wide, and the exercise of which very frequently results in very great cases of hardship.

Hon. Mr. MILLS—As for instance——

Hon. Mr. LOUGHEED—I can recall cases in which individuals have suffered very great loss and have been put to very great expense by reason of the government invading private rights in expropriating lands and compelling the owners to go into the Exchequer Court to enforce their rights against the Crown.

Hon. Mr. MILLS—We are more cautious now.

Hon. Mr. LOUGHEED—I am not saying the exercise of expropriation should not be vested in the Crown, but this House should look carefully at giving larger powers to the government than already possessed by them. This clause relates particularly, as I said, to yesterday's bill. I cannot understand why my hon. friend wishes to proceed with it in the absence of our having dealt with that clause, and therefore I would ask him to let this clause stand until the Committee of the Whole House should sit upon the bill which

we had before us for our consideration yesterday.

Hon. Sir MACKENZIE BOWELL—It is dead.

Hon. Mr. SCOTT—It can be brought before the House by giving notice.

Hon. Mr. LOUGHEED—However, it seems to me my hon. friend should not proceed with this bill in the absence of securing the power which he yesterday asked. Now, dealing with those cases alluded to I would ask my hon. friend to point out a little more clearly where any injustice has arisen to the Crown by reason of the present powers being too limited.

Hon. Mr. POWER—Take the case of the mill and the canal.

Hon. Mr. LOUGHEED—Take the case of the mill. I would refer my hon. friend to a case in England in which a very similar question was dealt with by the courts, and in which it was held that the expropriator had no right to exercise such a power as is now being sought by the government, or which the government wish now to possess:

In Marson and the London, Chatham Dover Railway Company it was held that an open piece of land in front of a public house which formed the only means of approach to the front door, and which had been treated as passing with the house by every demise of the public house since 1802, came within the definition of a curtilage, and was part of the public house, as being necessary for its convenient occupation.

And consequently they were called upon to expropriate the whole property.

Hon. Mr. POWER—Do you think that was a proper thing?

Hon. Mr. LOUGHEED—I have sufficient confidence in the English courts in their adjudication of a principle by which the equilibrium between the Crown and the people in such cases shall be justly maintained.

Hon. Mr. MILLS—That was not a Crown case.

Hon. Mr. LOUGHEED—The same principle applies to the Crown. It comes under the Consolidated Land Clauses Act as well as private corporations. Another place where a man had bought land and put a house on it and inclosed it with an ornamental hedge and formed a back entrance, it was held that the company could not take a portion of the back entrance without taking the whole. If my hon. friend desires any Crown cases in which the Crown was prevented from expropriating land under such circumstances he will find several cases in Crips. Why should that mill owner be compelled to take back from the Crown certain lands which they heretofore had expropriated and which the Crown now chooses to abandon? Has that mill owner rights as well as the Crown? And can the Crown not better afford to be at some expense or to be at some additional trouble or loss than a private individal who may possibly be ruined?

Hon. Mr. MILLS—That is precisely what we propose. We propose to give him land in lieu of that which we took, which certainly will serve his purpose, and we propose to leave it to the courts to say whether, after that has been done, he has been damaged. If he has, he will be indemnified by the government.

Hon. Mr. McCALLUM—Where are you going to get the land to give to him? Take it from somebody else and give it to him?

Hon. Mr. MILLS—No, we own it.

Hon. Mr. LOUGHEED—It is quite obvious that if the carrying into effect of such an interchange of rights as that indicated by my hon. friend would prove of advantage to the mill owner he would accept the exchange. It is quite evident that when he refuses to accept this exchange of land there is some wrong about to be done him.

Hon. Mr. MILLS—No, it proves he thinks there is an opportunity of selling his mill to advantage.

Hon. Mr. LOUGHEED—Then that being the case you have the Exchequer Court which sits impartially upon such a question as that, and the Crown can preserve its rights by reason of the judicial machinery which it possesses.

Hon. Mr. MILLS—No, I pointed out how it could not be done.

Hon. Mr. LOUGHEED—There is no law by which a railway company or any aggregation of individuals having once taken a piece of land can abandon it afterwards, and say we have made a mistake in taking that land and insist upon your taking it back. It does

violence to the fundamental principles of all contract law.

Hon. Mr. MILLS—It is not a matter of contract.

Hon. Mr. LOUGHEED—Any gentlemen who have given any consideration to this question will know that the law of compensation is based practically upon the law of contract, that there must be an interchange of rights between the parties, and if you expropriate certain lands from the individual you must give to him the value he would obtain for the lands had he put them upon the market for sale. That is the principle of all expropriation, and a principle which should be strictly observed. I should be very sorry to embarrass the government in the passage of such legislation as this, but the cases cited by my hon. friend are cases I confidently state are already provided for in the Act. Take the piling grounds referred to by my hon. friend. It is already provided for in the Expropriation of Lands Act. I would refer my hon. friend to section 3, paragraph B, in which the Crown has the right to enter upon and take possession of any land, streams or water forces, the expropriation of which is necessary for the construction, maintenance and repair of any public work. In reference to the piling ground, I refer to section 3, paragraph D, where it is provided :

> Enter with workmen, carts, carriages and horses upon any land, and deposit thereon soil, earth, gravel, trees, bushes, logs, poles, brushwood or other material found on the land required for the public work, or for the purpose of digging up, quarrying and carrying away earth, stones, gravel or other material, and cutting down and carrying away trees, bushes, logs, poles and brushwood therefrom, for the making, constructing, maintaining or repairing the public work.

How can my hon. friend to-day say that a case of hardship has arisen in which it is necessary for the interposition of legislation by Parliament to meet the case mentioned by him when he states himself that he has not the particulars of the case which he cited as an illustration. My hon. friend cannot say to this House that it is indispensable to have this legislation to meet that particular case, because he himself admits freely that he is not sufficiently familiar with the particulars to inform this House as to wherein this legislation would apply to such a case. Under these circumstances it is simply asking us to do what we have pronounced against yesterday, and which I am satisfied the House is averse to doing.

Hon. Mr. POWER—I felt obliged yesterday to say that the argument of the hon. gentleman from Calgary (Mr. Lougheed), on the matter before the House went too far, and I think the same remark is applicable to-day. Before proceeding to say anything about the clause which is now before the committee, it would be as well to eliminate an element which I think has played a very considerable part in the discussion of both these bills, and call the attention of the committee to the fact that if clause 4 of this bill is stricken out, then any past transaction will not be affected by it; and it is in the hands of the committee to decide whether or not this bill, if we pass it, shall apply to past transactions. Let us take the clause which is before the House and look at it in a fair and impartial way. As the law stands to-day, in the case of that mill—that was the extreme case—the government, to-day, if it were practicable, might themselves go to work and expend a sum of money and construct an entrance as a public work by which the mill owner might get access to his mill, and if they did that, under the law as it stands to-day, the persons damaged would be obliged to accept that, and the judge would be obliged, in estimating the damages, to deduct the value conferred on the property by the public work which the government had constructed. Hon. gentlemen is it not just the same thing in every way? If the government happen to have a piece of land adjoining that mill which will afford the same access to the mill which the public work would have afforded, or which the existing road has afforded, is it not just the same thing to the mill owner if the government transferred to him a piece of land which gives access to the mill; and is it fair to the public to insist that the country shall pay $14,000, or whatever value the judge may fix for that mill, when they could have escaped the payment of that sum by simply deeding this piece of land to the mill owner. My hon. friend behind me does not seem to accept my view, but it seems to me the case is just as plain as that two and two make four. There is no difference whatever in principle between the government building for that mill owner a way of access to his mill and giving him a piece of land which the government happen to own and which gives him the same access.

Hon. Mr. LOUGHEED—Why cannot the government sell the land?

Hon. Mr. POWER—What land?

Hon. Mr. LOUGHEED—The land they would abandon.

Hon. Mr. POWER—To whom?

Hon. Mr. LOUGHEED—To who ever would buy it.

Hon. Mr. POWER—The government happened to build a canal which runs close to that mill, and which, unless something is done, will damage the mill owner very considerably; and if the government are in a position to transfer to the mill owner a piece of land which avoids the damage, why should they not? The law at present allows them to make any addition to the public work and construct any additional work, and this bill before us simply goes on to add to that power which the Crown now has, the power of abandoning any portion of the lands taken from the claimant.

Hon. Mr. MILLS—Up to the time of settlement.

Hon. Mr. POWER—Yes. I am not dealing with that. I am dealing now with the future and not referring to past transactions. The hon. gentleman talks as though the land owner's rights were all taken from him, as though he would have no damages for the harm actually done. What is the real effect of this provision? That when the judge comes to assess the damages done to the land owner, he treats the land which the government have offered to transfer to the land owner as representing its value in cash. Instead of compensating the land owner by giving him $14,000, the judge says, "Here is $8,000 cash, and I value the land which the government proposes to transfer to you at $6,000."

Hon. Mr. LOUGHEED—You force upon him land which he does not want.

Hon. Mr. POWER—Why should the government be forced to take land they do not want? Why should the mill owner be obliged to accept a public work which will give him access to his land? The hon. gentleman never opened his lips when that bill, now an Act upon the statute-book, was before the House to condemn the principle, nor did any other gentleman on that side of the House. This bill is simply extending the same principle a little further. It does not extend the principle, but it extends the operation of the principle a little further. The hon. gentleman is quite mistaken in saying that this particular clause depends upon the bill which failed to pass yesterday. Not at all. If the hon. gentleman will look at this third clause of the bill, he will see that it is a clause proposed to be substituted for the third section of the Exchequer Court Act. The bill which we discussed yesterday was one which proposed to amend the Expropriation Act, which is a totally different Act; and this clause has no more connection with the clauses of the bill which was before us yesterday than the clause in the Exchequer Court Act, as we have it on the statute-book, with the Act respecting the expropriation of land. This bill would give the Exchequer Court the right in future cases to deal with that matter. If the committee in their wisdom think it would not be well that that power should be extended to past transactions they can strike out the fourth clause of the bill.

Hon. Sir MACKENZIE BOWELL—I have listened with a good deal of attention to the remarks of the hon. Minister of Justice, and also to the remarks of the hon. gentleman from Halifax. It may be from my stupidity, but I was at a loss to know why we had such a long dissertation upon the question involved in the remarks of the Minister of Justice, from the simple fact that he argued upon a point which is not involved in this or the other law. The law, as it stands on the statute-book, as already read by the hon. gentleman from Calgary, gives the minister all the power that he argued for some fifteen or twenty minutes that he was entitled to. There is every power given in the present Expropriation Act for the taking of any lands or easements that are necessary for the carrying on of public works and for the abandonment of the easements, which he has taken, or whatever they may be, after the work is completed. The question involved in this bill is, to my mind, very simple. Take the case of the mill to which my hon. friend has referred, and which the hon. member from Halifax has very learnedly expounded; he asks the question, why should the government be compelled to take land which it

does not require any more than the owner of the mill? How did the government become possessed of the land which lies in front of that man's mill and which would interfere with the approach to the mill, should they carry out their present improvements and keep the land? Is it through the stupidity of some engineers who made the survey, that the government, under the survey, expropriated the land which lies at the front of this man's mill, and thus, to his mind, destroyed its value?

Hon. Mr. MILLS—That work was undertaken in my hon. friend's time.

Hon. Sir MACKENZIE BOWELL—It matters not when it was done, but how did the government become possessed of this land the expropriation of which the mill owner says is going to destroy the mill property? What if it were done by the engineers of the late government, and I know that engineers often get ministers into trouble by the reckless manner in which they go and take possession of a man's property without regard to the feelings or the interests of the party, knowing the government is at their back, and that the government will have to pay for any mistakes occurring through their recklessness or stupidity. But does it follow that because the government takes possession of land under the law, and it is expropriated by the department under the law, that you should afterwards be in a position to say to the owner of the property: "You must take it back, and I will give you some other property so that you can enter by the back door." That is really the position. You have this land and have had it for some time, you must have had it for years if it was expropriated by the late government. It must have been in the possession of the present government for a number of years, and now, under this bill, the government want to give this man in exchange for the land they have taken, some other land that he does not require, and they claim that it will answer his purpose. The only equitable point in the whole argument is that they say they are prepared to compensate him. We say, you have taken a man's property. If you do not want it, sell it. Whether he is entitled to the full value of the mill or not, I do not know. If he is, that is through the action of the government, and they should suffer by it. The hon. member from Halifax (Mr. Power) argues that this bill is not a corollary of the bill we had before the House yesterday. When the bills were introduced, it was distinctly understood by the members of the Senate that the first bill was to extend the powers of expropriation by the government, and to enable them, after the expropriation had taken place, to give portions of it back, and also, to enable them to expropriate for a limited time and a limited portion of a man's property; and that after they had given it back, if they desired to give it back, the court should decide what compensation should be paid; and this bill followed the other to give the Exchequer Court judge the power to carry out the provision of the first bill, which was defeated last night. If that be not the case, what is the meaning of the language, in the addition, which has been made in this clause? After giving power to deal with the works, as they exist now under the law, these words are added:

> Or by the abandonment of any portion of the lands taken from the claimant, or by the grant to him of any land or easement.

That is a provision to enable the government to abandon a portion of the property which they had expropriated and to exchange one property for another, a power that they had not before. Now, does it give the Exchequer Court judge, without the passage of the bill which was before the Senate yesterday, the power to deal with questions of this kind, or does the giving of the power to the Exchequer Court to deal with questions of abandonment, give the right to the government to abandon lands, which they did not have before.

Hon. Mr. MACDONALD (B.C.)—He said so.

Hon. Sir MACKENZIE BOWELL—That is a question which even laymen like myself would differ upon, and I have grave doubts as to what position a judge would take on a question of that kind. Some judges would probably take the view that has been enunciated to-day by the hon. Minister of Justice, other judges would take what to my mind would be a common sense view of it; that is, that while it gives them the power to deal with a question of compensation, they would before doing so, refer to the Expropriation Act and ask themselves the question whether the government have any power, under that Act, to do what they have asked the Exchequer Court judge to

do. Then you go on a little further and you say that this can be done on the trial, or before judgment, so that a case may be in court to-day, and may have been there for months, and until that judgment is given, the government have the power, if the hon. minister's interpretation of the clause be correct, to do precisely what the Senate said yesterday should not be done. I do not desire to prolong the discussion further than to say this clause contains the same principle that the Senate rejected last night. The hon. Minister of Justice says that we did not consider it. We rejected it by voting for a motion which absolutely killed the whole bill. The bill was designedly killed, the committee having risen without reporting. It was done designedly—it was not done through any ignorance on the part of the senator who made that motion, or on the part of those who voted for it. They knew when they voted for that motion that it was actually defeating the whole bill; and we have the question revived here to-day in another measure, and if the Senate is consistent in what it did yesterday, it should reject the clause. I move that the clause be stricken out of the bill.

Hon. Mr. MILLS—Hon. gentlemen have taken an extraordinary position both in regard to the bill of yesterday and this bill. My hon. friend yesterday, although not opposing the other bill in committee—if I remember correctly, he said he rather agreed with the principle of the bill.

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. MILLS—But took exception to its applying to past transactions.

Hon. Sir MACKENZIE BOWELL—I said that was one of the objections. My hon. friend is confounding what I said. I said, when he introduced the bill, from the slight explanation he gave, I was rather in favour of it, but when I read it, I found I could not support it.

Hon. Mr. MILLS—What the hon. gentleman supposed was in the bill which induced him to favour it on first impression, it is difficult to say. Yesterday, the bill had been read the second time. It stood for consideration in committee. The House had ordered it to be considered in committee. The House went into committee on the subject, and one hon. gentleman moved the rejection of the second clause of the bill, the clause which enabled the government to acquire a less interest than the fee in land they might require to take temporarily for the public service. That was the clause which was considered and rejected in the bill yesterday. That bill is not now before the House, and it is not necessary to discuss it. In fact, hon. gentlemen know that it is irregular to discuss it on the consideration of this bill. This is a bill to amend the Exchequer Court Act and to enable the Exchequer Court to do justice, and it gives a larger measure of authority than the court now possesses, for the purpose of adjusting any difference that may exist between an individual having a claim against the Crown for lands or property expropriated and the Crown itself. That is what this bill proposes. One hon. gentleman says that railways have not such extensive powers as it is proposed to confer by this bill, and he referred to a decision that has been given in England with respect to the exercise of power by a railway corporation. I do not know what great analogy there is between a railway corporation that is pursuing its course in the interest of a few corporators—in the interest of a very limited number of the community—and a government that is exercising its powers in the interest of the whole community, and in the discharge of those powers is under the supervision of this House and of the House elected by the people. Let me take a case. My hon. friend says, "Why should a mill owner or any other party whose property has been taken in part by the government be compelled to accept some other property?" But why should he not, if it is adjoining his own property? Mr. Jones or Mr. Smith has land and he does not want to part with the land at all. But you expropriate his land, nevertheless, and you undertake to give him money—of which it may be that he has abundance already and does not want to be troubled with the inconvenience of investment—for his lands whether he wants to part with them or not. Well, if you take the whole property and compel him to accept what he does not want in place of the property which he does want, where is the injustice or wrong done in taking a limited interest in the property, or a small interest, and to give him compensation as the law provides under a judge sworn to administer the law fairly. Where is the injustice, I

say, in requiring him to accept compensation for that lesser interest? Take the case of the mill owner I have mentioned. Here is a canal running close to a mill, not interfering with its road but interfering with a larger area on which customers may turn about, and he comes to the government and says: My turning ground has been injured; people who come to the mill with a team cannot turn without inconvenience, and I want you to do what? I want you to take the mill, for which the government has no use and to accept that at a high figure, as in all those cases, and if you do not do that, I am ruined. Is he ruined if you give him other land which the court says is of equal value?

Hon. Mr. McCALLUM—There must be evidence to prove the value of the property.

Hon. Mr. MILLS—Yes, but you give him other land which will prevent the damage which would otherwise be sustained.

Hon. Mr. LOUGHEED—Would the court, in view of the fact of evidence establishing that he could acquire other lands for turning grounds, compel the government to take the mill? I submit not.

Hon. Mr. MILLS—The hon. gentleman says he submits not, but the damage has been done and the Crown, in the trial of the case, ought to be in a position to say "Here we tender you this property; and it is for the court to say whether it is sufficient compensation or not." Let me take this case: supposing I go to an insurance company and insure my house, I insure it for a certain sum of money, and it is burned down. You give to the insurance company the liberty to rebuild for me. You do not apply to the company the doctrine which the hon. gentleman from Calgary (Mr. Lougheed) mentioned here awhile ago, when he said it would be a monstrous injustice to compel a man to take property in lieu of that which had been taken from him. You do that in the very fact that you empower the insurance company to rebuild for a man instead of paying him the money.

Hon. Mr. McCALLUM—But in this case he would not rebuild on the same ground.

Hon. Mr. MILLS—That is not of the slightest consequence. The question is, is the party adequately compensated for the injury that has been done him, and does he require further compensation of which we permit the court to be the judge?

Hon. Mr. ALLAN—We have been told that it is irregular to refer to the discussion of a bill, or the bill itself, which was discussed here yesterday. The one is so much the complement of the other that I do not see very well how we can discuss this measure without reference to the proposed amendment to the Expropriation Act. I confess, myself, I saw no objection to the first clause of that bill. It proposed to expropriate a man's property for a certain period, and that being so he knew where he was exactly, and I could not see that there was any injustice likely to be done in that way. The other clause which has been referred to several times, I certainly saw very great objection to, because it appeared to me the effect of it would be simply this: under it you could expropriate a man's land in some public work, retain it for an indefinite time, and then abandon any portion of it upon the plea that it is not required, and the owner is compelled to accept this "reinvestment" as part compensation for the damage he has sustained. It seems to me that, on the face of it, it is a very unjust enactment, because a man's property might be very seriously injured by a temporary occupation of it, and what he might have to take back under changed circumstances might be very much decreased in value. Then again the clause to which I had the strongest objection was making any legislation of this kind apply to cases which are at present before the courts. With respect to the clause in this present bill, I am not perhaps lawyer enough to understand it properly, but I can hardly understand, after what took place yesterday in the loss of the Expropriation Bill, how the Court of Exchequer could act upon this clause which it is proposed to insert as an amendment in the old Act and adjudicate for the giving back to a man a portion of his land after it had been expropriated. Would the court have authority to do this, seeing that the Expropriation Bill, which was intended to give the government that power, was lost? I cannot see how the Exchequer Court could exercise that power. Much of my objection to the bill would be removed if in any case where a man's property was taken for the requirements of the government, instead of their being allowed by the third clause of

the Expropriation Act almost any length of time to say whether they require the whole of a man's property or not, the question was settled within a specified limited time.

Hon. Mr. MILLS—I quite agree to that.

Hon. Mr. ALLAN—So that a man could know what he was dealing with and what he had to look forward to. There is where the injustice seems to arise in the wording of the Expropriation Act. The government might leave the question open for years, and in that way work a very great injustice. If parties whose land was being expropriated knew exactly what the government proposed to take, and it was so specified in filing the notice, as in the case provided for by the first section of the Expropriation Act, for a temporary occupation only, one of the great objections to the bill would be removed, and providing, of course, that its application to cases now before the court was also struck out.

Hon. Mr. SCOTT—The hon. gentleman from Toronto is no doubt right in saying that the whole subject of expropriation is open for discussion, because, naturally, the important point of this bill is the expropriation and in connection with that I may say, in Canada we have carried the principle of expropriation very much further than it is in England. We have greater necessity for it. Our railways, canals and public works are, of course, far more numerous and extensive than England's, and then the land is held in much higher estimation in England than in Canada. It has cost some railway companies a couple of thousand pounds to get an Act through Parliament, simply because some party whose lands it was to pass through objected to it. It has never been an objection in Canada, a railway coming through a farm or orchard. We have struck that away long ago, because the necessities of the country demanded it, and the principle of expropriation has been carried to a far greater extent in Canada than in England. In my judgment the whole standard in estimating this should be: Did the Crown in the first instance specify what it proposed to do? I do not think, after the Crown has served a notice, that the Crown ought to be permitted before judgment to change its view. That is perfectly clear. The party ought to be fully advised at the very first step. I suggested yesterday that the language should be made specific in filing the notice in the registry office, that the party whose property was to be attached was to know what was to be done, and the judge should be fully possessed of the greatest extent of the injury the Crown could do the property, and no doubt the court will say if that term of three or five years you can deteriorate the value of the property to a certain extent, and the award the man should be liable for would be the full extent to which that property could be injured. There is no doubt it is the introduction of a very novel principle that in taking a man's property you will pay him so much in land and so much in money. It is rather a shock, because it is a new principle. I have never known it to be introduced before.

Hon. Mr. MILLS—We do it in Ontario with regard to roads.

Hon. Mr. SCOTT—Yes, but you take the road.

Hon. Mr. MACDONALD (B.C.)—The government may take the best part of a man's land and return the balance.

Hon. Sir MACKENZIE BOWELL—The taking of a road is not analogous at all.

Hon. Mr. SCOTT—I admit that. It is a public road. I take the case now that is being discussed. I do not know the facts at all, and it is therefore only a hypothetical case. Take the mill owner, whose land around the mill has been injured by the construction of the canal. A considerable area may be taken that his customers use for turning their wagons on. The mill and the land are worth $20,000. The Crown owns property adjoining the mill, and makes this offer: We will pay three thousand dollars, and we will give you this piece of land that we estimate at $1,000. If it is adjoining the mill it may be a convenience to the mill. If it is not adjoining it is no use to him, and therefore the judge will not estimate it as worth anything. Under these circumstances, there ought not to be opposition to the clause. It is entirely a question for the judge. The judge may say, "I do not attach any value to that land for the purposes of this man's mill, and therefore it would not amount to anything." It is purely a question of damages that has to be arrived at by the tribunal before which the matter is to be discussed.

Hon. Mr. MACDONALD (B.C.) — I think the question of the mill is far fetched. You may take a case more in point in this matter. Supposing I have a public work and have to purchase a piece of land to carry on that work, and the government destroy my interest in that work, and after that they expropriate my land and apply part of my land and material to their own use, after destroying my work, and afterwards they throw back the useless part of the land on my hands. That is where the monstrous part of this bill comes in, and it is a principle that this House will never consent to. If this applied only to cases to come up in the future, it would be a different thing, but *ex post facto* legislation like this is objectionable. There is in the mind of every hon. gentleman a special case, and if that had not arisen perhaps this bill would not have come into Parliament at all. We cannot divest ourselves of the idea that this bill is intended to cover a special case. The Minister of Justice should withdraw the bill altogether and remodel it if it is to pass this House at all.

Hon. Mr. KERR—It is with a good deal of reluctance that I rise to discuss this question. I have listened with a great deal of interest, as well as attention, to the able arguments that have been addressed to the House during the discussion of this bill, and I have tried to form an opinion as the discussion proceeded. It seems to me unfortunate that this bill, whose object is entirely different, has to be discussed in the shadow of the bill which was practically rejected yesterday. In order to arrive at a proper view of this measure, we should utterly put aside from our minds the law of expropriation. This bill has nothing to do with expropriation. The law on that subject has been on the statute-book for some years, and is well understood, and if this bill passes into law it cannot enlarge or abridge one iota the power that the government now has under the law as it has stood for some time.

Hon. Mr. McCALLUM—What about the payment?

Hon. Mr. MACDONALD (B.C.)—It gives the power to abandon.

Hon. Mr. KERR—I hope the hon. gentleman will hear me and correct me afterwards. This is simply a bill providing for a further amendment to the Exchequer Court Act. The law was amended in 1889, as I understand it, and by that amendment certain rules and orders were enacted for laying down the principles by which the Exchequer Court should be guided in deciding upon cases that came before it under that Act. There are several rules laid down. Hon. gentlemen no doubt are familiar with them, and therefore I shall not detain the committee in discussing them, but this bill which we are discussing to-day is a bill further to amend that Act. And in what respect? Section 3 of that Act is simply a rule for adjudicating upon claims arising upon lands and properties that had been lawfully and properly expropriated. What does rule 3, which it is proposed by this bill to repeal and to substitute another rule for it, say? There is not so much difference in the rule which it is proposed to substitute, except that it enlarges the powers of the judge. It simply enlarges the present power of the judge. I would fail to understand the force of any argument, if I were an Exchequer Court judge, why that power should not be enlarged, if in the opinion of that judge, having heard all the evidence, he thought he ought to exercise it. The passing of the bill before the House will not compel the judge to act upon it if in his sound judgment and discretion he thinks it would be an injustice to do so. It gives him a larger discretion, a larger power, but that larger discretion and larger power will be exercised or not exercised according to the force that the evidence and the arguments addressed upon that evidence make upon his mind. No injustice can possibly arise from the repealing of that rule and substituting a larger rule—a rule that would give the judge more discretion, a larger power, which according to my view as a lawyer every judge ought to have.

Hon. Mr. MACDONALD (B.C.)—Read that rule.

Hon. Mr. KERR—The head note is "a further rule" I mentioned that there were several rules here in the Act of 1889 and this says "further rule." It is rule 3 and it is a section of the Act:

If the injury to any land or property alleged to be injuriously affected by the construction of any public work may be removed wholly or in part by any alteration in or addition to any such public work,

or by the construction of any additional work, and the Crown by its pleadings or on the trial undertakes to make such alteration or addition or to construct such work the damages shall, so far as the future is concerned be assessed in view of such undertaking, and the court shall declare that in addition to any damages awarded the claimant is entitled to have such alteration or addition made or such work constructed.

I venture to say that this House would not for a moment hesitate to give that larger power had it not been for the unfortunate circumstance that there was a bill before us further to amend the expropriation law, and this bill is suffering, not for its own sins, but for the alleged sins of the bill that was before us yesterday.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. KERR—And it ought not to suffer for that reason. Let each one answer for its own sins. If the other bill sinned, why grievously hath it suffered for it. If this bill hath sinned, or proposes to get an opportunity to sin, let it suffer likewise; but, for the life of me—and I say it with all frankness, and I say as one accustomed for a great many years to weigh statutes and consider them, to consider language embodied in statutes—I have no hesitation in saying that this House would be perfectly safe and would not take away nor abridge any man's rights, according to my view, by enlarging that rule and giving the court power to give the subject, the litigant, the suitor, justice. The suitor cannot have his rights taken away, because there is the judge, the man selected for that very purpose, to protect his rights, as well as the rights of the Crown or the rights of the government. The government are simply trustees for the people, and in discussing these measures, I know hon. gentlemen will consider that there are two parties to all these cases. There is the subject or the private party, who is the litigant. We must protect his interest, but we must, at the same time, not forget the public interest, and that is what I think this bill is aiming at, to do no injustice but to give the judge an opportunity to do justice all round. The bill that is proposed is simply to abrogate or to repeal that rule No. 3, and in lieu thereof to substitute this new rule 3 in the Act further to amend the Exchequer Court Act, by enlarging it somewhat. I do not propose to make a long argument on this matter, because, to my mind, it seems absolutely and perfectly clear.

Hon. Mr. MACDONALD (B.C.)—What is the enlargement?

Hon. Mr. KERR—The hon. gentleman has the bill.

Hon. Mr. MACDONALD (B.C.)—I know.

Hon. Mr. McCALLUM—How about the power to abandon land and throw it back into a person's hands.

Hon. Mr. KERR—I will answer that in this way, that is a matter entirely for the judge, and if I were a judge and saw that the government were proposing to abandon, I would feel it my duty to say, "If that property is taken back it must be taken back at a large reduction in price, and I shall award a sum sufficient to indemnify him against that." Any judge would do that. In other words, this section, according to my view, is simply to enlarge the powers of the judge and to lay down distinctly the rule by which he shall assess the damages.

Hon. Mr. LOUGHEED—It is to enlarge the powers of the Crown, not the judge, because the owner is bound to accept the abandonment.

Hon. Mr. KERR—I beg the hon. gentleman's pardon. I do not see it as he does.

Hon. Mr. LOUGHEED—That is to say it is not discretionary with the judge to say whether the man shall accept the abandonment. It is obligatory upon him to accept the abandonment.

Hon. Mr. KERR—It is obligatory upon him to accept the abandonment on certain conditions.

Hon. Mr. LOUGHEED—No.

Hon. Sir MACKENZIE BOWELL—If I understand the case, it is precisely what the hon. gentleman says it is—to enlarge the rule or the power to deal with certain questions by the judge. But if the Crown, under the present law, has no power to abandon a part of the land, could they under the law abandon it, so that it would be a legal abandonment, and then go to the court

and ask the judge to adjudicate upon that question?

Hon. Mr. KERR—If they have no power now, they will not have any under this bill.

Hon. Sir MACKENZIE BOWELL—Yes; but take a case of this kind, where they abandoned a limited portion of a property, and then went into court and the court said they had no power, would this measure give the court power to adjudicate upon that act of the government?

Hon. Mr. MILLS—I do not think the court said that.

Hon. Mr. KERR—I am discussing this matter, and I have no case before my mind.

Hon. Sir MACKENZIE BOWELL—I have given you a case.

Hon. Mr. KERR—I am discussing it as a matter of principle entirely, and I am glad indeed that I do not happen to know of any case it would affect injuriously or otherwise. There is no doubt, the more hon. gentlemen consider it the more they will see that this is simply a rule which has nothing to do with expropriation, and it simply enlarges the power of the judge in assessing damages.

Hon. Mr. MACDONAD (B.C.)—Read lines 31 and 32 of the Act. It gives the government power to enter new pleadings any time before judgment and to abandon.

Hon. Mr. KERR—If the judge thought it ought to be done, I cannot see any reason why the judge should not be at liberty to admit that if the evidence and justice required it.

Hon. Mr. SCOTT—The word "before judgment" are struck out. It is "on or before the trial."

Hon. Mr. KERR—We are practically setting ourselves up as Exchequer Court judges.

Hon. Mr. MACDONALD (B.C.)—Oh, no. All the laws of the country are made by Parliament for the judges.

Hon. Mr. KERR—I understand that. I rise not to enlarge but to try, if I can, to throw the minds of the hon. gentlemen beyond the law of expropriation. This has nothing to do with the law of expropriation, that has been settled for many years. The bill before the House yesterday has nothing at all to do with this bill, and I have no doubt if this bill had been before this House, and that bill which was rejected yesterday had not been brought up, it would not have taken ten minutes to have passed this bill. The trouble is that one has to follow in the shadow and suffer for the supposed shadow.

Hon. Mr. MACDONALD (B.C.)—I asked the minister yesterday if land expropriated some time ago could be abandoned under this bill, and the hon. minister said that the bill gave them power to do that, and that altered the whole case. The former bill did not give the power to abandon, but gave the power to adjust and award damages. But this bill gives power to abandon land expropriated years ago.

Hon. Mr. MILLS—Oh, no.

Hon. Mr. KERR—I did not understand it that way.

Hon. Mr. McCALLUM—I do not propose to add very much to what has been said. I say that if the government of this country desire to take people's property in order to use that property for the good of the country, they should pay for it, and pay in cash, and not in barter, by giving land back which people do not want. My hon. friend from Cobourg (Mr. Kerr) is discussing this on principle, he says. We are all discussing it on principle. I do not suppose my hon. friend meant to say that other people were not discussing it on principle. I say the government should pay in cash for the land they require. My hon. friend says there is no connection between the bill rejected yesterday and the bill under consideration. The one was for expropriation and the other for compensation. How can you part the two. They are intimately connected together, because you expropriate people's land under the one bill and this bill defines the powers the judge of the Exchequer Court has in fixing the amount of payment for that property. They are so close together that you cannot sever them, and yet my hon. friend says they have nothing to do with each other. I cannot understand it that way, and I do not see how any body can disconnect them. Of course, the government will say when they take land at a man's front door that they will give him land at his back

door. The mill owner who has been referred to, has, at a great deal of trouble, erected his mill to do business, and the government will have to pay the price of the mill. Let them pay him in cash. He cannot make this government pay any more than the value of the property they have taken, and the man should have it. If they do not want the mill they can sell it to somebody else. If they destroy his property they should pay for it, and the government of this country is able to pay for it. It should not be the duty of 5,000,000 people to take one man's property and not pay for it. That is the way I look at the matter. For that reason I will have much pleasure in supporting the motion made by the hon. leader of the opposition.

Hon. Mr. MILLS—I ask my hon. friend the leader of the opposition, to look at the bill and in line 32 of this clause, if I take out the words "before judgment" will it not remove the objection?

Hon. Sir MACKENZIE BOWELL—No, I am opposed to the whole principle involved in the bill of empowering the government to take a man's property and to hand it back if they choose. The suggested amendment would not affect it further than enabling you to do precisely what you asked to do, and if the argument of the hon. gentleman from Cobourg (Mr. Kerr) be correct, that would be useless, because the bill gives you no power.

Hon. Mr. MILLS—That will depend upon future legislation. I propose to take out the words "before judgment" and to insert in section 4 "Section 3 of this Act shall, in assessing future damages, apply to claims in respect of damage to property heretofore as well as hereafter injuriously affected."

Hon. Mr. LOUGHEED—What is the intention in putting in the words "before judgment?" Whatever you do you must necessarily do before judgment, because the judgment settles it.

Hon. Mr. SCOTT—It indicates you might do it after trial and before judgment.

Hon. Mr. MACDONALD (B.C.)—If the bill is to be amended it should read "lands to be taken" not "lands taken."

Hon. Mr. MILLS—My hon. friend will see in principle, as I mentioned before, supposing the lands are taken a month ago, and the question as to the value of those lands or as to the character of the damage done to them has not been dealt with, surely there is no difference in principle, and no reason why they should not come under the provisions of this bill as much as lands taken to-morrow. My hon. friend will see that what he has in his mind has really no applicability to this bill at all. I think that when a case is argued all the propositions up to that time ought to be before the judge, and I do not propose to ask on behalf of the Crown that there should, after the case has been argued, be any further change on the part of the government.

Hon. Sir MACKENZIE BOWELL—But you have abandoned in the meantime.

Hon. Mr. ALLAN—Then you do not propose that the case shall be adjudicated upon in any specified time?

Hon. Mr. MILLS—Yes, I am quite ready to consider any proposition. My hon. friend will know that sometimes it is very difficult to fix a specified time within which action shall be taken, because occasionally a matter may be in negotiation for a considerable time. I am quite ready to agree to any proposition that can be reasonably accepted and practically worked out.

Hon. Mr. ALLAN—I am not prepared, on the spur of the moment, to suggest anything of that kind.

The committee divided on the amendment, which was carried on the following division:

Yeas, 19; nays, 13.

Hon. Mr. MILLS moved that the committee rise.

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman move that the committee rise without reporting?

Hon. Mr. MILLS—Yes, I do.

Hon. Sir MACKENZIE BOWELL—All right, then you kill your bill.

The motion was agreed to.

DOWDING DIVORCE BILL.

The Order of the Day being called:

Second reading Bill (E) "An Act for the relief of Annie Inkson Dowding."

Hon. Mr. CLEMOW—The two divorce bills which are on the paper to-day for second reading cannot be considered until the report of the committee is adopted, and and I suggest that the two reports of the Divorce Committee be considered now, and then I shall be able to go on with the second readings. They have been on the paper a long time.

Hon. Mr. POWER—We have to be very particular in observing the rules with respect to divorce bills, and I think they will have to follow the regular course.

Hon. Mr. MILLS—They are the only class of bills we are likely to get through.

Hon. Mr. CLEMOW—They have been delayed by the adjournment, and I think if we can facilitate them we should do so. It is a great wrong that these bills should be blocked. These people have come here and paid their money. I move that these bills be placed at the end of the Order Paper.

Hon. Mr. KIRCHHOFFER—I would like to know what is the objection raised against them.

Hon. Mr. SCOTT—The report has not been adopted.

Hon. Mr. KIRCHHOFFER—They stand upon the Order Paper for adoption to-day.

Hon. Mr. SCOTT—They cannot be taken out of their order.

Hon. Mr. KIRCHHOFFER—Let the reports be adopted and then take the second readings.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman can ask the consent of the House to refer back the two bills after the reports are adopted.

Hon. Mr. SCOTT—They will stand for the present.

The two orders of the day were allowed to stand.

NAVIGABLE WATERS ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. POWER moved the second reading of Bill (19) "An Act to amend the Act respecting certain works constructed in or over navigable waters." He said:—The hon. gentleman from British Columbia moved the second reading of this bill to push it along, but had not charge of the bill. It is simply amending section 6 of the Act, and reads as follows:—

6. The Governor in Council may approve of any work constructed prior to the first day of March, one thousand eight hundred and ninety-nine, and of the site and plans of such work, and any local authority, company or person may proceed in such manner as the Minister of Public Works directs to obtain such approval.

Hon. Mr. SCOTT—Is there a necessity for the bill?

Hon. Mr. MILLS—Yes.

Hon. Mr. SCOTT—If an application is made to the Minister of Public Works, how can any legal question arise?

Hon. Sir MACKENZIE BOWELL—It affects works which have been built in a harbour. The application had been made, and this simply provides for a case in Kingston. It was introduced in the Commons by Mr. Britton.

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

EDMONTON AND SLAVE LAKE RAILWAY CO.'S BILL.

SECOND READING.

Hon. Mr. CLEMOW moved the second reading of Bill (35) "An Act to incorporate the Edmonton and Slave Lake Railway Co."

Hon. Mr. POWER—I think the hon. gentleman, if he expects the Senate to read this bill a second time, should give the House some reason why a road in such a region should be constructed. Slave Lake is out of the reach of ordinary traffic, and we had a great deal of difficulty, as hon. gentlemen will remember, with former bills which went beyond the Arctic Circle. The hon. gentleman should give us some reason to suppose that the people who are taking hold of this undertaking possess means and are prepared to put it through, and that the passing of the bill will be of some advantage to this country.

Hon. Sir MACKENZIE BOWELL—And to those who live in that section of the country.

Hon. Mr. CLEMOW—I merely took charge of the bill for somebody else and know very little about it, but the bill is a simple one and I find in the first clause the names of the following gentlemen :

The Honourable John Costigan, John W. McRea, E. C. Whitney, W. J. Poupore, George Goodwin, Michael P. Davis, W. C. Edwards and F. X. St. Jacques, of the city of Ottawa, in the province of Ontario; Frederick H. Hale, of Woodstock, and James Robinson of Newcastle, both in the province of New Brunswick; and H. J. Beemer, of the city of Quebec.

As far as that is concerned, it is a pretty strong party of gentlemen, and they will be able to construct the road. I presume they will give the necessary information before the Railway Committee, and I have no further statement to make on the measure. I simply took charge of the bill. No one was responsible for it.

Hon. Sir MACKENZIE BOWELL—Is Mr. Blair's name not among the directors?

Hon. Mr. CLEMOW—No, his name is not here.

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

BRITISH COLUMBIA SOUTHERN RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. LOUGHEED moved the second reading of Bill (28) An Act respecting the British Columbia Southern Railway Co."

Hon. Mr. POWER—I think the hon. gentleman who has charge of the bill is not doing his duty when he does not explain it. My impression is that this company has been absorbed by the Canadian Pacific Railway.

Hon. Mr. LOUGHEED—It is at the instance of the Canadian Pacific Railway Company that this bill has been introduced. It asks for time for the completion of certain branches that have already been authorized to be constructed, and, when constructed, will be part of their system.

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

THOMAS ROBERTSON RELIEF BILL.

SECOND READING.

Hon. Sir. MACKENZIE BOWELL, in the absence of the Hon. Mr. Cox, moved the second reading of the Bill (11) "An Act to confer on the Commissioner of Patents certain powers for the relief of Thomas Robertson." He said :—It is a bill to enable Mr. Robertson to pay the necessary fee for the extension of his patent. It appears from the preamble that Mr. Robertson employed a lawyer to attend to the business. He died without paying the fee, and, consequently, when he asked to have the patent extended, it was refused by the department under the law. Hence the petition asked that he be permitted to pay the fee and have the patent extended.

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

NIAGARA-WELLAND POWER COMPANY BILL.

SECOND READING.

Hon. Mr. McCALLUM moved the second reading of Bill (67) "An Act respecting the Welland Power and Supply Canal Company (Limited), and to change its name to the Niagara-Welland Power Company (Limited)."

Hon. Mr. POWER—I think that the hon. gentleman from Monck should tell us a little more about his bill. This Welland Power and Supply Canal Company, if I remember rightly, was, when it first came here to apply for a charter opposed by the hon. gentleman from Monck.

Hon. Mr. McCALLUM—The hon. gentleman is mistaken altogether.

Hon. Mr. POWER—I am sorry that I should have made a mistake in this instance. I know I have heard the hon. gentleman oppose very vigorously proposals to interfere with the Welland Canal. This bill proposes to give the company an extension of time, and I think the hon. gentleman should explain why they have not proceeded promptly.

Hon. Mr. McCALLUM—This bill was before the House on another occasion, and when the hon. gentleman said I abused it he is mistaken. I abused another bill very similar to this one. It was tapping the Welland Canal in the wrong place, which had a tendency to destroy the canal. That is what my hon. friend refers to. It is not necessary to explain the details of this bill. We can do that before the Railway Com-

mittee. I can say this, however, if they can succeed in their undertaking, and I believe they will, a great benefit will be conferred on the manufacturing industries of this country. The object is to get a water power from Lake Erie. They take Lake Erie as a mill pond, and if they can tunnel through the mountains so as to get down to Lake Ontario, it will be a great advantage to Canada. They have the surveys made. They are curtailed in their power to issue bonds. They can only issue bonds to 75 per cent of the subscribed stock. If I abused the bill before, one reason was I thought they were taking too much power. I said then I thought it was a scheme to rob the public, to "spoil the Egyptian." That is what perhaps my hon. friend refers to. I do not think this is a scheme of that kind. I can say to my hon. friend if he is not satisfied with this explanation I can give him more in the committee or on the third reading of the bill.

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

SECOND READINGS.

Bill (H) "An Act incorporating the Imperial Loan and Investment Company."—(Mr. Kirchhoffer.)

Bill (45) "An Act to incorporate the St. Clair and Erie Ship Canal Company."—(Mr. Lougheed.)

Bill (25) "An Act to confirm an agreement between the Canadian Pacific Railway Company and the Hull Electric Company."—(Mr. Clemow.)

Bill (7) "An Act to incorporate the Yale-Kootenay Telegraph Company (Limited)."—(Mr. Clemow.)

Bill (27) "An Act respecting the Richelieu and Ontario Navigation Company."—(Mr. Landry.)

Bill (34) "An Act respecting the Pontiac Pacific Junction Railway Company."—(Mr. Clemow.)

Bill (70) "An Act respecting the Bronsons and Weston Lumber Company, and to change its name to the Bronsons Company."—(Mr. Clemow.)

Bill (21) "An Act respecting the Canadian Railway Accident Insurance Company."—(Mr. Clemow.)

Bill (43) "An Act respecting the Canada Southern Railway."—(Mr. Lougheed.)

Bill (23) "An Act respecting the Alberta Irrigation Company, and to change its name to the Canadian North-west Irrigation Company."—(Mr. Lougheed.)

Bill (47) "An Act respecting the Brandon and South-western Railway Company."—(Mr. Kirchhoffer.)

Bill (47) "An Act respecting the Ottawa and Gatineau Railway Company."—(Mr. Clemow.)

Bill (8) "An Act respecting the Atlantic and North-west Railway Company."—(Mr. Clemow.)

Bill (E) "An Act for the relief of Annie Inkson Dowding."—(Mr. Clemow.)

Bill (F) "An Act for the relief of Abraham Arsonberg."—(Mr. Clemow.)

BILLS INTRODUCED.

Bill (58) "An Act respecting the Central Railway Company."—(Mr. Clemow.)

Bill (59) "An Act to incorporate the Russell, Dundas and Grenville Counties Railway Company."—(Mr Clemow.)

The Senate adjouuned.

THE SENATE.

Ottawa, Monday, 22nd May, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

AN ADJOURNMENT.

Hon. Mr. MILLS moved that when this House adjourns it do stand adjourned till Thursday next, at 8 o'clock in the evening.

The motion was agreed to.

GOLD INSPECTOR IN YUKON DISTRICT.

NOTICE OF MOTION.

Hon. Mr. PRIMROSE—In view of the answers which were given on Wednesday

last by the hon. Secretary of State to the questions which I asked in reference to the appointment of H. H. Norwood to the position of Gold Inspector in the Yukon country, and as those answers are in direct opposition to information in my possession, and under the impression that it may perhaps be possible that the hon. Secretary of State may have been misinformed in the matter, I desire to give notice that on Thursday next I will move that an humble address be presented to His Excellency the Governor General praying that he will cause to be laid upon the table of the Senate the originals of all letters or other documents written to the minister or any official connected with the Department of the Interior, or to any member of the government, by H. H. Norwood the person appointed by the government to the position of Gold Inspector of the Yukon district.

BUSINESS OF PARLIAMENT.

INQUIRY.

Hon. Mr. WARK inquired of the Government:

If they have decided on any means by which the business of Parliament can be more equally divided between the two Houses; and if so, what changes in the present procedure have they decided on?

He said:—I propose calling your attention to a subject which was under the consideration of the Senate during the first session of the first Parliament of the Dominion. The subject was how the legislation might be most equally divided between the two Houses. A committee was appointed to consider the matter. Its report on the journals of 1868, page 260, states that a few years before a committee of the House of Lords had reported on the same subject without any result. The Senate committee suggested that as the legislation would be chiefly on government business, the government might divide it between the two Houses, but they did not foresee that while there were then five members of the government in the Senate who might have taken a large share of the business, the number would soon be reduced to two, and that it would be necessary to have the heads of the spending departments in the House of Commons; nor did they foresee that much business that ought to go to the local legislatures would find its way into this Parliament. Over thirty years have since passed and if the state of things then did not seem so urgent as to require immediate action, the state of things now calls loudly for a change, if such a change would do no more than to shorten the sessions.

For many years after confederation the sessions were quite short. When complaints began to be made that they were getting too long Sir John Macdonald said he always expected that the work of parliament would require sessions of ninety days. The following figures will show how far they have exceeded his expectations: The first parliament of five sessions, the sessions averaged 80 days. The third parliament of five sessions, the sessions averaged 72 days. The fourth parliament of four sessions, the sessions averaged 95 days. The fifth parliament of four sessions, the sessions averaged 118 days. The sixth parliament of four sessions, the sessions averaged 94 days, and the seventh parliament of six sessions, the sessions averaged 117 days. The Senate is composed of men well qualified and able and willing to discharge its duties as one of the branches of the legislature. Yet we cannot but regret that it is less popular than we could desire, and may not this be largely due to the way in which, from necessity, we are forced to spend, or I might rather say, to waste our time? I could not illustrate this better than by referring to last session. Parliament met on 3rd February. The Senate adjourned until the 7th, and spent from that till the 13th over the address. On the 16th and 17th committees were appointed and on the 18th, for want of anything to do, we adjourned again till the 8th March. This was the thirty-fourth day of the session and what valuable work had we to show for it? Up to this thirty-fourth day fifty-seven bills had been introduced into the House of Commons, a considerable number of which were private bills, which might have been first introduced and considered in the Senate and rendered an adjournment unnecessary, which might have served materially to shorten the session.

The present session is no improvement on the last. The debate on the address in answer to His Excellency's Speech was shorter: we have had two long adjournments and when we met at the end of the last we had reached the 63rd day of the session. Over two months had thus passed and with the exception of some attention given to three short government bills, it might be said that our work in legislation had scarcely begun, while over 100 bills had

been introduced in the House of Commons. Now, it cannot be denied that this is a state of things calling loudly for a remedy. I do not suppose the government would care to provide a remedy and then assume the responsibility of carrying it out. If not, I would suggest that the work might be very satisfactorily done by a joint committee composed of a few members from each House to be clothed with the necessary authority to apply the remedy. Your honours will see that the existing state of things has arisen from leaving the promoters of private bills to select the Houses into which they wish their bills to be first introduced. Let this no longer be left optional with them. Let a rule be made that every bill must, in the first place, be laid before the joint committee which will require to keep well informed as to what House has most work before it and will send the promoter with his bill to the other House. He will then have to apply to a member of that House to bring in his bill. It ought to make no difference to him : he must appear before the committee of each House to explain his bill and furnish any information required, and it can matter little before which he attends first. Under this arrangement the Senate, having more leisure to devote to the work, would no doubt send the bills to the other House in so perfect a state that they would not find it necessary to spend much time over them and would have more to devote to other business. The government, if they have not already agreed on a better scheme, might undertake to bring about this arrangement between the two Houses, or the Senate might send a message to the other House and ask for a conference by which an arrangement might be made to mend the case and lead to a much needed improvement on our present system. I leave the matter in the hands of the Senate, or the government, to take whatever course may be thought best, unless there is some insuperable objection which I have not seen.

Hon. Mr. MILLS—In congratulating my hon. friend, at his great age, on being able to present so clear and succinct a statement to the House, I am sure I express congratulations that are shared in by every hon. gentleman who is now present. (Applause.) I may say to my hon. friend that this subject is one to which I gave some consideration, along with my colleagues, last year and again this year; but my hon. friend knows that since last session several members of the government were away a great portion of the year as members of an important commission, that they returned, not long before Parliament was convened last March, and that one of the consequences of this was there was not a little of the minor business of Parliament on behalf of the government to put into shape after the session began. Under these circumstances, of course it was not possible to carry out the view of presenting a very considerable number of measures in this House, and some of the measures presented, the more important measures presented this session, necessarily were connected with the constitution of the House of Commons and could not be introduced in the Senate. The same may be said of the legislation of last session. We had before Parliament last session two or three very important government measures which affected the constitution of the House of Commons, or related to public expenditures, both of which were matters which properly pertained to the other chamber. Under these circumstances, it was not possible to bring much government business into the Senate. This session I have so far submitted to the consideration of the Senate bills which, although not voluminous or complicated, were measures of very considerable importance, connected as they would be with the administration of government. The one measure related to the preservation of public health and the protection of the health and lives of employees on public works, or on works in which the public were interested. That measure has received the sanction of the Senate, and has gone to the other House for its consideration. Two other measures, relating to the enlargement of the powers of the Exchequer Court and the powers of expropriation, have been before the Senate, and have not, as my hon. friend knows, been favourably considered, and the fate of those measures has not been such as to, perhaps, give the government a very great deal of encouragement to introduce measures into the Senate. However, I may say to my hon. friends that I am not wholly discouraged by the course they have taken. I trust that before the session is over they will see more clearly the public necessity for such legislation, and that they may have the opportunity of expressing their opinions again. It is not

easy to say to the public, who are doing business with the two Houses, "You must introduce your measure into the Senate in the first instance." The members of the House of Commons are more closely in touch with the public than members of this House are, and the result of that is most people who are introducing measures calling for a decision go to those who represent them, and so, as a matter of course, the private legislation is introduced into the House of Commons in the first instance. It is perfectly true that, by the alteration of our rules, these measures could be submitted to some officer of Parliament who might say to which House the measure in the first instance should go, but after all there may be doubt as to the propriety of a course of that sort. Let me mention this: there are many measures that are brought before this House that have been considered with care by this House, and the committees of this House do very little more than consider the phraseology of those measures. There are no great and general principles involved that call for serious discussion or a great deal of consideration. At all events, no one in the Senate takes a very deep interest in them. No member's fate is in any way associated with the proposed measures. It may be that a considerable section of the community are interested in them—deeply interested—and so the representative of that community has a special interest in giving to the measures the most careful consideration, and so discusses them fully in the House of Commons and invites full discussion. I may say that it is well known to hon. gentlemen that the great mass of bills that come before this House referring to private legislation and the promotion of private interests, are scarcely discussed here at all. They will come to the House without much discussion, and it would not be to the advantage of this chamber that they should be fully and exhaustively discussed in the House of Commons and radical defects discovered in them after they had received our approbation. That being so, there is a great deal to be said in favour of the view that the Senate chamber, in respect to legislation, ought, in the main, to be considered a court of review, not to settle the principles of private measures so much as to consider whether the objects which the persons wish to attain are likely to be carried out as the bills now stand. Therefore, they are in most cases considered from that standpoint. That being so, it is to the advantage of this House and, I think, also to the advantage of Parliament, that the measures should receive very full consideration in the House of Commons before they are brought here for discussion. As long as this is done, we are acting upon a theory that this chamber is a chamber of review, and we undertake to discharge our duties specially from that standpoint. There is this also to be considered, that we cannot be expected, unless we are going to turn the Senate into a debating society, to occupy as much time in the consideration of public questions in the Senate chamber as is given to them by the people's representatives in the other chamber. A large portion of the time of the House of Commons is taken up with the discussion of taxation, with settling the ways and means by which the government of the country for the twelve months is to be carried on. These duties we have not to discuss at all, and so I do not think that the country expects us to give as much time to the discussion of the business that comes before us as is given in the House of Commons. If we did, we would require to give a great deal more time to the discussion of public measures than is given in the House of Commons, for more than half the time of that House is taken up with the discussion of the estimates and of the ways and means. That being so, it is not necessary that we should constantly find fault with ourselves because holidays are more frequent with us than they are in the other chamber. I am quite ready to give all the attention that is necessary to the consideration of public questions. There is a great deal to be said in favour of the views expressed by the hon. mover of this motion, and as the Senate discusses these questions from the standpoint of the public, as we are brought more directly in touch with the public, we will perhaps be disposed to take a more active interest in the discussion of private measures. As it is, although those measures are seldom discussed on the floor of the Senate, I think that they receive, on the whole, as careful consideration in the committees of the Senate as they do in the House of Commons, but, as I said before, they receive that attention and consideration from a somewhat different standpoint.

Hon. Mr. ALLAN—I would like to answer one observation which fell from the

Minister of Justice, if I understood him correctly, and that was that in the Senate and in the committees of the Senate, they addressed themselves more to the correcting of phraseology and mere matters of form in the private bills. My experience has been entirely different. I have been a member of the Private Bills Committee and for many years chairman of the Banking Committee, and my experience is that the private bills which come before the committees of this Senate are not merely looked over to see whether the phraseology is correct, but the whole tenor of each bill is considered and discussed often at considerable length in committees. I have had the testimony of members of the House of Commons present at some of the meetings of our committees, that matters coming before them were much more thoroughly and carefully discussed than in many committees in the House of Commons. As far as my experience goes the Senate has discharged a very important and necessary duty.

Hon. Mr. MILLS—I think so.

Hon. Mr. ALLAN—Not merely in correcting the phraseology and wording of a bill, but in thoroughly examining its effects and the principle or the interests which may be concerned, Then, again, I do not think that we are all so very far removed and out of touch with those different constituencies, or districts, or whatever you choose to call them, which are supposed to be represented in this Senate. As far as the city of Toronto is concerned, and my own division, I am just as much in touch with the people there as one of the members for Toronto. I deny that we are standing aloof from our friends and have no interests or sympathies of that kind.

Hon. Mr. MILLS—My hon. friend's political life does not depend upon them.

Hon. Mr. ALLAN—I would like to add that I know that in very many instances private bills have been introduced in the House of Commons for the first time, by those who introduced them, under the delusion that they must necessarily go there before they come to this House. I have had that question asked me over and over again. I see no reason why a very large portion of the private bills legislation should not be brought into this House in the first instance. It would enable this Senate to do good work while they are still waiting for public measures from the House of Commons, and I do not see why that should not be done in the same way as in the Imperial Parliament.

Hon. Mr. MILLS—Has my hon. friend ever found, in his experience, that the Senate had not ample time to get through with the business coming up from the House of Commons?

Hon Mr. ALLAN—What I am more especially alluding to is the fact that over and over again we are kept here without any work before us, which is constantly turned to our disadvantage by the general public who think in that way we are of no use, when the fault does not really rest with us, but with the distribution of the work of the session.

Hon. Mr. MILLS—That must always happen sometime or other during the session, for half the time of the House of Commons is taken up with the discussion of questions with which we have nothing to do.

Hon. Mr. BERNIER—This question is certainly very interesting, but there are very few members to-day in this House, and, besides that fact, many of us on this side of the House could not hear the remarks of the hon. gentleman from Fredericton (Mr. Wark). I therefore move the adjournment of the debate in order that we may have an opportunity to read the remarks of the hon. gentleman, and perhaps others may also wish to take part in the debate.

The motion was agreed to.

DRUMMOND COUNTY RAILROAD.

MOTION.

Hon. Sir MACKENZIE BOWELL moved:

That in order to arrive at an intelligent opinion of the benefits likely to be derived by the country from the purchase, by the Dominion Government, of the Drummond County Railway, it is essential before effect be given to such purchase that the following information on the subject be laid on the Table of the Senate:—

1. The original contract entered into between the government and the proprietors of the Drummond County Railway and the Grand Trunk Railway Company.

2. The present contract or agreement entered into between the same persons or companies.

3. A statement of all moneys paid to the proprietors of said railways from the date of the non-ratification of the first contract to the 31st March, 1899.

4. An account of the earnings and working expenses of the Drummond County Railway from the time of its being first worked in connection with the International Railway to the 31st March, 1899.

5. And also, an account of the total amount of money paid the Grand Trunk Railway Company for station accommodation, running powers over its line, for bridge extension, or for any purpose whatever in connection with the extension of the Intercolonial Railway system to Montreal.

And that an order do issue requesting the government to lay such information on the Table of the Senate.

He said:—I have moved this resolution for the purpose of placing the Senate in possession of such information as can be obtained before discussing the question of the purchase of the Drummond County Railway, and the lease which has been entered into between the government and the Grand Trunk Railway Company. It is not my purpose to discuss either of these branches of the subject just now, but in view of the action taken by the Senate upon this question previously, I think every member of the House desires that all the information possible, should be laid before us, in order that we would be enabled to deal with and more intelligently consider the question when it comes before this House again. It will be observed that I ask for the originals of the contracts and agreements entered into between the government and the two companies, and also for the present contracts or agreements, if there be any new ones, into which they have entered. My reasons for that are, to ascertain what concessions have been made by either of these companies to the government since the non-ratification of the agreement last session. I read with much interest, and with a great deal of care, the four-hour speech delivered by the Minister of Railways in the other House, and I must confess that I failed to find any information whatever in reference to these two questions, affecting as they do the finances of this country, which would lead me to the conclusion that no new arrangement had been made. In fact, I find but two references in the whole four hours speech to the question of the Drummond County Railway, one that it had been of great advantage to the trade of the country, financially, and the other that in securing that road they had done a great benefit to the country. Beyond that information I think there is scarcely anything in the whole speech other than a laudation of the manner in which the Minister of Railways has conducted the affairs of his department during the time he has held office. Immediately after reading it, I had every reason to suppose, considering the majority they had in the other House, that the agreement would be ratified in the House of Commons, as it was last year, and considering the action of this body upon that important question, I thought it was only reasonable for us to ask, particularly as we will be expected not to repeat what we did at the last session of Parliament, to have such information as would justify the Senate in ratifying the agreement which had been made. These are my sole reasons for placing this motion on the notice paper. I know it is said, as it has been said in another place, that the railway accounts are not kept in such a way as to enable the government to give a certain portion of the desired information. All I have to say on that point is this, if the accounts have not been kept in such a way as to enable the government to know whether the extension of the railway from the city of Quebec to Montreal is a paying concern and of such benefit to the country as we are led to suppose it has been and will be in the future, they should have been so kept. It is nonsense to tell ordinary business men that accounts cannot be kept in such a way as to give the information we require. We know there is scarcely any railway company—certainly no great corporation in the whole Dominion but has some leased lines on which it pays 40, sometimes 60 per cent of the gross earnings, usually 40 per cent, to the proprietors of the road. They must have a system by which they can ascertain exactly the amount that is earned by that railway, and if they have that, surely the Department of Railways and Canals can so keep their accounts as to give the same information to the public. I know from information that I have obtained that these facts can be given if those who are connected with the railway are set to work to prepare a statement of the information required.

Hon. Mr. MILLS—There is no objection to the motion, although I do not think that the information asked for in the fourth paragraph can be given. Perhaps an estimate can be furnished, but my hon. friend will see, notwithstanding what he has said, that through traffic over this road, extending over a portion of the Intercolonial Railway, could not very well be divided into

two parts, and the Drummond County Railway charged with one part and the other portion of the road charged with the other. The probability is that an approximate estimate might be made, but it would be a subject of very great inconvenience, I am informed, in book-keeping, and would entail a very great deal of trouble and expense, to undertake to make the business of the Drummond County Railway, which is now an essential part of the main line, and over which the through traffic necessarily passes each way, a matter of separate accounts. In fact, it would double the cost of book-keeping over the road without being, perhaps, in every instance, accurate, but all the information which can be furnished to my hon. friend will be given.

Hon. Sir. MACKENZIE BOWELL—I must accept what I can get, but I must dissent from the proposition laid down by the hon. gentleman. If it costs $10 for a passenger to go from Montreal to Halifax, that can be divided by mileage. If 100 tons of freight passing from Montreal to Halifax or to any station below Quebec, the same could be done; or if to Quebec itself, it could all be credited to that portion of the road. If it went 20 miles below Quebec it would be in proportion to the mileage. There can be no difficulty in getting the information if the government desires to furnish it.

WORKS OVER NAVIGABLE WATERS BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (19) "An Act to amend the Act respecting certain works constructed in or over navigable waters."

(In the Committee.)

Hon. Mr. MACDONALD (B.C.)—I took charge of this bill, as no one appeared to be responsible for it here. I think it is a matter which should be in charge of the government, in order to bring it properly before the House.

Hon. Mr. MILLS—The bill is unobjectionable.

Hon. Sir MACKENZIE BOWELL—In the introduction of bills of this kind there should be some explanation given to the House at the second reading, more particularly as the Minister of Justice has laid down the principle that in accepting the second reading of a bill we affirm the principle. Now, there is a principle involved in this little bill, although the only word that is added to the statute as it stands upon the statute-book is "heretofore." It affects navigable waters and as the hon. Minister of Justice has just said, it is an unobjectionable bill. It happens that I had a conversation with the hon. mover of the bill and agree with him on that point, but if it is understood that in consenting to the second reading we are affecting the principle of every bill introduced in the Senate, whether it be a bill originating here or in the House of Commons, then the member having charge of it should, at the first reading, explain what the intention and objects of the bill are; then we would have time to consider it between the time of its introduction and its going before a committee, so as to decide what course we should pursue. I throw out that suggestion, and I think I have done so a number of times before. When I occupied the position which my hon. friend opposite (Mr. Mills) now occupies, I laid down that proposition and I think it would be well to follow it now.

Hon. Mr. POWER—The remarks of the hon. leader of the opposition are a reflection on myself to some extent. In the absence of the hon. gentleman from Victoria (Mr. Macdonald) I took the liberty of moving the second reading of the bill, and at the time I called attention to the fact that the effect of the bill was to remove a doubt as to the meaning of the Act, that the object of this bill was to make it clear that this section applied to the construction of any work constructed prior to the 1st of March, 1899. If this bill did not become law, it might be contended that the powers given in this section would only apply to work constructed prior to a certain date.

Hon. Mr. MACDONALD (B.C.)—I was not present at the second reading.

Hon. Mr. LOUGHEED—Are there any cases necessitating the passage of this legislation? I notice that it is more far-reaching than indicated by my hon. friend from Hastings (Sir Mackenzie Bowell). It proposes vesting a new power in the Governor in Council. Heretofore, to exercise that power it was necessary that some local

authority, persons or corporations, should set in motion the Governor in Council. It now vests in the Governor in Council power to take certain steps.

Hon. Mr. POWER—No, the only change is the word "heretofore."

Hon. Mr. MILLS—I may say to my hon. friend from Calgary (Mr. Lougheed) that there is a case. The case that gives rise to this bill is in the harbour of Kingston. A work has been constructed there. That work does not vest in the party and would not, without this provision, and very serious injustice would be done, and this legislation is intended to meet that case and any other case of like character.

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

SECOND READINGS.

Bill (I) "An Act respecting the Canadian Northern Railway Company."—(Mr. Kirchhoffer.)

Bill (58) "An Act respecting the Central Counties Railway Company."—(Mr. Clemow.)

Bill (59) "An Act to incorporate the Russell, Dundas and Grenville Counties Railway Company."—(Mr. Clemow.)

BILL INTRODUCED.

Bill (K) "An Act for the relief of Isaac Stephen Gerow Van Wart.—(Mr. Clemow.)

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, 25th May, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

THE GOLD INSPECTOR OF YUKON DISTRICT.

MOTION.

Hon. Mr. PRIMROSE 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, the originals of all letters or other documents written to the minister or any official connected with the Department of the Interior, or to any member of the government, by H. H. Norwood, the person appointed by the government to the position of gold inspector in the Yukon district.

He said:—I make this motion under the explanations which I gave when I gave the notice. Since coming into the chamber, I have been informed by the hon. Minister of Justice that it is not customary or usual to produce the originals of such documents or letters, but certified copies. In that case, I wish these copies to be certified verbatim copies both of the diction and of the spelling of the letters and documents referred to.

Hon. Mr. MILLS—All the copies that are brought down must be accurate or they are not copies, and I do not think that it is necessary to state that they are certified verbatim copies. No such motion has ever been made in this House before.

Hon. Sir MACKENZIE BOWELL—But to accomplish the object which my hon. friend has in view, they must be verbatim copies, and if they are not he will not be enabled to establish the charge he has made.

Hon. Mr. MILLS—If they are not verbatim they are not copies.

Hon. Sir MACKENZIE BOWELL—But the copying of the letters may be placed in the hands of clerks, and they may never consider the necessity of giving the exact diction or the exact spelling of the words. I think the hon. gentleman had better insist upon the motion as he has amended it.

Hon. Mr. PRIMROSE—I thought I had done so. That is what I intended, and the only thing that will satisfy the requisition of this motion. Otherwise my object fails altogether.

Hon. Mr. MILLS—It is a suggestion that the department, or the minister who has the letters in charge, unless specially instructed, will act dishonestly. If the House chooses to make that declaration I cannot help it.

Hon. Sir MACKENZIE BOWELL—No such suggestion or insinuation has been made.

The motion was agreed to as amended.

BILL INTRODUCED.

Bill (L) "An Act respecting the Sun Life Assurance Company of Canada."—(Mr. Ogilvie).

COBOURG, NORTHUMBERLAND AND PACIFIC RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. POWER moved the second reading of Bill (98) "An Act respecting the Cobourg, Northumberland and Pacific Railway Company." He said:—The hon. gentleman from Cobourg (Mr. Kerr) asked me to take charge of this bill in his absence. This railway company was incorporated in 1889, and the Act was amended in succeeding years, the last amendment being made in 1894. That charter has been allowed to lapse. This bill proposes to revive the charter of the company. The committee to whom it will be referred will see if it is such an organization as deserves to be revived.

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

LA COMPAGNIE DU CHEMIN DE FER DE COLONISATION DU NORD BILL.

SECOND READING.

Hon. Mr. BERNIER, in the absence of Mr. Landry, moved the second reading of Bill (29) "An Act to incorporate La Compagnie du Chemin du Fer de Colonisation du Nord.

Hon. Mr. MILLS—The hon. gentlemen will see that this bill relates to a railway which is wholly within the limits of the province of Quebec, and there is no declaration that it is for the general advantage of Canada. The bill had better stand.

The order was allowed to stand.

ARTHABASKA RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. MACDONALD (B.C.), in the absence of Mr. Drummond, moved the second reading of Bill (46) "An Act to incorporate the Arthabaska Railway Company." He said:—This bill is to incorporate a company to build a branch from the Quebec Central Railway to the Intercolonial.

Hon. Mr. MILLS—This is not a revival?

Hon. Mr. MACDONALD (B.C.)—This is a new charter.

Hon. Mr. MILLS—It is open to the same objection as the previous bill.

Hon. Mr. POWER—There is a declaration in this bill that the work is for the general advantage of Canada.

Hon. Mr. MILLS—I see there is.

Hon. Sir MACKENZIE BOWELL—It has been the practice to consider such objections in the Railway Committee.

Hon. Mr. MILLS—I do not consider the declaration that the work is for the general advantage of Canada is a sufficient reason.

Hon. Mr. MACDONALD (B.C.)—I presume, although a railway may be in a province entirely, it may be for the benefit of the whole country as well. Though it may be local in some ways, any such local work carried on in any part of the Dominion is for the benefit of the Dominion.

Hon. Mr. ALLAN—The principle laid down by the Railway Committee is that when an apparently local undertaking connects with a through railway, it is a sufficient justification for declaring it a work for the general advantage of Canada.

Hon. Mr. MILLS—We might, on the same theory, obtain jurisdiction to incorporate a street railway running from some point to a railway station.

Hon. Mr. MACDONALD (B.C.)—That is municipal, more or less.

Hon. Mr. MILLS—I never considered that that was a proper interpretation of the Act, but we have acted upon it for some years.

Hon. Sir MACKENZIE BOWELL—It has been the practice.

Hon. Mr. MILLS—If the practice is well founded, then by the simple declaration that a work is for the general advantage of Canada, we can obtain jurisdiction over all local works, which I do not think was the intention of the British North America Act.

Hon. Mr. MACDONALD (B.C.)—This branch railway is to connect the Quebec Central with the Intercolonial Railway.

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

SECOND READINGS.

Bill (66) "An Act respecting the Lindsay, Bobcaygeon and Pontypool Railway Company."—(Mr. Dobson.)

Bill (13) "An Act respecting Home Life Association of Canada."—(Mr. Casgrain.)

Bill (12) "An Act to confer on the Commissioner of Patents certain powers for the relief of George L. Williams."—(Mr. Clemow.)

Bill (26) "An Act respecting the Columbia and Western Railway Company."—(Mr. Lougheed.)

Bill (14) "An Act respecting the Quebec Steamship Company."—(Mr. Bernier, in the absence of Mr. Landry.)

CRIMINAL CODE AMENDMENT BILL.

SECOND READING POSTPONED.

The Order of the Day being called:

Second reading Bill (2) "An Act to amend the Criminal Code, 1892, and to make more effectual provision for the punishment of seduction and abduction."

Hon. Mr. VIDAL said:—I understand that we are to have before us a bill relating to the criminal law; and it will be more convenient if this matter is allowed to be discussed at the same time as the other bill. Therefore I move that the order of the day be discharged, and placed on the orders of the day for Wednesday next.

The motion was agreed to,

BILLS INTRODUCED.

Bill (6) "An Act respecting the Banque du Peuple."—(Mr. Forget.)

Bill (108) "An Act respecting the Roman Catholic Episcopal Corporation of Pontiac, and to change its name to the 'Roman Catholic Episcopal Corporation of Pembroke.'"—(Mr. Clemow.)

Bill (96) "An Act respecting the Buffalo and Fort Erie Bridge Company."—(Mr. Kirchhoffer.)

Bill (95) "An Act respecting the Lindsay, Haliburton and Mattawa Railway Company."—(Mr. Dobson.)

Bill (78) "An Act respecting the Hamilton Powder Company."—(Mr. Dandurand.)

Bill (83) "An Act respecting the Northern Pacific and Manitoba Railway Company."—(Mr. Power.)

The Senate adjourned.

THE SENATE.

Ottawa, Friday, 26th May, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

THIRD READING.

Bill (19) "An Act to amend the Act respecting certain works constructed in or over Navigable Waters."—(Mr. Macdonald, B.C.)

SECOND READINGS.

Bill (29) "An Act to incorporate La Compagnie du Chemin de fer de Colonisation du Nord"—(Mr. Owens, in the absence of Mr. Landry.)

Bill (96) "An Act respecting the Buffalo and Fort Erie Bridge Company."—(Mr. Kirchhoffer.)

The Senate adjourned.

THE SENATE.

Ottawa, Monday, 29th May, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (M) "An Act respecting the Northern Commercial Telegraph Company."—(Mr. Macdonald, B.C.)

Bill (60) "An Act to authorize the amalgamation of the Erie and Huron Railway Company, and the Lake Erie and Detroit River Railway Company."—(Mr. Casgrain.)

Bill (51) "An Act to incorporate the Canadian Inland Transportation Company."—(Mr. Casgrain.)

Bill (54) "An Act respecting the Eastern Trust Company."—(Mr. Power.)

DRUMMOND COUNTY AND GRAND TRUNK RAILWAY CONTRACTS.

Hon. Mr. FERGUSON—Might I suggest to my hon. friend the Secretary of State, that the papers submitted in connection with the Drummond County Railway should be all printed. There are only parts of them printed. Some of them are in writing and some typewritten. I think, as these papers are very important, that they all should be printed and distributed, so that the members could have an opportunity of consulting them. I refer to those papers which have been brought down with regard to the contracts with the Grand Trunk Railway and the Drummond County Railway.

Hon. Mr. SCOTT—If there are any members of the Printing Committee present they could call the attention of the committee to the matter and have the documents printed. That is the proper course.

THIRD READINGS.

Bill (35) "An Act to incorporate the Edmonton and Slave Lake Railway Company."—(Mr. Clemow.)

Bill (45) "An Act to incorporate the St. Clair and Erie Ship Canal Company."—(Mr. Lougheed.)

Bill (25) "An Act to confirm an agreement between the Canadian Pacific Railway Company and the Hull Electric Company."—(Mr. Clemow.)

Bill (28) "An Act respecting the British Columbia Southern Railway Company."—(Mr. Lougheed.)

Bill (27) "An Act respecting the Richelieu and Ontario Navigation Company."—(Mr. Landry.)

Bill (67) "An Act respecting the Welland Power and Supply Canal Company (Limited), and to change its name to the Niagara-Welland Power Company (Limited)."—(Mr. McCallum.)

Bill (43) "An Act respecting the Canada Southern Railway Company."—(Mr. Lougheed.)

USURY BILL.

SECOND READING.

Hon. Mr. DANDURAND moved the second reading of Bill (J) "An Act respecting Usury." He said:—In the session of 1897 a bill was introduced by the then leader of this House, Sir Oliver Mowat, fixing a maximum rate of interest. Some agitation had taken place in the country, more especially in the province of Quebec, in consequence of the exposure of an exceptional case of usury. The case which had prompted the hon. Minister of Justice to propose this bill was one where a lender had loaned two hundred and fifty dollars to a party at five per cent per day. He sued for a sum amounting to thousands of dollars. In fact, the action had been taken for five thousand and some odd hundreds of dollars, though originally the amount owed was two hundred and fifty dollars. The bill asked this Parliament to fix a rate of interest upon all contracts, not to exceed eight per cent. It was quite radical and far reaching, in fact it aimed at restoring the old usury laws which had been wiped off our statutes in 1853. Apparently public opinion was not ripe for such a move. This chamber, at all events, was not, and the then Minister of Justice dropped nearly all the important clauses of his bill and in order to prevent the ignorant and inexperienced from being imposed upon, simply asked this Parliament to declare that all notes and negotiable instruments should bear on their face the annual rate of interest, so that people who borrowed would know what they were to pay twelve months after signing the document. The hope was then expressed that the measure would be sufficient to protect a certain class of borrowers. I am obliged to declare that, from my own experience of what prevails in Montreal, although that law may have to a certain extent protected some ignorant and inexperienced borrowers, it has not stopped in any degree the usurious transactions which daily come to light. I am speaking from what I have seen with my own eyes, and I tell this House that usurers in Montreal ply their trade at the very door of our court-house. They lend clerks, students and young men who are starting in the liberal professions. They do not stop at the door of our court-house. They enter it daily to obtain summonses in the name of Her Majesty the Queen in

order to collect not only the principal but the interest which never runs under 60 per cent per year, and is generally 10 per cent per month, or 120 per cent per year; and when they obtain their judgment they again resort to law to press those people for payment and succeed in either getting it or forcing them out of employment, and eventually out of this country. We have in our province, the seizure in the hands of a third party, the *saisie-arrêt* after judgment, by which employers are obliged to go to the court-house and declare whether they owe anything to their employees; and though they may declare to-day that they owe nothing, if the usurer wants to harass his debtor he can seize the following week, and every week, until the employer, tired and harassed to a degree of exasperation, gets rid of his employee. If those usurers were content with waiting for business to come to them they would be still very obnoxious and their trade would not be any less objectionable, but they do not stop at that. They send out circulars to young men inviting them to come in and get money from them, that they will ask very few questions, will not go to their employer, or to their parents, and that they will lend a young man money on his own signature. On the 21st March last, the *Daily Witness* of Montreal, published the following:—

> Montreal is full of spider webs spun to trap the unwary. Among them is the short-loan agency, an institution whose bait too often proves a curse instead of a blessing. Neatly worded advertisements and circular letters invite those whom careless profligacy or cruel fate has made penniless to step in and help themselves to money. They get the money, but it is upon such terms as keeps them in the power of the money-lender until the very life-blood is sucked out of them. The araneida mercifully kills his victims outright; his human namesake holds him in the bondage of financial slavery. Once entangled in the meshes of the loan agent's web, escape is almost impossible. Flutter and struggle as they may, the victims are drawn tighter into the clutches of the voracious agents, to be released only when sapped of financial life and subsistance.
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> There seems to be no adequate way of reaching the offenders by legal prosecution.

Our Montreal usurers generally ask for two signatures. With two signatures, a maker and an endorser, they generally feel that they will get back their money. If one sinks the other will float. They generally examine these chances, weigh the prospects of those young men, and when they lend their money feel quite sure that they will have a return of five or six hundred per cent on the amount advanced. As I have stated, it is our young men, in the full vigour of life, who are enticed into those offices. They are not men generally who are in very great distress and in need of money to tide over temporary difficulties. They are usually young men who are all the time in a stringent financial condition and who would do without the amount, as they are forced to before and after they make the loan, but who are enticed into borrowing money when they see that they can get it so easily, not knowing how hard it will be for them subsequently to get out of the hands of those unconscionable money lenders. Usurers declare that one of the reasons why they charge a high rate of interest is that they must make up for the losses which they meet when they encounter rogues. I do not doubt but that there are people who will get the better of the money lenders, but I may state that I know young men who were honest when they entered the offices of those money lenders, and who, when they left or stopped approaching them, had been made criminals through usury. I know of four young men—two of them notaries—who, within the last few years, having gone into the hands of these shavers, embezzled money to extricate themselves, and are to-day in the United States. A fifth one was not long ago sentenced to the penitentiary. They are weighted down by these unconscionable bargains that they have made, by those extortionate rates, and when an innocent party goes into their office to ask them if they could not place some money for them at five or six per cent, the temptation is too great, and they try to borrow the money to get out of the clutches of the people who have charged them 120 per cent per year. The result is that the young men suddenly leave for the States, or if the police officer can lay his hands upon them, he takes them to the penitentiary, as happened not a month ago in the city of Montreal. Young men who start in life with salaries of $25 or $30 per month, or others who enter liberal professions with no resources but a light heart and hopeful future, must feel discouraged when having borrowed $50 or $75, which probably they did not absolutely need, which perhaps, they could have dispensed with, they find themselves in a short time owing a few hundred dollars. I will just cite two cases which are at present on record in Montreal. First, the case of Demers *vs.* Voyer *et al*; the endorser gave his signature to the defend-

ant upon two notes, one of $100 and another one of $80. When he was brought face to face with the seizure of his salary, he had to pay within eight months of the date he signed those two notes, the sum of $430. I have still a worse case to submit. There is a young man in the press gallery of the House of Commons to-day, who originally borrowed from the same man Demers, of Montreal, $75. That was five or six years ago. Judgment was taken against him. Interest and costs were piled on him. He was a young beginner at the time. He decided to renew his indebtedness to obtain delay, and signed a note for $300, and he finds to-day, that unless he strikes a bonanza, he is hopelessly insolvent. For a borrowed sum of $75 he now owes $1,896.

Hon. Mr. McMILLAN—Was he a journalist?

Hon. Mr. DANDURAND—He was an advocate and is now a journalist. He found when he undertook to conduct a case that his costs were seized in advance. These are typical cases which come to our knowledge every week through our law courts in the city of Montreal and throughout the province of Quebec.

Hon. Mr. McMILLAN—It is pretty hard to protect such men.

Hon. Mr. DANDURAND—The public press of Montreal have agitated for some remedial legislation. The Chamber of Commerce of Montreal, presided over by a former member of this House, Hon. Mr. Desjardins, passed a resolution on the 12th of April last asking, in view of the social plague of usury which appears openly at the surface, in Montreal, that a law against usurers should be passed, and the demand was made upon myself to introduce such legislation into this chamber. This plague is not simply one which prevails within our borders. In Great Britain the disease is more widespread. Wealth flowing abundantly from one generation to the other, the usurer is on the alert to divert a share towards himself. A gentleman named Thos. Garrow within a few years has demonstrated that it is time some restrictive legislation should be passed. Mr. Garrow went fully into the means employed by those people to gather in victims and grind them to death, and after exposing them thoroughly in the press, and even founding banking institutions to come to the rescue of people needing money but who could not go to the regularly constituted banks, got the House of Commons to appoint a committee to inquire into the system of usury prevailing in Great Britain. I have before me the report of that commission, which covers many hundred pages, the result of its sittings during the sessions of 1897 and 1898. They reported in favour of a bill which, I understand, has passed its third reading in the House of Lords and is now before the House of Commons. They have heard witnesses, including judges, solicitors, barristers, usurers and their victims, and all agree, with the exception naturally of the usurers, as to the great necessity for some legislation to check the practices which were exposed before this commission. The witnesses who had experience of usury in England were most pronounced upon the fact that usury was not only a danger, but that money lending at high rates had not, to their knowledge, helped any one citizen. It had not come within their knowledge that a party applying to these money lenders for help had been benefited, and they all concluded in favour of wiping out this system of money lending. Sir George Lewis had no hesitation in saying that they are a vermin of the worst kind which should be exterminated, and he adds:

> The effect of this money lending by all these people in London, is that young men are encouraged to bet, because they know they can go to the money lender next morning and probably raise the money. The money lender will give them money, not that he thinks the debtor can pay, but because his father can pay, or his relations can pay; and most of the money is squeezed out of the relations in that way.
>
> I entirely deny that the community or society requires the existence of these money lenders; they have all amassed and do amass considerable fortunes out of the public. I have never seen one instance in forty-two years' practice where a borrower has obtained any advantage by borrowing money.

Mr. Justice Owen makes a similar statement:

> You would wish to render such loans impossible? Certainly, a man had better get money elsewhere than do that. It is only staving off the evil day and bringing trouble upon himself. In the case of a man wanting to get clothes to get a situation or something like that? If the man is a decent man there is always somebody who will do that for him. If he is a man who wants to go into domestic service there is always somebody who will make some advance to him, I think, and the worst thing a man of that class can do is to get into the hands of a money lender. My experience is that when he once gets into them he never gets out of them again.

I could give the opinion of Sir James Mathew and Sir Henry Hawkins, who say that in order to check money lending they would throw every legitimate impediment in the way. I stated that one of the usurers who was examined by the commission, declared that they had to deal with a great number of rogues, who used all means possible to get money from them, and it was one of the reasons why they had to charge high rates of interest to recoup themselves, so that from the opinion of one of the money lenders we have this fact: there are two classes of men who approach them—rogues and others. The others are the victims. The first are not at all interesting, but I think we should come to the rescue of the second class. I shall not dilate longer upon the immorality of usury. I suppose we are all of one mind on that point. The question is how to suppress it. Two systems have been advanced and discussed at considerable length by the commission which sat on the other side of the Atlantic. One is for Parliament to give discretion to tribunals to re-open transactions which come before them, and weigh the risk incurred in the loaning of money and the circumstances, and fix the rate of interest themselves. Or to examine what legitimate trade and financial transactions require, and in order that there should be no impediment thrown in their way—in order to give elasticity to commerce in general—fix such a maximum limit as will suppress usury and prevent the usurer from plying his trade. The report made by the commission I have spoken of says among other things:

> The loans are usually advanced on the security of promissory notes, given by the borrower either with or without sureties, or bills of sale, and the minimum rate of interest is generally 60 per cent, while some money lenders charge a uniform rate of interest, others charge as much as they can get, and, one lender admitted that his rate had sometimes been as high as 3,000 per cent.

Under the heading of remedies, they say:

> The two fundamental proposals which have been made to your committee for remedying the evils are:—
> I. That Parliament should enact that any interest above a certain rate on loans advanced by professional money lenders should be irrecoverable at law, or
> II. That the courts should have power to go behind any contract with a money lender, to inquire into all the circumstances of the original loan and of the subsequent transactions, and to make such order as may be considered reasonable.
> As regards the first suggestion your committee consider that a high rate of interest is not in itself incompatible with fair dealing, and that no limit of interest can be prescribed which would be adopted to the widely different conditions under which these loans are contracted, and further, that if a maximum rate were fixed by statute, the interest would tend in all cases to rise to that maximum.

I may say at this stage that I have adopted a maximum rate of interest, for reasons which I will give, while the report made by this committee, and the bill which is now before the House of Commons favour a measure of discretion to be given to the courts. The English bill contains this clause which is the essence of the very bill itself. Clause 2 is as follows:—

> Where proceedings are taken in any court for the recovery of money lent by a money lender, and the court has reason to believe that the interest charged in respect of the loan exceeds the rate of ten per cent per annum, or that the amounts charged for expenses, inquiries, fines, bonds, renewals, or any other charges are excessive, the court may re-open the transaction, and take an account between the money lender and the person sued, and may, notwithstanding any statement or settlement of account, or any contract purporting to close previous dealings and create a new obligation, re-open any account already taken between them, and relieve the person sued from payment of any sum in excess of the sum adjudged by the court to be fairly due in respect of principal and interest and of such charges as aforesaid as the court, having regard to the risk and all the circumstances may adjudge to be reasonable; and if any such excess has been paid, or allowed in account, by the debtor, may order the creditor to repay it; and may set aside, either wholly or in part, or revise, or alter any security given in respect of money lent by the money lender.

The two reasons which the report gives for adopting this system instead of a maximum limit, are those which I have mentioned—first that a high rate of interest is not in itself incompatible with fair dealing. To this I answer that if we were to try to go back to the old usury law that was abolished in 1853 in England and which fixed 5 per cent per annum, undoubtedly I would admit that the reasons which prompted the legislators to wipe out that law still prevail; but I wonder if we cannot fix such a rate of interest as will allow all legitimate transactions to be carried on between citizens and yet protect our people, our young men more especially, against the trade of usury. The second reason which is given is that if a maximum rate were fixed by statute the interest would tend in all cases to rise to that maximum. I beg to dissent from that opinion, because we have a case in point in our own statutes. Our Banking Act allows 7 per cent to the bankers. Has it had the effect of raising the general rate of interest up to 7 per cent? We all know that money to-day can be borrowed on loans of $5,000 and

over at 5 per cent and less, so that the rate within which the banks can operate, has not had the effect of raising the general rate of interest, and it seems to me that if we say that beyond a certain rate of interest on short term loans,—for in reality we are only aiming at destroying usury on short loans—the lender will not recover, we effectively check the evil. The rate of interest is regulated by the value of money throughout the world rather than by any maximum rate that we could fix. We all know that the rate of money in Canada, at all events, is influenced to a considerable extent, if not wholly, by the reduction in the rate of interest that gradually takes place in Great Britain, so that nothing will be changed in our habits. We will still borrow upon security from loan institutions below six per cent, and we will still be able to borrow from the bank, when we have a certain degree of credit, at or below 7 per cent. The reasons which have actuated me in adopting a maximum limit instead of giving sole discretion to the judge are those which are mentioned by Sir James Mathew in his testimony. Sir James Mathew, as everybody knows, is one of the County Court Judges of England. He says :

I should limit that to ten per cent, or whatever figure in the judgment of Parliament might be allowed. I think it is a matter of great importance that the law should be fixed and that people should know where they are. Somebody has said that it does not so much matter what the law is, so long as people know what the law is, and it is very important that the money lenders who enter into these transactions should know what they must look forward to if they make these exactions.

And he adds :

One judge will consider 20 per cent fair ; another judge will consider the ordinary rate the proper amount. You would have a great variety of opinion. It would be far better to settle the thing once for all.

This is one of the reasons given : the variety of opinions in the judgments which we would get from different judges. Unsettled legislation is one of his motives for preferring a fixed rate of interest. His second reason is that it would create a tendency to litigation. People would try to have their contracts revised. They would think that if they had agreed to pay 15 or 20 per cent they might get their rate of interest lowered. The tendency to litigation would bring the further objection that costs would be piled up I do not know exactly the conditions that prevail in other provinces, but I know that, in my province, a party sued for a loan of $100 or $200, who would ask for a readjustment of the rate of interest, would be mulcted in as large a sum of costs as the principal claimed from him. So that even if he obtained a reduction in the interest he would very likely, in nearly every case, have to pay double the amount of the capital which he borrowed. These are the very reasons which Sir James Mathew gives. There is a fourth one which struck me and which I submit to your consideration. It seems to me that, giving complete discretion to the judge to fix the rate of interest will conduce to immorality, for young men who would bind themselves to pay an extortionate rate of interest would very often enter into those contracts with a corrupt mind, knowing that they can repudiate their obligation if they applied to the court to obtain a reduction in the rate of interest. Would not this legislation smack of repudiation ? While if we fix a maximum rate of interest within which money lenders can lend money, we are sure that the parties will know exactly how they are, and if one of them commits an illegality he will not be surprised if the other takes advantage of it. Some may object that, fixing a special rate of interest is simply going back to the old system that prevailed before 22 Victoria, chap. 25 was passed, repealing the law against usury, which had been enacted by 17 George third, chap. 3. If the conditions which prevailed when those laws were repealed now happened to be changed it is no reason why this same law should not be re-enacted ; but it is not the same law that I submit. What were the reasons which were given for the repeal of the laws against usury ? The first one was that business transactions were hindered and that commerce could not develop under normal conditions. In England the sum allowed was 5 per cent. In Canada it was 6 per cent. At a time when money was worth 8 and 9 per cent, the legislators pretended that contracts should not be entered into which carried more than 5 or 6 per cent. It was an impediment to trade, and I am not surprised that these laws were repealed. The other reason why usury laws were repealed, was that they were inefficient. They were ineffective, because they were absurd on their face, inasmuch as they pretended to regulate the value of money, to fix the real value of money, when in the markets of the world money was worth far more, and they were ineffective

because no legal enactment allowed the tribunals to reopen contracts in order to find out what sum had really been advanced by the money lender. The rates allowed by the laws of our country and Great Britain were below the real value of money, and people were borrowing the best they could, illegally, at a high rate. The fixing of the value of money—for it was practically that—was simply a vestige of the old feudal laws by which the monarch established the rate of all other products. I do not pretend that I am really offering to this Parliament a law which would have been called, in the past, a usury law. As I have just stated, the old usury law interfered with business. I try to keep clear of such a danger. I want business to go unfettered. I give the commercial and financial transactions a clear and wide field. My sole aim is to prevent unconscionable bargains. I am after the modern Shylock, who, claiming more than the classical pound of flesh, wants body and soul. If some hon. gentlemen fear for legitimate business, and if the margin I mention is not sufficient, I am ready to go further. As to the efficiency of the law which I will read, I think that it is, as far as I have been able to find ways of preventing any evasion of it, as complete as possible, but if there were any other mode which seemed to hon. gentlemen more adaptable to our condition I will readily invite suggestions. Now, what margin should be given? What maximum rate of interest should be fixed? I have the opinion of Mr. Garrow, who has founded these agricultural banks in England, that 25 per cent is not too high for short loans. Judge Owen says:

> Of course the main question is the question of the rate of interest, and it seems to me there are only two courses to take; one is, to fix it by statute, re-enacting for these cases the usury laws; the other to give a court of law power to reduce the rate of interest when satisfied that it is exorbitant and oppressive, to what is a fair rate of interest * * * * and if you recollect the Pawnbrokers' Act, which only extend to £10, fixes the rate of interest, and therefore there is a precedent for doing that, and it seems to me it would be a good thing in the case of these small loans, to fix the limit, beyond which it should not be allowed.

Judge Lumley Smith says:

> What interest is mostly charged by loan offices that come to your court? A.—I think they profess to charge about 13 or 14 per cent. Q.—Per annum? A.—Yes. I think 13 or 14 per cent per annum. It is not very extravagant; it is the systematic renewals which make it so much higher.

In fixing the rate of interest it seems to me we need not think very much of the usurer. Let it be 12, 15 or 20 per cent, the usurer must go. He will not lend even at 25 per cent. Twenty-five per cent per year on a loan of $50 for a month would mean a sum of $1.04, which he would be entitled to, and all those who were examined before that commission in England declare that they would simply go out of business if a rate of 25 per cent were fixed. So that whatever rate of interest is allowed by law, I am satisfied that the evil which I complain of would disappear. I am quite sure the usurer, or the shaver as we call him, would be bound to disappear. The only question to be considered is the margin needed by trade and commerce. I have mentioned in the bill now before us the rate of 20 per cent. It may appear large, but I arrived at that figure when I found that in our own statute-books, in the revised statutes, chapter 128, we allow the pawnbroker 214 per cent per year. We allow him 214 per cent upon loans perfectly secured, for, the pawnbroker generally advances but one-fourth of the value of the goods pledged. Our chapter 128 enacts as follows:—

> Every pawnbroker may take the following rates above the principal sum advanced, before he is obliged to re-deliver the goods pawned, that is to say, for every pledge upon which there has been lent not exceeding 50 cents, the sum of one cent for any time not exceeding one month, and the same for every month afterwards, including the current month in which the pledge is redeemed, although such month has not expired; and so on progressively and in the same proportion for every sum of 50 cents up to $20.

So that up to $20 the rate is 24 per cent in our own law. That is the rate given to a man who has a perfect guarantee. The statute reads:

> When the sum lent exceeds twenty dollars, the pawnbroker may take upon all beyond that amount after the rate of five cent for every four dollars by the month, and so on in proportion for any fractional sum.

So that the man who wishes to borrow $50, and who offers a perfectly sound security, will pay an annual rate of interest of eighteen and one-third per cent per year. It struck me that when we had this very principle embodied in our laws, we could give twenty per cent to a money lender who accepts in return and, as a sole guarantee, the signature of one or two persons of doubtful credit. I have said twenty per cent. It is for the hon. gentlemen to say

if it is too large. If fifteen per cent will give financial transactions sufficient elasticity, let it be fifteen per cent. If we feel that we are encroaching to any degree upon the legitimate development of commerce by saying fifteen per cent, by all means let us allow twenty per cent. As to the conditions which prevail in other countries, I may state that Germany, at one time repealed its laws against usury, but eleven years ago felt under the obligation of re-enacting them. Austria has not repealed its usury laws. France has laws against usury. Five per cent is the maximum rate of interest in civil contracts, and six per cent in commercial contracts. In the United States the rate differs according to the state. I have here a list covering the forty-nine states and territories of our neighbours, and apart from ten territories and states which are without any maximum limit, all have a legal rate of interest, and, besides, a rate allowed for contracts. The legal rate runs from six to ten per cent, and the rate allowed by contract from six to twelve. The list is as follows:—

State.	Legal rate.	Rate allowed by contract.
Alabama	8	8
Arkansas	6	10
Arizona	7	Any
California	7	Any
Colorado	8	Any
Connecticut	6	6
Delaware	6	6
District of Columbia	6	10
Florida	8	10
Georgia	7	8
Idaho	7	12
Illinois	5	7
Indiana	6	8
Iowa	6	8
Kansas	6	10
Kentucky	6	6
Louisiana	5	8
Maine	6	Any
Maryland	6	6
Massachusetts	6	Any
Michigan	6	8
Minnesota	7	10
Mississippi	6	10
Missouri	6	8
Montana	10	Any
Nebraska	7	10
Nevada	7	Any
New Hampshire	6	6
New Jersey	6	6
New Mexico	6	12
New York	6	6
North Carolina	6	6
North Dakota	6	12

RATES OF INTEREST—*Concluded.*

State.	Legal rate.	Rate allowed by contract.
Ohio	6	8
Oklahoma	7	12
Oregon	8	10
Pennsylvania	6	6
Rhode Island	6	Any
South Carolina	7	8
South Dakota	7	12
Tennessee	6	Any
Texas	6	10
Utah	8	Any
Vermont	6	6
Virginia	6	6
Washington	6	12
West Virginia	6	6
Wisconsin	6	10
Wyoming	8	12

I may explain some of the provisions of the bill now before you.

2. Notwithstanding the provisions of chapter 127 of the Revised Statutes, no person shall stipulate for, allow or exact on any negotiable instrument, contract or agreement whatsoever a rate of interest or discount greater than twenty per cent per annum, and the said rate of interest shall be reduced to the rate of ten per cent per annum from the date of issue of process in any suit, action or other proceeding for the recovery of the amount due.

I have the opinion of judges who ask that judgments should not bear more than six per cent per annum. Judge Gill says:

Legislation should have been enacted long ago, judgments should not carry more than 6 or 7 per cent interest. I prefer a fixed rate to discretion being given us. I have once been obliged to give judgment for 12 per cent, per day. This scandal should stop.

Judge Taschereau, in an interview, favoured any legislation which would tend to minimize the disastrous effects of usury. Judge Pagnuello says that a law against usury is absolutely necessary.

Last week all the papers published a judgment rendered by Judge Charland who said among other things—*re* Tapley *et al vs.* Dufort:

The plaintiffs sued to recover $270.75 being $150 for a note for that amount signed by the female defendant with the authorization of her husband dated August 31st, 1897, and payable at four months with interest at the rate of 130 per cent per annum being $120.75 as interest at the rate aforesaid on $150 from the 11th of March, 1898.

His Honour took advantage of the occasion to denounce usury in the most unmeasured terms. Said His Honour:

"Usury has free sway and the harm it does is incalculable. It is to be hoped that the bill which has

been introduced in Parliament will bring a remedy to the situation. The motives for this bill are numerous, but it is better to leave this to the legislators. I may be allowed to say, however, that I approve of a law destined to kill this sad trade which is disgraceful for those who engage in it, and which only creates miseries.

"I believe that it is extremely to be regretted that the state of affairs often revealed by the judges of this court should be allowed to exist as it does. Usury has a free sway, and the harm is incalculable.

"Usurers are gloved thieves, who circulate in society clothed with the misery which they throw on all sides."

In fact, for a number of years the judges have denounced usury from the bench on every occasion. So I propose to fix the rate of interest at 10 per cent from the date of the issuing of a writ for the recovery of the amount loaned. If this chamber thinks ten per cent is too high a rate, I have no prejudice or feeling in the matter. If this rate is adopted, the man who bargains to pay fifteen or twenty per cent, will still be relieved to a certain extent when his interest is reduced to ten per cent. Clause 3 reads as follows:—

3. In any suit, action or other proceeding respecting a loan of money wherein it is made to appear to the court that the amount of interest sought to be recovered exceeds the rate of twenty per cent per annum, the court may re-open the whole transaction, up to the original contract, if there have been renewals, and may determine the rate of interest paid or claimed, by taking an account between the parties and by computing in the legal interest all sums paid or claimed as and for commission, fines, bonus and other such outlays; and the lender who is found to have received more than twenty per cent interest shall be condemned to repay such excess, and such judgment may be executed even by coercive imprisonment.

I have mentioned imprisonment because it strikes me that the lender may put in the body of the note the name of an insolvent to whose order the note would be made, thus preventing the recovery of any excess paid. The next clause simply repeats the existing law:

4. The bona fide holder, before maturity, of a negotiable instrument discounted by a preceding holder at a rate of interest exceeding that authorized by this Act, may nevertheless recover the amount thereof, but the party discharging such instrument may reclaim from the usurer any amount paid thereon for interest or discount in excess of the amount allowed by this Act.

I give right of action in favour of the aggrieved party to recover from the usurer wherever his name may be on the note the amount paid in excess of the legal rate. The present Act is made to apply to contracts to mature in the future only. As I have already stated, there are a number of judgments against young men who are weighted down with judgments bearing one hundred and twenty and a still higher rate of interest, and it seems to me that we should relieve them for the future in order to help them to a certain extent. This law will also apply to negotiable instruments which have not matured, but from the date of maturity and for the future only. As there are Acts which prevent corporations from charging more than seven per cent interest, I have in the seventh clause of this bill provided that nothing herein shall operate to increase the rate where it is fixed by law. This is the bill which I submit to the judgment of this House. I draw your attention to a plague which exists. I try to cure it by wiping out the Shylocks. My desire is that we should keep clear of the objections that were raised against the usury laws. It seems to me we can reach the usurer, without encroaching on the commerce and business of the country, by fixing a maximum rate of interest which will give plenty of scope to legitimate enterprise.

Hon. Mr. MILLS—This is a very important subject. It is one that has received the attention of leading men in the mother country. It has there been a subject of very careful inquiry by a committee, and the measure founded upon the report of that committee was introduced into Parliament during the present session by a member of the administration. That measure shows the importance which is attached to legislation upon this subject in the United Kingdom. The hon. senator from Kennebec (Mr. Drummond) informed me, at an early stage of the session, that this evil had grown to considerable dimensions in many of our cities, and he was perfectly cognizant of the extent to which it prevailed in the city of Montreal. So that the subject is not one on which we are legislating with a view to ideal perfectibility, but for the purpose of meeting a practical evil which affects a considerable number of members of that community. The measure is in no sense an attempt to restore the old usury law, nor is it founded upon the principles upon which those laws were, for a long period of time, up held. The theory upon which the ordinary usury law is based was, I think, effectively exploded by Jeremy Bentham at the close of the last century. His views have been adopted in the United Kingdom and given practical effect to

by legislative bodies in all the dependencies of the British Empire. The ground upon which those obscure institutions which exist some of our cities, and the evils associated in with them which my hon. friend has undertaken to meet by his bill, was defended on the theory that money lending at more than the ordinary normal rate of interest was justifiable on account of the risks that are incurred by the money lender—that the money lender must insure himself against loss, and so the desperate character of the risk which he takes in the loans which he makes must determine the rate of interest which he will charge in order to protect himself against loss. I notice in the report to which my hon. friend has referred, a portion of which he has read, that one money lender who appeared before that committee maintained that the rate of interest which he was able to secure by lending money at these exorbitant rates, taking into consideration the losses which he had sustained, yielded him, in fact, but five per cent of interest, so that those that paid the enormously high rate of interest were, in fact, paying him for the losses which he had sustained in lending to others who were unable to meet their obligations. Legislation of this kind is legislation to meet an evil which exists in the community and can only be justified, it seems to me, as an interference with the ordinary adoption of contracts, assuming that every man is able to contract for himself, on the ground that certain members of the community have reached a financial condition which, in no small degree, deprives them of the liberty of contract. It was upon this ground that Mr. Gladstone defended his legislation by which he interferred between the landlord and the tenant in Ireland. The tenant was in such circumstances that he was not a free man, and was not in a position to enter into a contract with his landlord upon terms that were reasonable to him, and therefore it was necessary that the law should intervene, and that a reasonable arrangement should be made on his behalf. My hon. friend, in discussing the subject, has pointed out by practical illustration the evils which exist, and which have come under his own notice, by which he justifies, I think fairly so, the proposed measure. The plan of the measure which my hon. friend has submitted to us differs to some extent from that measure which was submitted to the House of Commons by Lord James. In that measure Lord James provides that where the rate of interest exceeds 10 per cent the whole question may be opened before a judge, who may inquire into all the circumstances, take into consideration the risk which the party incurred who loaned the money, and decide what is a reasonable rate of interest. My hon. friend by this bill adopts a different course. Instead of leaving it to the discretion of the judge, he fixes a maximum rate in this case which shall not be exceeded. Now, that maximum rate seems to the casual reader a high rate, and yet we find, when we examine it, that it is not quite so high a rate as the law already fixes in the case of pawnbrokers. If the party is greatly in need of a loan—if he is threatened with a suit, if he finds that he will be able in the course of a few days or weeks to meet his obligations, but is unable to meet his obligations at the moment, and can obtain money even at 20 per cent, it may be much more advantageous to him to pay that rate of interest and pay off his obligation and avoid the cost of a suit. I say he may do this with advantage pecuniarily to himself, and so where loans are effected for a short time, it may be that my hon. friend does not err on the side of extravagance in fixing the rate of interest at 20 per cent. This view, it seems to me, is a subject which may very well be thrashed out in committee. I have no doubt that the members of the committee to whom the bill may be referred will have an opportunity of carefully considering the plan suggested by my hon. friend in this bill, and by the bill which Lord James of Hereford has suggested in England. There may be reasons why the discretion which you give to the judge in the United Kingdom might not, with the same advantage, be given to a judge in one of the provinces or territories of this country, but that matter may be fairly considered by the committee. I think I may congratulate my hon. friend on the very full and clear statement which he has made, and when the bill is read the second time it may very well go to the Committee on Banking and Commerce.

Hon. Mr. LOUGHEED—Why not to a Committee of the Whole House?

Hon. Mr. MILLER—He may make a special reference if he likes, but it will naturally go to a Committee of the Whole House.

Hon. Mr. MILLS—Very well, if that is thought best. I would suppose where special inquiry was necessary and investigation needed, it might be better to go to that committee than to be discussed by the whole House.

Hon. Mr. DEBOUCHERVILLE—Would it not be better, before referring it to a Committee of the Whole, to send it to a special committee to get information which we do not now possess?

Hon. Mr. BELLEROSE—I believe it cannot be successfully denied that a law of this kind is a necessity. It has been well known for years past that great abuses exist in every part of Canada in the practice of usury, so that I cannot myself say that I am opposed to the project under discussion. Indeed accepting the principle without binding myself to the details, I am ready to give my vote for any project which may better our position. But while admitting the state of things to be so, I cannot say that I approve of the change which is proposed to be made to our present law. I find that the remedy proposed to this House against usury, especially outside of a great city like Montreal, is worse than the evil. It may be that such a law is required in Montreal, and might do much good in the present state of affairs; but, as far as the country parts are concerned, it would be quite wrong to change the present system as proposed. It is often said that money is an ordinary subject of commerce. Even if it be so, there is a limit outside of which it is usury of the worst character if you exact too much. When a man takes 120 per cent for a loan of money to a young man as mentioned by the hon. mover of this project, the lender is not better than a thief I should think. Anybody can see that if a man, is in such a position that he has to pay 120 per cent for a loan, he had better be ruined at once. No doubt there are men who, being a ruin, will try to escape and will borrow money at any rate of interest if they can find it. If they can not get it at 5 per cent they will get it at 10 per cent, or higher, hoping for better times; but it is our duty, as legislators, to protect the public at large, and make such laws as will protect society. Such laws cannot be made for large centres only, such as Montreal. They have to be made to protect the public at large, of which large cities forms only a small part, and those laws should be made effective by punishing the offender by imprisonment.

Again I do not see that this project of a new law improves in any way the position we now hold under the present law, indeed it seems to me that the project of the hon. senator makes things worse.

Under the present law the amount of interest is six per cent. Should the project become law there would be no legal interest except that interest stipulated in the agreement and which may be so high as 20 per cent, an interest which I am bound to say is enormous in ordinary circumstances.

In the present state of things though the law enacts what will be the amount of interest, to be paid if none has been mentioned in the contract, yet it opens the door to the vilest acts of usury, when it enacts that any amount may be recoverable for interest provided the amount is mentioned in the contract. I should think that the present law ought be amended in such a way as to protect the public from those abuses which the hon. the mover of the project has given this House a detail of.

Here I find that if the 20 per cent mentioned in the project would be applied to our present law, by a proviso, enacting that the interest mentioned in the contract will never exceed 20 per cent, that it would make things a great deal better.

Believing as I do that even 20 per cent is too high a rate except in most extraordinary cases, I would add the remedy suggested by the project, that of giving to the borrower at a rate of over 6 per cent, the power to go before the courts who would adjudge upon the question of the amount of the interest mentioned in the contract, taking into consideration the circumstances of the case.

The usurer does not want to be known as a man who will rob his neighbour. He does not like to put an extortionate rate on the face of a note, and consequently he would rather have a law like this which would at all events give him the right to charge 20 per cent and still enable him to pose as a very honest and charitable Christian.

Knowing pretty well what money is worth in country parts, I say when an ordinary citizen of the country, a farmer or mechanic, or any man of moderate means, has to pay more than five or six per cent on money he cannot expect to be saved by paying such a high rate of interest on a short loan. S›

that the usurer, in being allowed to take the amount he choses, would be in a position to ruin a borrower, and I think Parliament ought not to sanction anything of the kind. As long as you make laws which permit a harsh man to oppress his neighbour, you will have usury. The man who takes 120 per cent interest from another ought to be in prison, for certainly he has committed a theft. That man cannot be said to have loaned money—he has robbed the borrower under cover of the law, and we legislators will incur a grave responsibility if we give such men an opportunity to oppress their fellow citizens. Other arguments have been advanced by the hon. gentleman which, at the time, I was ready to answer, but as the bill is to be referred to a Committee of the Whole House, and there will probably be a discussion of it, I think it better to leave what I have to say until then; but I wish to protest against such laws as we have been making from time to time without any good effect at all, for the very good reason that we have not sufficiently provided for the punishment of offenders. In my opinion the only remedy against such abuses as those mentioned by the hon. mover of this bill, would be imprisonment. Let our present law stand on our statute-book with some amendments, as I have already said, and let us try to amend it from time to time until we have done something which may be considered in the public interest. My intention is to vote for the second reading of this bill, under the reserve I made a moment ago.

Hon. Mr. BERNIER—It seems to me the object which the hon. gentleman has in view is a very good one, and the promoter of the bill should be congratulated, not only on the step he has taken, but on the remarks with which he has supplemented his motion. He has spoken about the evil as it occurs in Montreal, but the evil which he desires to cure by this bill is not confined to Montreal. I see by some newspaper from Ontario that there also it flourishes, and I know that in Manitoba it has also many victims. Having said so, and intending to vote for the second reading of the bill I beg to make a few remarks. It seems to me that the rate of interest, 20 per cent, is too large. In fact, the bill itself seems to suggest a reduction; inasmuch as it provides for 10 per cent after judgment. If 10 per cent is enough after judgment I do not see why it should not be enough before judgment. The law applicable to pawnbrokers has been cited as an argument to justify 25 per cent. It is no argument, to my mind, at all, because that law in reference to pawnbrokers is bad in itself. I think the hon. gentleman is quite right in giving no discretion to the judges. A maximum of interest should be fixed, but to my mind 8 per cent would be quite enough. Of course there should be an exception made for chartered institutions, loan companies and gentlemen engaged in legitimate business. It seems to me that if the bill is referred to a special committee, it would be possible to frame a clause in such a way that those doing legitimate business should be exempt from the operation of the law. In the third clause I see that the court is allowed to reopen the whole transaction. The clause should go a little further. It is not very clear from this whether the court could go into any transaction. I think the court should be allowed to go not only into the transactions immediately connected with the loan, but also into any side transaction which might be gone into, so as to cover the whole thing. As to the latter part of that clause, it seems to me that a fine should be imposed. The clause reads:

> And the lender who is found to have received more than 20 per cent interest shall be condemned to pay such excess.

Well, that is not enough. It seems to me that he should lose his money and be imprisoned in any case. If you have a law you must make it stringent enough to eradicate all desire to be a Shylock, as the hon. gentleman has termed it. The 4th clause, it seems to me, is not complete. Of course, we may conceive such cases where the bona fide holder should be protected, but I am sure that in most cases many would pretend to be bona fide holders who were not such, and this clause will rather help to defeat the object of the bill if it remains as it is. As to the remedy provided in the latter part of the clause, which is that the person may recover from the usurer any amount paid thereon for interest or discount in excess of the amount allowed by this Act, that is not a sufficient remedy. It will lead to endless litigation and difficulties of every kind, and in most cases will result in losses to the victims for whose relief this bill is designed. Then, again, the bill is not made retroactive. I quite understand the

motive which has prompted the hon. gentleman to frame the bill in this way, but it seems to me that this is a case where the law should be retroactive, because the transaction is from the first vitiated. A man who charges 100 per cent or 50 per cent is, to my mind, committing an immoral act, and if he has committed an immoral act, I do not see why we should not at once go after him, and whether the note has matured before the law comes into force or not should not make any difference. This is a plain case where it should be made retroactive. I think also that this bill should be referred to a special committee. Of course the Committee on Banking and Commerce could take it up, but the Committee on Banking and Commerce have other work to do, and a special committee should be appointed to consider the bill and to make a study of it, so that it may be made as complete as possible. I am entirely in favour of the bill and shall vote for it.

Hon. Mr. PRIMROSE—I think I express the general sentiments of all the members of this chamber who have had the pleasure of listening to the remarks of the introducer of this measure, when I say that the comments which were made by the Minister of Justice were richly deserved by the hon. gentleman who introduced the bill. It must have necessitated a great deal of effort and painstaking industry to collate the information he has given us. I do not intend to occupy time further than to state that it is my personal opinion that the bill would receive more mature and deliberate consideration in the Committee on Banking and Commerce than in a Committee of the Whole House. On that point there is a little diversity of opinion, and it can be better threshed out in the Banking and Commerce Committee.

Hon. Mr. MACDONALD (P.E.I.)—I do not know that there is any necessity for a bill of this kind in the province from which I come. I have never heard of such extraordinary charges there for money as have been mentioned, but from the remarks of the hon. gentleman from Montreal (Mr. Dandurand), it is very evident that there should be some remedy provided to prevent the occurrence of such very immoral charges being made for the use of money. His argument was strong enough, I think, to show that the rate fixed by the bill should be very much less than 20 per cent. No reasonable man could advocate a charge of 20 per cent, and a man who would extort 20 per cent must be deficient morally. He states that these extortionate charges for money have been the means of driving a great many young men from this country to the United States. If the young men of this country are such idiots as to pay 120 per cent for the use of money, we are much better clear of them, and the United States is welcome to them if they cannot make an honest living in this country. One part of the bill would have a good effect; that is the provision allowing the judges to reduce the excessive rates charged by these usurers down to reasonable figures. It is very improper that the law should be such that a man, by taking an action, could recover the amount of $1,896 for the use of $75, as has been stated by the hon. gentleman. That seems altogether absurd. The judge certainly should have the discretion of cutting it down to a reasonable amount, and, so far as this bill allows the judge to take cognizance of a case of that kind, and to allow 10 per cent or a reasonable rate of interest, it will have my support. I would not advocate the maximum rate of 20 per cent, which is proposed in this bill. It is altogether unreasonable. No legitimate business could be carried on by any person paying 20 per cent for the use of money. People are lending money in every province of this Dominion, investing it at 4 per cent, 6 per cent is usual and 7 per cent is considered a high rate, and I think the rate suggested by the hon. gentleman from Manitoba would be much fairer than the amount mentioned.

Hon. Mr. CLEMOW.—This is a very large question, and I think it is one that should engage the attention of the government of this country. The matter referred to by the hon. member from Montreal, surely shows a state of things existing in that part of the country generally that requires some remedy at our hands. You may call it by whatever name you like, usury or anything else, but you may depend upon it that there will be means resorted to by which any law can be evaded, and therefore it requires very great consideration to frame a bill to have the desired effect. The men who lend money at these high rates of interest should be treated as men

undeserving of any honourable feeling that pertains to the community generally. I would be in favour of saying that the men who follow that business should be designated as usurers and follow their occupation the same as pawnbrokers, putting up a sign to show people who are dealing with them that they are treating with a class of men who have no conscience, who are charging all they can. With proper restrictions and proper legislation, I believe that these men would be brought to a point where they would not exceed the bounds of decency in the matter of money lending. For instance, a man can buy a note at any price he chooses to bid for it. I suppose the bill would not apply to that. A man can go into the stock exchange and perhaps reap a large amount of profit. Of course, on the other hand he may fail and not be fortunate. Money has a great influence on the community generally. Sometimes a man in straitened circumstances may require a thousand dollars for a short time for which he can pay a pretty large amount in the shape of commission, or something else, but he could not continue to pay that for any length of time without becoming bankrupt. You have to make provision for all these contingencies. It is a difficult question to deal with, and the more you study it the more difficult you will find it is to obtain a proper remedy. Some persons say ten per cent is enough I dare say honest men would be satisfied with less, but there are some men who require larger interest for the little money they have to invest. You must act fairly for all classes of the community. They may take the risk, of course, but too large a rate of interest for a risk is not a sound policy to legalize. I do not look upon a risk as satisfactory, because the rate of interest is high. I know people who will lend money if the rate of interest is sufficiently large. That kind of security is not one which a business man should encourage. I admit that a remedy is required. There is no doubt about that. The evidence produced by the hon. member from Montreal (Mr. Dandurand) must convince every hon. gentlemen that some remedy is required, but at the same time you must provide a remedy which will not debar the honest man from getting assistance when he needs it. You must overcome that difficulty. You must have the matter well considered by prudent men, who will come to a decision which will benefit the whole country. I am not in favour of a usurer, I think he is a man despised and hated by all the community, but we know such men exist, if not in one quarter, then in another. You have to try and prevent usury occurring in the future. It would be wise and judicious to have a small committee appointed to consider the bill in all its bearings, and then they can submit a well considered measure for the consideration of the Senate. I do not believe there are any hon. gentlemen who do not think we should have some remedy. The sooner it is provided, the better for the community. It has been a vexed question for years. We have tried from time to time to cope with usury, and have been unable to do so. We want an enactment by which these men will be prevented from committing what must prove injurious to the borrowers and the country at large. If we find a means to attain this object we will do good to every man in the country, and I think the usurer, if he is not an extortionate man, will feel that he will be able to carry on a respectable business and succeed. We have to take all the circumstances into consideration in order to come to a conclusion which will be fairly satisfactory.

Hon. Mr. POWER—The thanks of the House are due to the hon. gentleman, from De Lorimier (Mr. Dandurand), for the care he has taken in this matter. I presume the bill may go to the Committee on Banking and Commerce, or to a special committee. I have grave doubts as to whether we will be able to improve much on its construction. This bill is almost identical with the bill introduced in the Imperial Parliament during the present session, and that bill was the result of the long continued labours of a commission which inquired into the whole subject and reported on the matter, submitting the evidence which had been taken at great length in connection with the investigation. The hon. gentleman (Mr. Dandurand) has a personal interest in the question; he has seen the iniquities perpetrated under the present law in the city where he lives, and I have grave doubts whether any committee will improve on the measure he has submitted to the House. It seems to me that every hon. gentleman who has spoken has endorsed the principle of this bill, which is that there should be some limitation to the power given by the existing law in the

provinces of Ontario and Quebec to exact any rate of interest, no matter how excessive, from a borrower who happens to be in straitened circumstances. The hon. gentleman from De Lanaudière, it seems to me, misapprehended the existing condition of things. Turning to the chapter of the Revised Statutes on interest I find that the law in the provinces of Ontario and Quebec is embodied practically in two sections. The first is:

> Except as otherwise provided by this or any other Act of the Parliament of Canada any person may stipulate, allow or exact, on any contract or agreement whatsoever, any rate of interest or discount which is agreed upon between the parties.

So that there is no limitation in the provinces of Ontario and Quebec.

Hon. Mr. DANDURAND—Nor in Nova Scotia and New Brunswick; the clauses concerning them in chapter 127 were repealed by the law of 1890, chapter 127. Sir John Abbott's measure was intended simply to strike out one section of the statute concerning Quebec and Ontario, but when the bill reached the other House some member moved that the clauses concerning New Brunswick and Nova Scotia should be eliminated from the statute. It was adjourned, and Sir John Thompson at last consented to that. I may say that I found, in going from one statute to another, that there was no need of eliminating the clause concerning New Brunswick, inasmuch as a special statute passed in 1875 had already done so. It had been by error replaced in the Revised Statutes, and by a law passed in 1890 the clauses concerning New Brunswick and Nova Scotia have been wiped out.

Hon. Mr. POWER—I do not think the public in Nova Scotia are aware of the facts, and I have not heard of any instances there where more than 7 per cent has been exacted on loans on real estate and 10 per cent on personal loans. We had that law in operation for a considerable time and no inconvenience was experienced from the existence of the limitation. However, the exact rate which is to be allowed is a mere matter of detail which can be settled in committee. Every hon. gentleman seems to recognize that there has been a great abuse and that it is the duty of Parliament to correct the abuse. That is the principle of the bill. The details of the measure, as to what rate of interest should be allowed, and as to what action should be taken as to suits, &c., are all matters of detail which do not properly come before us now.

The motion was agreed to.

SECOND READINGS.

Bill (108) "An Act respecting the Roman Catholic Episcopal Corporation of Pontiac, and to change its name to the Roman Catholic Episcopal Corporation of Pembroke."—(Mr. Clemow.)

Bill (95) "An Act respecting the Lindsay, Haliburton and Mattawa Railway Company."—(Mr. Dobson.)

Bill (78) "An Act respecting the Hamilton Powder Company."—(Mr. Dandurand.)

Bill (83) "An Act respecting the Northern Pacific and Manitoba Railway Company."—(Mr. Power.)

DELAYED RETURNS.

INQUIRY.

Hon. Mr. FERGUSON—I wish to ask the hon. Minister of Justice when I may expect to have the return for which I moved somewhat early in the session relative to the carrying of the winter mails between Sackville and Cape Tormentine.

Hon. Mr. MILLS—That will be in the Post Office Department, I suppose.

Hon. Mr. FERGUSON—Yes.

Hon. Mr. MILLS—I will bring the matter under the attention of the Postmaster General.

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, 30th May, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

COMPANIES' ACT AMENDMENT BILL.

FIRST READING.

Hon. Mr. MILLS introduced Bill (N) "An Act to amend the Companies' Act."

He said:—This is a very short measure. It is to make changes in the Companies' Act of Canada similar to the changes that have been made in the Companies' Act in the province of Ontario. That is to give to every company incorporated under chapter 119 of the Revised Statutes of Canada power to issue preferential stock, and to give to the holders of that preferential stock representation upon the board of that company.

Hon. Sir MACKENZIE BOWELL—Are there any other provisions in the bill for the organization of companies, or is it simply for the purpose which the hon. gentleman has stated?

Hon. Mr. MILLS—It is simply an amendment to the statute. I purpose introducing a bill to-morrow similar to the one I introduced last year, but this bill is simply for the purpose of making a single amendment to the Act.

Hon. Sir MACKENZIE BOWELL—Perhaps it may be premature, but might I ask my hon. friend if the bill he intends to introduce to-morrow is of the same character, or has he amended it from last year?

Hon. Mr. MILLS—I have made certain amendments. I have had some correspondence with attorneys general of the provinces, and I have made certain amendments, but practically it will be the same as the bill of last year.

The bill was read a first time.

EXCHEQUER COURT CLAIMS.

MOTION.

Hon. Mr. CLEMOW moved:

That an humble Address be presented to His Excellency the Governor General; praying that he may be pleased to lay before the House a statement showing:—

1. Names and residences of all parties filing claims against the Crown in the Exchequer Court, from July, 1893, to May, 1899.
2. Dates of filing and nature of claim and amounts claimed.
3. Dates of hearing each case.
4. Dates when judgment was recorded, and amounts allowed; amount of costs awarded.
5. Dates when award and amount was paid.
6. A statement showing appeals to Supreme or other courts, from decision of Exchequer Court.
7. Names and residences of parties, with dates of claims so appealed, with amounts, originally claimed.
8. Result of appeals and amounts allowed in cases appealed.
9. Amount of costs allowed in appeal cases.
10. When such amounts so recovered in appeal were paid, and amounts thereof.

He said:—This motion is sufficiently explicit in itself and requires very little explanation at my hands. I think it would be a source of satisfaction to the country to know the amount of work done by the Exchequer Court, and to ascertain if the court has met the expectations which we had at its initiation. I am induced to do this in consequence of the Expropriation Bill which was introduced the other day, when we had not sufficient information to know whether in every case the courts were justified in doing as they have done in many cases referred to. Therefore, under all the circumstances, the country would be satisfied to find from this report, when it is made, whether I am correct or whether the machinery in the hands of the government at the present time is sufficient to meet all the requirements.

Hon. Sir MACKENZIE BOWELL—I should like to say a few words upon this motion, and to give my reasons why I think the information which has been asked for by the hon. gentleman from Ottawa should be furnished.

Hon. Mr. MILLS—I would like very much to hear them.

Hon. Sir MACKENZIE BOWELL—Since the action taken by the Senate upon the Expropriation Bill introduced by the hon. Minister of Justice, I have been furnished with information which, I think, fully justifies the action of the Senate, particularly in the two cases to which the hon. Minister of Justice referred as justification of the course which he proposed to take, in asking for powers to expropriate land and return portions of it again to the original owner, and also to enable the government to purchase other property and give it to the party from whom they expropriated the land, in lieu of said land expropriated. I have before me details of two cases which have been brought under my notice since that time.

Hon. Mr. MILLS—Is the hon. gentleman going to discuss the merits of that bill?

Hon. Sir MACKENZIE BOWELL—No, I am going to give reasons why I think this information should be furnished to the House. I trust I know enough of the rules of the House not to discuss the merits of a bill which has been rejected by the Senate,

and which perhaps we may be asked to consider again, but as the hon. senator from Rideau (Mr. Clemow) has put a notice upon the paper and made a motion asking for information, I am going to give the Senate some information which may be considered premature; but which, I have no doubt, when the return comes down, will be verified, taking it for granted that the information which has been given to me is correct. I intend to refer to cases given me to illustrate the desire of the government to have further power. I shall refer to Judge Armour's case first, and then to the case to which the hon. gentleman specially called the attention of the Senate—that is the Hall case—where a mill property was to a certain extent destroyed by expropriation by the government. I find that under the present law the government took possession of lands belonging to Chief Justice Armour, for the Trent Valley Canal, without giving notice to the judge, and without making him any offer of remuneration for the property. After possession had been taken the judge waited for three or four months expecting to hear from the government upon the subject, but as nothing was done, he instructed his solicitor to prepare a petition asking for a fiat, which for some unexplained reason was refused. Why it was refused I have no information, but, looking at the English authorities and the practice in England upon questions of this kind, it is clear that unless there are grave reasons why a fiat should not be granted it is never refused.

Hon. Mr. MILLS—It goes as a matter of course.

Hon. Sir MACKENZIE BOWELL—Yes. However, in cases where the Crown considers that there is no claim whatever, then the Crown would be justified in refusing to grant the fiat. But in this case there certainly was no pretence of that character. Whether it was the present Minister of Justice who refused the fiat, I am not prepared to say, but whether it was the present Minister of Justice or the late Minister of Justice, or the Minister of Justice prior to his immediate predecessor, it does not affect the facts nor does it affect the case in the least. The case was then taken into court, after the government had been in possession for a long time. Afterwards information was filed to ascertain the amount of compensation to be paid, if any. But after compensation had been fixed through the courts, I am informed that there is no mode whatever by which the government can be compelled to pay the amount, and my informant says "This form of taking a man's property without letting him know it, and then letting him whistle for his pay is too Turkish for this country." That is the opinion of the gentleman who gives me the information, and will be echoed by all who regard men's property as sacred. Another singular act in connection with this matter is the fact that the judge applied to the Minister of Railways and Canals for a copy of the agreement which had been entered into between the government and the party owning the land adjacent to that which was owned by the judge, and this was refused by the Minister of Justice, though the document had been laid on the table of the House of Commons. It thus compelled the judge to issue a subpœna to the Minister of Railways and Canals to appear before the court with that document, which he considered to be necessary in this case. The Minister of Railways not only refused to give a copy of the agreement or the agreement itself, but disobeyed the order of the summons; and, as the gentleman himself says, while he did that, he neglected to return back to him the twelve dollars and fifty cents which he had sent to him for conduct money. That, I dare say, was an oversight. Looking at that case, we may well ask ourselves whether power should be placed in the hands of the government to expropriate other people's property, in the manner sought by the bill, which the Senate rejected. I think the case of Mr. Hall is a much stronger one. I shall take the liberty of reading the statement which I hold in my hand, which is much clearer and more concise than I can possibly put it:

The government expropriated for the Trent Canal a large part of the mill property of Jno. Hall of Lakefield, taking from him land on which he had a valuable mill power—cutting him off from his dam—coming to within one foot of his mill building on the north and cutting in on his roadway so that a team coming to his mill door had to drive into a wedge one foot wide at corner of building. The teams would therefore have to back out. They took away his driving shed and all stables, and now to reach his new stable he has to travel $\frac{1}{16}$ of a mile around by a bridge, or $\frac{1}{8}$ of a mile, there and back. The valuators allowed for the buildings, $925; for the land and house, $1,650, and for damages, $600. The mill is worth $25,000. His yard has been blocked; his windows nailed up to prevent breaking by the blasting; a canal within 25 feet of his door; an embankment 17 feet high between his mill and the road so that now he can only get on his land over land bought by the Crown to make a roadway, and they offer for damages the magnificent sum of $600! Of course it was refused. The Crown

brought in suit but found that in their tender they had omitted the sum of $925 for buildings, and finding they were wrong, instead of amending the tender they abandoned the action, and then introduced the expropriation amendment bill to enable them to offer a privilege of passing the mill door and to turn around a team on the land they expropriated, and to further offer some of the land they could do without at point where it was of little value or use to the mill owner. The case was dismissed with costs to Hall, and the costs taxed down to the fixed tariff. Costs between attorney and client were refused; costs of a trip to Ottawa to see the minister at his suggestion was also refused. Hall, for three years, has suffered every inconvenience, put to double the costs, and must now entreat the government to bring on a new suit.

Every effort to get to trial in the old suit was balked by motions and enlargements, and finally the suit dropped in order that this new method of striking below the belt might be accomplished by an Act of Parliament. 'Tis true there was no suit pending, but they entered a discontinuance in bad faith to enable them to say the bill would not affect a pending suit.

Now, this is the case as given by the owner of the property; and I hesitate not to say, if this statement be correct, and I have every reason to believe it is from the source from which it comes, that it is a case in which the Crown should take the whole property, and fully sustains the position taken by my hon. friend from Calgary (Mr. Lougheed), when he cited certain cases in England affecting property in this way. Here is a man owning property. The government, in the interest of the country, takes his land and builds a canal within twenty feet of his mill, cuts off intercourse with his mill except by teams backing out, and then the government coolly ask him to take property a sixteenth of a mile away from his mill, and to reach which he has to cross the canal or river. I have read these cases for the simple purpose of justifying the Senate in refusing to give the government further power.

Hon. Mr. MILLS—Hear, hear.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman may well say hear, hear. The Senate is justified in rejecting a bill which places it in the power of the government to take the property of individuals without proper remuneration. I did hear that one gentleman said, after that vote was given, that it was a flagrant act of partisanship. I had not the facts of these two cases at the time, or I would have given them to the House, but there is this much about it, that both of these gentlemen belong to the party of hon. gentlemen opposite, and the action taken by the Senate could not have been based upon a desire to obtain advantages for people belonging to their own party. The principle in these matters should be to maintain inviolate the right of property of the individual. I apologize to the Senate for having taken even this much time to lay these cases before them. I am inclined to think, if all the papers are brought down in compliance with the motion made, that these facts will be fully sustained.

Hon. Mr. MILLS—My hon. friend has made a speech that has no relevancy to the motion of the hon. gentleman behind me. The hon. gentleman has discussed measures which were before the House a week ago, which he had an opportunity of discussing at the time, and is entirely out of order on the present occasion. I do not know that I could find better evidence of the fact that the hon. gentleman was not satisfied with the course which he took himself than the fact that he undertakes to justify it in this highly irregular manner. The hon. gentleman has referred to a case of expropriation which I think took place under his own administration, or under the administration of which he was a member, with regard to property held by Chief Justice Armour. That case had, I think, been submitted to the court before the present administration came in—at all events, it was before I became Minister of Justice. The action of the Minister of Railways, to which the hon. gentleman refers, was the action of the Minister of Railways who was his own colleague and associate, so far as I know. In the case of Chief Justice Armour, the hon. gentleman says that a fiat was refused him. My impression is that a fiat was withheld, not because there was any indisposition to prevent the case going before the Exchequer Court, but because there was a more convenient way of proceeding. That convenient way was adopted, and the case was taken before the court upon that mode of procedure and argued, and judgment was given. If I remember correctly, the judgment for a small portion of the farm —I do not know whether it was twenty or twenty-five acres which was taken —was for fourteen thousand dollars, a sum which hon. gentlemen who concur in the views expressed by the hon. leader of the opposition may consider was not an inadequate allowance for that many acres of farm land. The Minister of Railways, I believe, thought that the judgment was far too large a sum—whether he was right in

that view or not it is not necessary for me to discuss—and he instructed the Department of Justice to appeal the case to the Supreme Court. It has been argued, and is standing there for judgment, and has no relevancy to the measures that were before the House, nor was there any intention or expectation to interfere with that judgment, whatever it might be, by the Supreme Court by either measure that was recently before this House. Then the hon. gentleman said that a sum of money was sent with the subpœna for the attendance of the Minister of Railways on the court, and that although the minister refused to attend he forgot to send back the money. I do not know whether the hon. gentleman means that as a reflection on the minister or not. I suppose he does or he would not have mentioned it here.

Hon. Sir MACKENZIE BOWELL—I said I supposed it was forgotten.

Hon. Mr. MILLS—Why did the hon. gentleman mention it at all? I do not see that it has any particular relevancy to the case. I suppose some official of the department appeared on behalf of the minister, and produced any papers that might be required on the trial.

Hon. Mr. SCOTT—It is the ordinary way.

Hon. Mr. MILLS—And I suppose he received the compensation. That is the ordinary way of proceeding, as the hon. gentleman knows right well, for he has been a long time a minister of the Crown. The hon. gentleman referred to another case, which also occurred under the administration of which he was a member, and which still remains undisposed of—that is the Hall case. He says that Hall was badly treated. If Hall was badly treated, he was badly treated before the present administration came into office. If he is badly treated it is because the present administration took the view that the hon. gentleman's colleagues took. Supposing the mill was irreparably damaged, the advantage of that restoration, the value as the hon. gentleman states, that irreparable damage would appear before the Exchequer Court. The judge of Exchequer may be trusted to form a fair and just judgment with regard to the character of the damage done, and if irreparable damage was done to the property, Hall would be compensated, adequately compensated, by the court, unless the hon. gentleman says that the judge who was appointed to the bench when he himself was in office is a man not to be trusted with the discharge of his judicial functions. I do not concur in that view. I think he may be fairly trusted, and that if there is any injury done, either to Hall or to any other party, and if the government proposes to compensate Hall—if they propose to restore now a part of the property which was taken from him, which he believes to be necessary to the proper enjoyment of the property which he retained, —the advantage of that restoration and the value of the restoration and deterioration of the property with that restoration made, would be a fair subject to be decided by the judge of the Exchequer Court. There can be no doubt with regard to that. But I am not further going to follow the example of the hon. gentleman in engaging in an irregular discussion. We shall have an opportunity of discussing these cases fully, and there will be no room for doubt in the mind of any one who will seriously consider the subject that the government have asked for nothing that was not in the public interest, or unjust to any property holder, any portion of whose property has been taken. I am quite willing that the hon. gentleman who has made this motion shall get the return, and that it shall be adopted by the House, and as soon as it is possible for the Exchequer Court to give the information which he has sought it will be placed at the disposal of the House, and if it has any value in enabling hon. gentlemen to come to a conclusion, and it can be brought down in time, I am perfectly willing and anxious that hon. gentlemen shall have the advantage of that additional information and light, if additional light and information be pertinent to the subject of those measures which the hon. gentleman had opposed, and as to which he now, in this irregular way, undertakes to satisfy his conscience and justify his action.

Hon. Mr. ALMON—I rise to express my approbation of the motion which the hon. gentleman from Rideau (Mr. Clemow) has brought forward, and I do so because I think the returns, when they are brought down, will show that in every case where the government have taken land the owners have been paid the full value, and often three or four times the value. I could mention cases in Halifax where that was done.

When that appears, it will explain the reason why I voted with the hon. leader of the government on that question, because I feel certain where the government took away any land and refused to pay the sum demanded if the owner went to the Exchequer Court he would get more than justice. I was perfectly justified, I think, in my action. I have no leader in this House. I am a Conservative and could not be anything else if I tried, but I am not going to try. I think we ought as much as possible to set our politics aside. It is contrary to my duty as a senator to follow a leader. The very fact of the expropriation of land sounds an unjust thing. We read in the Bible that Ahab expropriated Naboth's vineyard. There was no Exchequer Court then to settle the matter so they cut off Ahab's head, but we cannot do that now. I think the Exchequer Court will give justice and more than justice to the party. There were some reflections made on my politics. My politics are my own, and I intend to follow them, and it will take a great deal of bulldozing to prevent me from doing so.

Hon. Mr. LOUGHEED—I had not intended to make any observations on this motion, but after the remarks of the Minister of Justice and the junior member from Halifax, I feel bound, as one who voted against the two bills in question, to resent the imputation cast upon members who took the same view as I did, namely, that any reflection was cast upon the Exchequer Court by our action. The contrary was the case. I do submit in all seriousness, that the proposal made by the government to amend the Exchequer Court Act was a want of confidence in the Exchequer Court. Additional machinery was sought in order to accomplish a purpose which they found could not be accomplished in the Exchequer Court. The expressions of opinion which were given in this chamber upon the discussion of the two measures which were before us, were of such a character as, I am sure, would convince both sides of the House that every confidence was felt in the Exchequer Court by those of us who opposed the bills. We felt that the machinery on the statute-book, with the assistance of the Exchequer Court, is fully adequate to meet the public requirements, and every exigency which could occur. We did ask the hon. Minister of Justice to submit to us, who felt bound to oppose the bill, any cases in which a hardship had occurred or in which it was found that the machinery at present on the statute-book was inadequate to meet the requirements of the case, but so far as I could ascertain, certainly no case was submitted to this House in which it was found or in which we were in any way satisfied that the provisions upon the statute-book at the present time were not sufficiently adequate to carry out all the requirements of justice. I might say to the Minister of Justice that not only is there a desire but there is an anxiety on the part of those who have opposed the bill to meet any view which the government may have in carrying out or carrying into effect the best method of meeting the public service in this particular respect. If my hon. friend, the Minister of Justice, will submit to this House or will submit to a special committee of this House such cases as will, to the satisfaction of members of that committee, or of the House, convince them that the present Act is not sufficient for the purpose of seeing justice done between the subject and the Crown, I feel satisfied that this House will be only too glad to support such a measure as will be a remedy to any defect which at present exists. But at the present time no such evidence has been submitted to this House. I furthermore say to the hon. Minister of Justice that if there comes to my knowledge any such case in which it is shown that the Crown is prejudiced and that the subject is benefited at the expense and to the disadvantage of the Crown, when equitable principles would be violated, when fair play between the subject and the Crown would be violated, I for one, shall support any such measure as the government may bring down here to carry into effect that which may be right between the subject and the Crown, but at the present time I have been convinced, from what observation I have been enabled to make, that the machinery on the statute-book, is fully up to the public requirement.

Hon. Mr. POWER—The evidence which the Minister of Justice would have to submit to convince the hon. gentleman from Calgary of the necessity for a change in the law would have to be of a very peculiar kind. The attitude of the hon. gentleman—and I say it without meaning to offend at all—and some hon. gentlemen who agree with them,

is that of the Scotchman who said he was open to conviction, but would like to see the man who would convince him.

Hon. Sir MACKENZIE BOWELL—You should not judge others by yourself.

Hon. Mr. POWER—I am open to conviction and not hard to convince if there is any good reason given. But the hon. gentleman from Calgary rather surprised me when he said that he and his friends were only dying to put more power into the hands of the Exchequer Court judge and to give that judge a chance of discharging his duty in a satisfactory way. This measure was introduced partly at the suggestion of the judge of the Exchequer Court, and the substantial effect of the two measures which this House rejected was to increase the discretion of the Exchequer Court judge and give him a freer hand. The hon. gentleman and his friends dissembled their love for the Exchequer Court judge by kicking this bill out.

The motion was agreed to.

INTEREST ON CONTRACTORS' CLAIMS.

MOTION.

Hon. Mr. CLEMOW 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, a statement giving in detail the several amounts paid or allowed for interest, from 1st July, 1893, to 1st May, 1899, to contractors and others having claims against the government or any of its departments, and showing whether such claims were decided by litigation, arbitration or otherwise; the name of the person or persons to whom each such payment or allowance of interest was made, and the amount of each of their claims, and also the period covered by each such payment or allowance of interest; and also a statement showing cases where interest has been refused to be paid and the reasons for such refusal and non-payment.

He said:—I think this motion is sufficiently explicit to obtain a reply from the government to show why interest has not been paid on certain claims. I have before me several cases in which interest has been refused. I want to know why, if interest has been paid to one man, it should not be paid to another. I hold that every man should be placed on the same footing, and that if interest is allowed to one it should be allowed to others. It is an extraordinary thing to me that after judgment is recorded in the Exchequer Court it does not bear interest as in other courts. When this return comes down, it will show that discrimination has been made in the payment of interest on claims.

Hon. Sir MACKENZIE BOWELL—I will give one illustration to enable the minister in all probability to reply, if he does reply, or give his reasons for not paying interest, when the next question is put. I take the liberty, under this motion for an address, so as to avoid the practice which we have followed in the past of discussing questions upon a mere inquiry. I will give the Minister of Justice a case which I think is one of very great hardship. I am not aware that the hon. gentleman is at all responsible, but it is a case of this kind: $190 was allowed for a small piece of a village lot, taken for the Trent Canal. The government took possession three years ago, but did not pay for the land until the other day, but they refused to pay interest to the owner, who was a minor and who gave the deed as quickly as he became of age. The delay in getting the deed did not hurt the government, as they got possession of the land and had it in their possession for three years. The infant is a poor boy, and the guardian supposed the money was drawing interest as if in court. But, no; and the excuse is that the government was not responsible for the delay.

Hon. Mr. SCOTT—What locality was that?

Hon. Sir MACKENZIE BOWELL—Trent Valley Canal in or near Peterborough.

Hon. Mr. SCOTT—What name?

Hon. Sir MACKENZIE BOWELL—It does not give the name. It says:

The other day the government paid $190 for a small piece of village lot, &c.

I take it for granted it must have been a suburb of Peterborough, or Lakefield, which is a village, or perhaps is one of the smaller villages or settlements between Lakefield and Peterborough. The excuse I think the House will see is not a good one. The government had been in possession of the land for three years. The granting of a deed was delayed on account of the owner being a minor, and the guardian, supposing the money was drawing interest from the government as if the case had been in court, never applied for it. When the deed was given,

upon the minor becoming of age, the government refused to pay interest, on the ground that it was not their fault they had not received the deed before. That is a case of hardship which I bring under the notice of the minister, which should be met by the payment of the interest under the circumstances, and I think my hon. friend will agree with me when I say so. I take this opportunity of resenting the insinuation, by implication, that anything I said, either now or upon a former occasion, had the slightest reference to the integrity or honour of the Exchequer Court judge, a gentleman in whom I have just as much confidence as either of the gentlemen who sit opposite me, particularly the Minister of Justice. The grounds I took were what I believed to be in the interest of the owners of property in this country. I do not know what the junior member from Halifax (Mr. Almon) meant when he referred to his partyism and said he would not be bulldozed. I did not know that any one had spoken to him on that subject. If any persons attempted to interfere with him in the exercise of his right to vote as his conscience dictates, they did a wrong. A man sitting in this House, or any other deliberative body, should act in accordance with what his conscience dictates is right, and no one has a right to chastise or bulldoze him, or find fault with him for doing it. You may argue with him, but it is a matter for himself to decide how he should vote. I regret very much if any one should do that, and I quite applaud and share the view he takes in regard to following any leader. Every member sitting in this House is as independent of his colleague as his colleague is of him, and it does not follow that because a particular member happens to be in the position, or is designated leader of the opposition or leader of the House, that those who support the government or those who support the opposition, as a rule, should follow them in everything if they do not think they are right. I take it for granted that the Minister of Justice does what he thinks is right, and I am sure that he who is termed the leader of the opposition pursues the same course. Our minds do not run in the same direction, and if the hon. junior member from Halifax (Mr. Almon) does not agree with me, that is his business and not mine. They have just as good a right to their opinion as I have to mine, and to exercise it as freely without being called to account for it by any one.

Hon. Mr. MILLS—I may say to my hon. friend who has made this motion, that I cannot state how far the information for which he seeks can be had. I daresay by an examination of the judgments that have been given in the Exchequer Court, and by an examination of the awards given by the arbitrators, that this information can be collected. I must say that I do not exactly see of what great practical utility it will be to my hon. friend after it is obtained, if it can be obtained. The question of interest is a question that is regulated by law. There are certain cases in which the court may award interest against the Crown. There are very many cases where this cannot be done. There may be cases where the Crown is under no obligation to pay interest, and where, nevertheless, there may be a hardship in withholding it, and where it may be the duty of the Minister of the Crown to see that interest should be paid as a matter of grace; but all these are legal considerations upon which the hon. gentleman's solicitor could, perhaps, give him more information than it would be possible for him to obtain from an examination of the judgments or of the awards. Where the Crown has a contract, it may be under obligation to pay interest. Where the Crown is wrongfully in possession of money for which some other party may be liable, it may be under obligation to pay interest where it assumes to stand in the place of the officer against whom, otherwise, judgment might be had. In a vast majority of cases where money has come into the hands of the Crown, the Crown, under the Imperial statute, does not pay interest. In some cases in Ontario I think our statute goes further than the Imperial statute, and in the province of Quebec I am inclined to think that it perhaps goes further in respect to the obligation of the Crown to pay interest, than even our law does in Ontario. That is a matter for legal advice, and while I am not at all objecting to the information being given, so far as it can be had, which the hon. gentleman seeks, I do not think it will be of the service to him that he now supposes.

Hon. Mr. LOUGHEED—Might I suggest that it would be in the public interest, and the present government as a Liberal govern-

ment might give evidence of their liberalism by providing that the Crown should be liable for interest? It is a well known fact that the Crown is not liable for interest. That is a general principle of law. Yet, it seems to me the government should be liable. Parliament has enacted very elaborate legislation in regard to individuals being liable for interest to their fellow-individuals in matters of contract and otherwise. Now, why should the government, when, by a verdict of the court, they are declared to be in the wrong, not be subject to a similar liability for interest as an individual? It is really difficult to account for the reason thereof. A case came under my observation in which, in 1883, a sum in the vicinity of twenty thousand dollars was paid for some timber limits. The Crown continued in possession of that fund and had all the advantages of the money in their possession since that time. The late government determined to repay the fund, and put it in the estimates at the instance of the Department of Justice, but without interest. They had had the use of th at money for years. I cite that to illustrate the hardship that is done to individuals by reason of very large amounts oftentimes being in the possession of the Crown without yielding anything, the Crown at the same time having all the advantages that an individual would enjoy by reason of having the use of the money. If it is fair as between individuals that interest should be paid, it seems to me strange that the Crown, in similar cases, should not be liable for interest to individuals.

The motion was agreed to.

INTEREST ON PAST DUE CLAIMS OWING BY THE CROWN.

INQUIRY.

Hon. Mr. CLEMOW rose to inquire:

Is it the policy of the government to refuse payment of interest on past due claims owing by the Crown, when unable, from want of appropriation or other causes, to discharge such indebtedness when the same became actually due and payable for services rendered or material supplied for or on behalf of the Crown?

He said:—This is a case of extraordinary hardship to parties having claims against the government. They entered into a contract to supply material and perform work, expecting when their contract was completed that the money would be paid, but instead of that, they have often been told that from want of appropriation, or come other cause, the government could not pay them, and in consequence they had to make other arrangements, often at great disadvantage. I cannot understand why the government should take advantage of this kind against ordinary creditors. Surely they should be responsible for interest on debts after they become due. I cannot understand by what course of reasoning the government refuse to pay interest to their creditors. They take very good care to have security from parties dealing with them. They get certified cheques from parties tendering for contracts. Such being the case, they inflict serious injury on individuals when they defer payment of amounts for which the Crown is liable. Hon. gentlemen may say it is a small matter. It may be small for some parties, but it may be considerable to others. A man may be in straitened circumstances. He may be requiring this money to discharge his liabilities. Creditors will not be satisfied with being told that they cannot be paid, and private debtors must provide for the payment of their debts, and for interest on the money. I do hope that the government will take steps to prevent this injustice in the future. If appropriations are properly prepared I do not see why such cases of hardship should occur. It is competent for the officials to make provision for the service for the year, and if this is done there should be no such refusals to pay interest. The public should have the utmost confidence in the government. The government should be above any suspicion. The contractor should be free to say "we have undertaken the contract, our time for payment is a certain date and at that date we will get our money." They can then make arrangements with their creditors to pay them punctually. As it is now, when the time for payment comes they cannot get their money. The government should make some arrangement by which such difficulties cannot occur in the future. There should be some way of getting over it—by issuing the Governor General's warrant or providing a sum for contingencies. Everybody should know that when he is dealing with the government he is dealing with a government which will meet its obligations promptly when they become due. People say to me it is of no consequence if you have to wait three or four months for your money, but it may be a serious matter to a man to wait so

long. I want to avoid anything of the kind in the future. The policy of the government should be to meet their engagements when they become due.

Hon. Mr. MILLS—I must give my hon. the same answer that I did when his other question was up, that there are certain matters of indebtedness on the part of the Crown where interest is payable under the law. There are others in which it is not, and there are cases where the moral claim of the party is such that the government may make payment as a matter of grace, with the sanction of Parliament. I am not aware of any case where the parties have failed to obtain payment because the government were unable to pay. There may be cases where judgment has been had and there was no appropriation out of which to pay it, where the matter was not foreseen, and where the parties were obliged to wait until the appropriation was voted by Parliament. If there be such, they are very rare, and certainly not more frequent now than they have been every since this union was established. With regard to the payment of interest by the Crown, whether there should be an amendment of the law or not, I will say to my hon. friend that I have been giving some consideration to that subject, and as I have not yet discussed the matter with my colleagues, I am not in a position to express an opinion.

Hon. Mr. CLEMOW—I merely mention these cases to the Minister of Justice I ask him now, if he makes a contract with a party to deliver a certain amount of goods, payable at a certain time, would not the government be in the same position as an individual? I think he would say that a government ought to be in a position to meet that indebtedness when it becomes due, and if they cannot do that, the least they can do is to make reasonable compensation in the way of interest. That is a reasonable proposition on the face of it, particularly when the government are so determined to have securities from parties undertaking contracts before they will let a contract.

Hon. Mr. MILLS—It is no worse now than it has ever been.

Hon. Mr. CLEMOW—I do not say that it is, but if it is wrong it should be remedied. I am speaking as a business man, and I claim that the credit of this country should be above all suspicion. Such changes should be made in the law as would insure this.

BILL INTRODUCED.

Bill (62) "An Act respecting the Canada Life Insurance Company"—(Mr. Kirchhoffer).

THIRD READINGS.

Bill (70) "An Act respecting the Bronsons and Weston Lumber Company, and to change its name to the Bronson Company."—(Mr. Clemow.)

Bill (12) "An Act to confer on the Commissioner of Patents certain powers for the relief of George L. Williams."—(Mr. Clemow.)

Bill (11) "An Act to confer on the Commissioner of Patents certain powers for the relief of Thomas Robertson."—(Mr. Clemow in the absence of Mr. Cox.)

LA BANQUE DU PEUPLE BILL.

SECOND READING.

Hon. Mr. FORGET moved the second reading of Bill (6) "An Act respecting the Banque du Peuple." He said:—I understand some hon. gentlemen are opposed to the bill, but I think after the House has learned how this bank stands, their opposition will not be so active. The bill is to legalize a resolution passed on the twenty-fifth of January last by the shareholders and depositors. In 1897 Parliament had granted the directors two years to liquidate the assets of the bank. These two years expired on the first of May last. In 1895, when the bank suspended, a committee, composed of two gentlemen appointed by the depositors and one by the stockholders, were jointly appointed to help the directors to liquidate the bank. In 1895, when the bank suspended payment, the assets were $9,533,537.25. When these gentlemen made their report three months after, on October 7th, 1895, the assets were reduced to $6,597,348.31; but in the meantime they had paid a dividend in 1895 of 25 per cent to the depositors. Three months after again they made another report, on the 31st of December, 1895, showing another reduction of the assets. The assets were then $5,313,294. Two months after that again, on the 25th of February,

they presented another report in which the total assets were $5,125,827.55. After this they declared a dividend of twenty-five per cent, making a total dividend of fifty per cent. One year after that, on the 27th of February, 1897, the assets had shrunk to $3,543,093.94. Eight months after, on the 1st of November, 1897, the assets were down to $3,146,819.04, and in that year the directors gave their personal security for $195,000 to the depositors. At a meeting of the 25th of January, 1899, the assets were shown to have been reduced to $521,320.94, to meet liabilities of $1,457,256.50 equal to 16⅕ per cent on the total amount due to the depositors. At that time they had paid already fifty-five per cent to the depositors. The guarantee of $195,000 represents six per cent of the total liabilities. The bank has a special charter. The directors are responsible for all the debts of the bank. They are not under the Banking Act as the other banks are that is, the directors are not responsible more than any other stockholders.

Hon. Sir MACKENZIE BOWELL—Are the directors responsible to the shareholders as well?

Hon. Mr. FORGET—No, they are not. The shareholders are special partners. They have no double liability. They lose what they put in and no more. The directors are responsible only to the depositors. Stockholders in other banks are all joint partners, but with a double liability attached to their holdings. That is the difference between the Banking Act and that special charter.

Hon. Mr. DEBOUCHERVILLE—But the directors of the People's Bank are responsible?

Hon. Mr. FORGET—They are personally responsible for all liabilities to depositors.

Hon. Sir MACKENZIE BOWELL—Are the shareholders responsible to the depositors to the extent of the amount of stock they hold in the bank?

Hon. Mr. FORGET—No. The stockholders have no responsibility at all in the bank. The only responsibility they have is to lose their money if the bank is not prosperous.

Hon. Sir MACKENZIE BOWELL—They have no claim on the directors. I have been informed by shareholders that they have entered action against the directors for the amount of the stock that they hold. What I ask is: are the directors responsible to the shareholders for the stock they hold?

Hon. Mr. FORGET—I do not believe they are responsible, but I am not in a position to answer, that being a legal question. This bill relieves them of their civil responsibilities. If they have done anything criminal, if they have made false statements to the government or to their stockholders, they are still responsible. If I correctly read the papers, the Minister of Justice said this bill does not interfere with any recourse the stockholders may have against the directors criminally. The assets left in the bank on the 25th of January, 1889, were $521,320.94, to meet $1,457,256.50, equal to 16⅕ per cent of the total amount due the depositors. The guarantee of the directors represents 6 per cent, but to release that $521,320.94 an extension of at least two years is required. If you force a liquidation to-day I do not believe you could realize more than 50 per cent of that amount, because it is well understood the debtors of that bank have not had money to pay their indebtedness to other banks. If a man could not pay his note in four years, I would not give much for that note. I want to show to the House that the longer the bank lasts the poorer the assets will become. The directors say this: We will pay you 20 per cent more on $1,400,000, and we will take all the assets, and give us a full discharge. They have already paid 5 per cent, and will pay 15 per cent more on condition that they get this bill through Parliament and have a full discharge. They have already paid 5 per cent on condition that the stockholders and creditors get this bill through Parliament.

Hon. Mr. LOUGHEED—If the directors are responsible to the depositors, why should they ask for a conveyance of the assets to them and release all their liabilities?

Hon. Mr. FORGET—I understand it was offered by the depositors themselves. It would take two years more to collect them. We have not the power to do it, and we must go to the court and get one or two or

three liquidators, and there will be lawsuits right and left, and at the end of two years we will not have anything.

Hon. Mr. LOUGHEED—Where do the shareholders come in?

Hon. Mr. FORGET—They will come in after the depositors get 100 cents on the dollar.

Hon. Mr. LOUGHEED—They ask to hand the assets over to the directors.

Hon. Mr. FORGET—Yes, because they are going to pay for them.

Hon. Sir MACKENZIE BOWELL—That 45 per cent is on the amount now due and not on the total amount.

Hon. Mr. FORGET—Yes, it will realize 75 per cent and a fraction for the whole thing. The depositors will loose 25 per cent. For the directors to take over the assets, will necessitate an outlay from them of $275,000, and with all the risk of realizing, as I said before, on that half a million of assets for four years.

Hon. Mr. OGILVIE—A moment ago the hon. gentleman stated positively that the directors were not responsible to the shareholders. If they are not responsible to the shareholders, then why ask this Parliament to legislate their freedom from liability to the shareholders? You want a bill to let the shareholders say that they are free from action. Not only that, but to say that any actions and judgments now pending will have to be abolished. But if there is no claim by the shareholders against the directors, you do not require any legislation to put it right. The hon. gentleman also stated that at a meeting of the depositors and shareholders such and such resolutions were passed. I say that at that meeting that he calls a meeting of shareholders and depositors, the shareholders were not invited to be present.

Hon. Mr. FORGET—The only information I have in the matter consists of the figures and papers given to me, and it is mentioned here as a meeting of depositors and shareholders.

Hon. Mr. OGILVIE—The shareholders were not asked to be there at all.

Hon. Mr. POWER—Depositors and creditors.

Hon. Mr. BELLEROSE—The House must remember that this is not an ordinary charter. Under its provisions the directors are the sole administration of the bank, and neither the shareholders nor the depositors have anything to do with it, and the former are not responsible further than the amount they have subscribed. That is their shares for which they payed $100 each share, but the directors are responsible not only for their shares but for the whole of the assets of the bank.

Hon. Mr. OGILVIE—I know that.

Hon. Mr. BELLEROSE—If the hon. gentleman knows all, why does he interrupt me? The directors are responsible, and in the present case they have given a certain amount of money, I believe it is $200,000.

Hon. Mr. FORGET—$195,000.

Hon. Mr. BELLEROSE—But now they ask to be relieved, and the creditors and the depositors, having met, accept that compromise; but the shareholders as well as the depositors have a right not only to force these men to give up all their estate, but also to put them in prison if it can be shown that they have been in the wrong altogether.

Hon. Mr. FORGET—I may tell the House that the directors are not responsible to the stockholders, for this reason: they were never elected by the stockholders. The first directors were named by Parliament. That is years ago, when they got their charter. Men were named as directors and since then they either died, or retired for one reason or another and the directors elected others to fill the vacancies. So that the stockholders have nothing to do with the elections of the directors. They never were elected by them. They had no right to vote. The directors were the proprietors of the bank and the stockholders were special partners. But the directors were responsible to the creditors, and to-day we are dealing with the creditors, and the creditors would rather take so much money than run the risk of getting nothing, and they were unanimous on that point. If the depositors were paid 100 cents on the dollar, then the stockholders would come in and take the balance. My hon. friend said a

minute ago that the shareholders were never called to that meeting. I am handed a note here which says that the notices in the papers called both stockholders and shareholders.

Hon. Mr. BELLEROSE—The shareholders are called every year.

Hon. Mr. McMILLAN—Will the hon. gentleman kindly read that notice?

Hon. Mr. FORGET—I have not the notice here. I am handed a paper saying that such notices were given.

Hon. Mr. LOUGHEED—Look at the bill where it says that at a meeting of the creditors of the said bank held on the 25th January certain things were enacted; that meeting, apparently without the shareholders being represented, passed a resolution that the acceptance of this amount should release the directors from the claims of the shareholders, creditors and others.

Hon. Mr. FORGET—My hon. friend may be right, but I ask him to wait until the bill is in committee, where we can hear both parties and have a full discussion.

Hon. Mr. MACDONALD (C.B.)—Are there any law cases pending?

Hon. Mr. FORGET—I am told they are all settled but one.

Hon. Mr. POWER—I should like to ask the hon. gentleman one question on a point which has not been made clear to the House. What proportion of the liabilities has been paid off? When the Act of 1897 was passed, 50 per cent of the liabilities had been paid off. That is two years ago, and I should like to know what percentage has been paid off since.

Hon. Mr. FORGET—In 1895, 25 per cent was paid. In 1897 the assets were becoming very hard to collect; they were beginning to get shaky, and they paid 5 per cent in 1898, and paid 5 per cent on the 1st of May last.

Hon. Mr. SCOTT—How much has been paid to the present time?

Hon. Mr. FORGET—Sixty per cent, and they propose to pay 15 per cent after this bill is passed.

Hon. Mr. LOUGHEED—They are going to pay 45 per cent?

Hon. Mr. FORGET—No.

Hon. Mr. McMILLAN—The fact of the matter is, if sifted to the bottom, that this is what may be called a whitewashing bill. I made an application to the House early in the session for a return that would give us light upon very many questions with which this House ought to be cognizant, and which every senator in the House ought to have, in order to give an intelligent vote upon the bill now before it. I did get a return on the 17th May, but it was partly in French, and, unfortunately, there are a great many like myself in this House who do not understand French and who cannot make use of the return sufficiently to enable us to understand the question properly. I did not get that return in English yet, and my intention was, when my hon friend rose to move the second reading of the bill, to oppose it until I get it, and I can tell the hon. gentleman now, that if it is read the second time to-day I will endeavour, as far as I can, not to let it go before the committee until we get the return in English, so that hon. gentlemen may understand what they are voting upon. What is the history of this bank in which, unfortunately, I was a stockholder? I became a stockholder for the reason that I supposed the directors of it were responsible to the last dollar that they were worth to all the creditors and shareholders in connection with that bank.

Hon. Mr. FORGET—Not to the stockholders.

Hon. Mr. McMILLAN—Yes, to the stockholders.

Hon. Mr. BELLEROSE—No.

Hon. Mr. FORGET—No.

Hon. Mr. McMILLAN—I am telling what I understood and what many more than me understood, and what unfortunately too many widows and orphans in this country understood. They made a selection of this bank for two reasons; firstly, because it was supposed to be one of the sound financial institutions of the country, and, secondly, because the double liability did not attach to this bank whilst the directors were sup-

posed to be responsible to the shareholders as well as all other creditors that might have anything to do with the bank. The history of the bank is this. It had a capital which was fully paid up of $1,200,000, and at the annual meeting in March, 1893, over 50 per cent was shown to be on hand as a "rest." In the returns from time to time, of the bank for years back, that institution was looked upon as one of the safest, what is called a gilt edged institution. And why? From the returns that these gentlemen were making of the affairs of the bank, it was never supposed to be in the unfortunate condition in which it stood till of a sudden, some time in June, 1895, a few months after the annual meeting referred to, the bank suspended payment. A meeting of the creditors and stockholders was called which I attended. The affairs of the bank, according to representations then made, were of such a character that it was supposed it would resume business in a short time, that it was a mere temporary suspension, and that the whole thing was on such a sound footing financially that they could resume business in a short while. From time to time meetings were called, but the shareholders got so careless about them that they ceased attending. Finally the directors made an application to Parliament in 1897, to relieve them from paying the amount due to the depositors for two years. The time was up on the first of May. They told us, as hon. gentlemen will remember, before the committee, that there would be no difficulty whatever in realizing from the assets of the bank a sufficient amount to pay the depositors, and that there would be something left. What are the facts? They come before us to-day, after the two years are up, having only paid 10 per cent of the 50 per cent remaining, and ask to be relieved from all responsibility by paying 45 per cent, which means that the depositors will get in all 75 per cent.

Hon. Mr. FORGET—No, 75 and a fraction.

Hon. Mr. McMILLAN—Yes, 75 of the whole amount. But as against that they ask Parliament to hand over to them the assets of the bank and all the property that the bank possesses. If they are telling us the truth now, they were lying before. I cannot call it by any other name. They were telling us what was really false when it was stated the assets of the bank were sufficient two years ago to pay the 50 per cent. I tell the hon. gentleman that two years ago the statement that was made in the committee room was that they had sufficient assets to pay 50 per cent, and that if the Parliament of Canada would give them time, the 50 per cent would be paid to the depositors and something left.

Hon. Mr. FORGET—The report to-day showing that they have half a million of assets is not made by the bank. It is made by the depositors and directors combined. The interest of the depositors is to get all they can out of it. The report is not made by the directors solely: it is made by both combined.

Hon. Mr. McMILLAN—An hon. friend beside me asks what about the shareholders? I can tell him. There is a schedule attached to the bill which states that so and so moved that a special Act be secured for the purpose of relieving these men on the payment of 45 per cent. Who does that? A gentleman owning seven shares at $50 a share. He represents the whole institution. Every shareholder in the bank is to be cut out by one man who, at the meeting of depositors, owns seven shares.

Hon. Mr. FORGET—Will you name him?

Hon. Mr. OGILVIE—Arthur Boyer.

Hon. Mr. FORGET—He was not representing the stockholders: he was representing the depositors. The only representative of the shareholders was Mr. John Crawford.

Hon. Mr. McMILLAN—He is the only shareholder we have any evidence of who was present. I am not in possession, as I said before, of the statements from which I could give detailed information of the affairs of this bank from time to time, and consequently cannot touch upon it now. I look upon this as a most iniquitous bill. It is a bill of spoliation. It is taking possession of people's property in a high handed manner. I cannot see it in any other light. The hon. gentleman knows that these men, the directors of that bank, immediately before its suspension, must have known the state of affairs, or if they did not know the state

of affairs, then they were not worthy of the position they held in trust for the benefit of widows and orphans and others who were shareholders in that bank. This House will not shield these directors, nor will it give them the privilege to-day of stepping out and relieving themselves of the responsibility which they willingly undertook, and in which, from time to time, they kept themselves, and for which they were well paid. I want to know what the last clause of this bill means:

The rights of the shareholders, creditors and depositors of the bank shall be suspended.

Why are the shareholders mentioned there at all if these directors are not responsible to the shareholders? The hon. gentleman's friends must have had a new light on this question since it came before Parliament. They must have discovered they were not responsible to the shareholders, although evidently at the time that they were concocting the bringing of this bill before Parliament they thought they were, either one thing or the other. I do not wish to take advantage of my hon. friend or I would move the six months' hoist at this moment. I want to give these men time to present the facts upon which they are asking this legislation before the committee, and I am sure that the committee will deal justly with them. I do not believe the shareholders will ever get a cent out of it. We are not looking forward to it in that way at all. I am interested in behalf of the unfortunate shareholders on principle. They were misled; they did not understand the situation, and I think it is the duty of the Senate of Canada to put its foot down on any such legislation. Moreover, I want to say this, that in the House of Commons committee I heard this question asked, "that it was the duty of those who were opposing the bill to show to the committee that the affairs of the bank would not be as well off by allowing this bill" as it would be by having the bank go into liquidation. I do not think it is the duty of those who are opposed to the bill to show that. The promoters of the bill assume the affirmative, and it is for them to show that the course they are taking is better for the creditors, and I will give this warning, that before it goes to that committee they had better be in a position to show that if they want to get this bill through. We do not want to take them unawares; we want to give them every facility for showing the grounds upon which they are prosecuting this case, and they will meet fair play and justice, but I can say this, that if they do not show by clear figures and evidence that they are entitled to this legislation they will find the Senate of Canada is not going to come to their relief.

Hon. Mr. BELLEROSE—I am very happy to find the House in earnest and endeavouring to ascertain everything concerning this institution, and to do things properly. It is the right way, and I think when the Senate passes legislation without thorough investigation, it is wrong. Fourteen years ago, when the charter of that bank had expired, I rose in my place here to oppose the continuation of the charter. And why? I said then because the bank was already a ruined bank, and it had been ruined all through its existence. I remember when the bank was in the worst position imaginable. When the charter was asked for, the bank had lowered itself to such an extent that it was obliged to ask that its capital be reduced by 75 per cent. It had to come back to 25 per cent. That ought to have been enough to show the House that the charter was wrong. When the charter expired I said: "Why not change it and give it a charter like other institutions which were so prosperous under their charters?" But no. Hon. gentlemen, there was too much lobbying and too much talking to members before the bill was considered. I was spoken to myself, but I knew I was in the right. I have no interest in this matter myself. At the time I am speaking of my poor wife had a few thousand dollars in it, so I gave a little more attention to the matter; but she died, and I have no interest whatever in the bank now, but my wife's family loses a great deal by that institution. Therefore, I was a little interested in that. Though I had that interest, I was anxious to do my public duty. In the year 1897 I called the attention of the House to the bad position of the bank, and asked: "How can the House grant a charter when it is proved that the bank is now reduced to a capital of 25 per cent?" However, we must take things as they are to-day, and for my own part I do not agree with the hon. member from Glengarry. I believe the best thing that can be done for the parties inter-

ested at the present moment is to accept the arrangement proposed in this bill, and why? Because all those widows and orphans whose money has been deposited there will receive as much as they can ever get of it. If the present situation is allowed to go on, the capital will be reduced, and the widows and orphans will lose so much more. As for the shareholders, they have lost every cent of their money? They have no expectation that they will ever recover it. There is no expectation that the depositors will receive the full amount of their claim, so I see no good to be accomplished by prolonging the matter. On the con trary, I believe it is in the interest of those who have suffered to deal with this question now. We should deal with it in a humane manner, since Parliament had not the courage to act in time and make things right.

Hon. Mr. POWER—Quite enough discussion has taken place now on the affairs of this bank to put the Banking Committee on their guard and to ensure that the measure will be considered fully there, and I do not really see what object can be gained by any further consideration of the details of the management of the bank on the floor of the House. I just wish to call the attention of the committee to the language used in one or two clauses of the bill. The last clause is a very sweeping one indeed, and I think ought to be considered with great care. It provides :

This Act shall apply to suits pending and judgments rendered.

That is unusual. Then the third clause, to which the hon. gentleman from Glengarry (Mr. McMillan) has referred, undertakes to deal with the rights of the shareholders. Now, the shareholders were not invited to this meeting which took place. It was a meeting of creditors and depositors, and it does not seem to me to be altogether the correct thing that, as a result of that meeting, the rights of the shareholders should be dealt with just as though they had been present. I do not suppose their rights amount to much, since their stock is good for nothing. Then at the close of the clause, it says that the directors, on whom the whole responsibility rests at present, shall be finally freed and discharged from every claim or action which the shareholders, depositors and other creditors of the bank might have against them.

There could not be a more complete and sweeping liberation of the directors from all the responsibility which the law has placed upon them. I have no doubt the committee will deal with the matter fully and thoroughly. Probably the hon. gentleman from DeLanaudiere (Mr. Bellerose) is right in what he said.

Hon. Sir MACKENZIE BOWELL—I would make a suggestion. From what has fallen from the hon. gentleman from Glengarry, as to his determination to oppose any action on the part of the Banking Committee until the information on the table is translated into English, it might be well to instruct the Clerk to have the translators translate it in time to have it printed, and laid before the committee. That would facilitate the matter.

Hon. Mr. SCOTT—When the return was laid on the table, the hon. gentleman from Glengarry called attention to the fact that part of it was in French. I then said if any member of the Printing Committee was present, it would be well to have the return translated and printed in English. I presumed that that would be done.

Hon. Sir MACKENZIE BOWELL—If it is necessary to make a motion I shall do so.

Hon. Mr. OGILVIE—Why did not the hon. gentleman from Glengarry see the Clerk and have it done?

Hon. Mr. McMILLAN—I had a conversation with the Clerk of the House, but he did not feel that it was a duty that he was called on to perform.

Hon Sir MACKENZIE BOWELL—I shall move that the Clerk be authorized to have the document translated into English and printed.

Hon. Mr. POWER—Only the other day we appointed an additional translator, and I do not see the necessity of going outside for another to do the work.

Hon. Mr. FORGET—I am not here representing the directors of the bank, as has been suggested. I am here representing the depositors and the creditors, who brought this bill before the House. I do

not want to excuse the directors if they are at fault. However, that will be threshed out in committee.

Hon. Mr. SCOTT—As the hon. gentleman says he represents the depositors, I should like to know what proportion of them consent to this bill.

Hon. Mr. FORGET—I understood that they were unanimous at the meeting which took place on the twenty-fifth of January last.

Hon. Mr. OGILVIE—The hon. gentleman says he represents only the depositors; then his bill should only affect the interests of the depositors; but the bill deals with the shareholders as well. That is what I object to.

Hon. Mr. FORGET—I said I had nothing to do with the directors.

Hon. Mr. OGILVIE—There were no shareholders at that meeting, and this bill not only wipes out the possibilities of action, but wipes out actions already entered, and judgments even.

Hon. Mr. FERGUSON—Might I ask the hon. gentleman in charge of this bill what proportion of the dividend already paid to the depositors was realized from the assets of the bank, and what proportion did they pay out of their own resources? Have they already paid any moneys from their own private resources?

Hon. Mr. FORGET—No. they have not paid anything from the guarantee of $195,000, that is held in trust. They have guaranteed that personally, but nothing has been paid out of it yet. It has been given as a guarantee to the creditors to make up any deficiency after the assets are all realized upon.

Hon. Mr. LOUGHEED—What creditors are there outside of the depositors and stockholders?

Hon. Mr. FORGET—I do not know of any.

Hon. Mr. FERGUSON—The resolution passed at the meeting of creditors is in the schedude of the bill, and reads this way:

> It is hereby resolved to grant to the directors of said bank a full and complete discharge of their liabilities towards the bank and themselves on payment of said sum of 45 cents in the dollar as above stated, on the balance yet due, and to transfer to said directors all the assets of said bank of whatever nature they may be, in order to afford them the means of paying said amount.

Therefore, if what remains from the wreck of the bank is sufficient to pay this forty-five cents, the directors will escape without contributing one cent.

Hon. Mr. FORGET—The guarantee is six one-hundredths on the total liabilities, and they are going to pay fifteen per cent—they are going to pay $275,000.

Hon. Mr. FERGUSON—Does not this bill relieve them from all further liabilities?

Hon. Mr. FORGET—After paying 15 per cent. I am not able to give the hon. gentleman all the information required. All information will be furnished in the committee.

Hon. Mr. McMILLAN—Will the hon. gentleman give us a statement showing in detail, as near as possible, how they disposed of the assets of the bank and what percentage of that was paid to the depositors?

Hon. Mr. FORGET—I think my hon. friend will get all that information from the directors and representatives of the depositors themselves.

Hon. Mr. McMILLAN—And what salaries they paid themselves?

Hon. Mr. FORGET—You will get all that in committee.

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

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, 31st May, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

FISHING BOUNTIES IN PRINCE EDWARD ISLAND.

INQUIRY.

Hon. Mr. FERGUSON inquired :

Whether the following persons, or any of them, have received cheques as fishing bounty for the season of 1898 :—

Thomas Nelligan, Nail Pond, Prince County, P.E.I.
Albert Nelligan " " "
Martin P. Doyle " " "
John Nelligan " " "
Lorain Gallant, Tignish " "
George Martin " " "
Maxime Martin " " "
James P. Phee, Nail Pond " "
Martin A. Doyle " " "
Peter Doyle, jun. " " "
Patrick H. Morrissey, Sea Cow Pond, Prince County, P.E.I.
Peter Morrissey, Sea Cow Pond, Prince County, P.E.I.
Clarence Morrissey, Sea Cow Pond, Prince County, P.E.I.
James Nelligan, Waterford, Prince County, P.E.I.
Willian Kinch " " "
Michael O'Rouke, Kildare, " "
James O'Rourke " " "
Patrick Aylward, Skinner's Pond " "
Joseph P. Aylward " " "
Michael P. Aylward " " "
John P. Aylward " " "
Edmund Gallant " " "
Polycarp Gallant, Palmer Road " "
Casimer Bernard, Ledville " "

If so, inquires for the name of the fishery officer or justice of the peace who administered the oath for claims in each of the above cases. Also, the amount of the payment to each man.

Also inquires if Dr. Wickham, of Tignish, is in the service of the Department of Marine and Fisheries, or has been entrusted by that department with any duty in connection with the distribution of fishery bounties ?

Hon. Mr. MILLS—The answer to the hon. gentleman's first inquiry is as follows :

Yes.

Thomas Nelligan, Nail Pond, P.E.I., $3.50, John Davidson, F.O.

Albert Nelligan, Nail Pond, P.E.I., $3.50, John Davidson, F.O.

Martin P. Doyle, Nail Pond, P.E.I., did not get fishing bounty.

John Nelligan, Nail Pond, P.E.I., $4.50, John Davidson, F.O.

Lorain Gallant, Tignish, P.E.I., $4.50, A. J. Gaudet, J.P.

George Martin, Tignish, P.E.I., did not get fishing bounty.

Maxime Martin, Tignish, P.E.I., did not get fishing bounty.

James P. Phee, Nail Pond, P.E.I., did not get fishing bounty.

Martin A. Doyle, Nail Pond, P.E.I., $4.50, John Davidson, F.O.

Peter Doyle, jun., Nail Pond, P.E.I., $3.50, John Davidson, F.O.

Patrick H. Morrissey, Sea Cow Pond, P.E.I., $4.50, John Davidson, F.O.

Peter Morrissey, Sea Cow Pond, P.E.I., $3.50, John Davidson, F.O.

Clarence Morrissey, Sea Cow Pond, P.E.I., $3.50, John Davidson, F.O.

James Nelligan, Waterford, P.E.I., did not get fishing bounty.

Willian Kinch, Waterford, P.E.I., $4.50, Napoleon Gallant, J.P.

Michael O'Rourke, Kildare, P.E.I., did not get fishing bounty.

James O'Rourke, Kildare, P.E.I., did not get fishing bounty.

Patrick Aylward, Skinner's Pond, P.E.I., $1, Napoleon Gallant, J.P.

Joseph P. Aylward, Skinner's Pond, P.E.I., $3.50, Napoleon Gallant, J.P.

Michael P. Aylward, Skinner's Pond, P.E.I., $3.50, Napoleon Gallant, J.P.

John P. Aylward, Skinner's Pond, P.E.I., $3.50, Napoleon Gallant, J.P.

Edmund Gallant, Skinner's Pond, P.E.I., $1, Napoleon Gallant, J.P.

Polycarp Gallant, Palmer Road, P.E.I., $3.50, Napoleon Gallant, J.P.

Casimer Bernard, Ledville, P.E.I., $3.50, Frank Gallant, J.P.

The second is, of course, answered by the above. To the third inquiry, as to whether Dr. Wickham of Tignish is in the service of the Department of Marine and Fisheries the answer is, no.

BILLS INTRODUCED.

Bill (41) "An Act in further amendment of the Trade Mark and Design Act."—(Mr. Mills.)

Bill (18) "An Act respecting the Ottawa Electric Railway Company."—(Mr. Clemow.)

Bill (33) "An Act respecting the Nipissing and James Bay Railway Company."—(Mr. Casgrain.)

Bill (73) "An Act respecting the James Bay Railway Company."—(Mr. Casgrain.)

Bill (C) "An Act to further amend the Winding up Act."—(Mr. Kirchhoffer.)

LOAN COMPANIES BILL.

FIRST READING.

Hon. Mr. MILLS introduced Bill (P) "An Act respecting Loan Companies."

He said:—This measure is much the same as the bill introduced by me here last session, and which was approved of by the Senate. In order to give certain parties who desired further time to consider the bill an opportunity of giving it that consideration which they desired, the measure was allowed to stand over until this session. There were many suggestions made by loan companies, and by others, that I have had an opportunity of considering since last session. There have also been objections made by some of the provincial governments, on the ground that they thought we were encroaching on their jurisdiction in thus incorporating loan companies. I have considered these representations and have made some modification of the bill in consequence of those representations. In my opinion there can be no doubt that the incorporation of loan companies legitimately comes under the jurisdiction of the Parliament of Canada. Loan companies are closely allied to banking institutions on the one side, and to trade and commerce on the other. The incorporation of companies with the view of lending money or investing capital in various enterprises, and taking security, is as much a matter of trade and commerce as the sale of ordinary merchandise. It is true that when a company lending money undertakes to take security upon lands, the local legislature may exercise jurisdiction in respect to such securities, and to state how far the lands may be held by foreign corporations if any such are seeking to do business in Canada, but a loan company incorporated by the Parliament of Canada can scarcely be considered such an institution. The object of the bill is, in the first place, to enable corporations to be called into existence by letters patent, with the franchises and the power which ordinarily pertain to loan companies, and so we provide by the bill that the Governor in Council may, in respect to certain matters, make regulations as to the terms and conditions upon which letters patent may be issued. We also set out in the bill the minimum number of persons required to make application, and the names to be given in order that such applications may be entertained. In the bill we also provide for the union in the letters patent of two or more companies having similar objects, and stating the conditions upon which letters patent may issue where this object is the main design of the parties in obtaining the letters patent. We also set out the manner of constituting a provisional board, and the conditions under which their functions as a provisional board come to an end. We also impose restrictions on the company; before it receives a certificate from the Minister of Finance and the Receiver General undertaking to transact business, we require that a certain amount of capital shall be subscribed, and a certain portion paid in before such certificate can be issued. We also provide in the bill that after the incorporation has taken place, two or more loan companies that come under the provisions of the bill may become amalgamated, and let the new organization take over the assets and the liabilities of the old corporation. We also provide in what manner the company may invest money, giving in this respect large powers, but we do not authorize them to invest in undertakings or enterprises that ought to have their organization outside of the Dominion or outside of any of the provinces. We impose, with regard to corporations within the Dominion, this restriction, that no loan companies incorporated under this Act can invest or lend money upon the security of stock of any other loan company. That restriction we think is necessary, because there is sometimes a temptation arising, it may be from personal conflict or from rivalry in institutions engaging in the loaning of money, to embarrass each other by undertaking to acquire, by investment in stocks, an undue influence over each other. And so we think that the advantages to be derived from this restriction, to those who are investing money in those enterprises, more than compensates, on the whole, for any mischief that may arise from closing this source of investment. We provide in the bill for the issue of debenture stock, and we also provide that where such stock is issued it shall be treated as ordinary debentures that are issued by the company. It shall be a liability upon the company, and when the manner of investment is considered and

the amount of money which they may receive in proportion to the paid up capital which they have, that there shall be a limitation in that regard upon the amount so received by the company, and that the debenture stock that is issued shall be considered a part of the ordinary liability in that regard. We also provide for an increase or decrease of the capital, stating in what way the company may decrease its capital stock and under what circumstances an increase may take place. These are the general provisions of the bill. Those provisions cover the ordinary ground that is covered by the charter of a loan company, and I think if the bill becomes law it will be less necessary to apply for individual Acts of incorporation to the legislature than has been the practice heretofore; that letters patent may be obtained, that the organization may be called into existence and that the security had will be quite as great as it would be if each individual company were to come here on every occasion for a charter or an Act of incorporation.

Hon. Sir MACKENZIE BOWELL—Might I ask the hon. gentleman whether the bill he proposes to place upon the statute-book will apply to companies now in existence, or only to those that are going to be organized and established under the proposed law?

Hon. Mr. MILLS—It will apply to companies organized and established under the law that I propose, and also to any existing companies which choose to come under its provisions.

Hon. Sir MACKENZIE BOWELL—To what extent will it interfere with any of the powers that loan companies now have under their special charters, or under letters patent which they may have obtained, and is there any provision also for the permission of loan companies to take deposits and, if so, if the security to the depositors will take priority to the other indebtedness which the company may incur? My hon. friend is aware that many loan companies take deposits. Of course they loan that money, but, I desire to know whether, in case of failure, or the company becoming insolvent, the depositors have a prior right to be paid over other creditors.

Hon. Mr. MILLS—The law as I propose it does not touch the question.

Hon. Sir MACKENZIE BOWELL—I drew from my hon. friend's remarks that he has considered that point referring to the union of companies, which would do away with the necessity of going to Parliament in case they thought proper to unite. I understood it was one of the contentions of the provinces that that was a power which was not vested in the Dominion Parliament. I suppose my hon. friend has considered that point well.

Hon. Mr. MILLS—Yes, I have no doubt that the bill, as presented, is within our jurisdiction.

The motion was agreed to, and the bill was read the first time.

CRIMINAL CODE, 1892, AMENDMENT BILL.

ORDER OF THE DAY POSTPONED.

The order of the day being called:

Second reading (Bill 2) an Act to amend the Criminal Code, 1892, so as to make more effectual provision for the punishment of seduction and abduction.—(Hon. Mr. Vidal.)

Hon. Mr. MILLS said:—I expected to have brought down a bill amending the criminal law. It is in the printer's hands and I hope I will be able to present it to the House to-morrow. This provision forms a clause in the bill, except with regard to the age of consent, and that may be considered by my hon. friend when the bill comes up. He proposes that the age of 18 be substituted for 16, and if that were adopted it would require some other changes with regard to the subject of abduction. The same principle would apply in the one case as in the other. The bill would raise the age of consent in seduction from 16 to 18. Then we would require to raise it in abduction from 16 to 18, because of the want of maturity of judgment on the part of the girl to protect herself. I would ask my hon. friend not to press this bill, but to consider it in connection with the other bill when it comes up to-morrow.

Hon. Mr. VIDAL—It was at the request of my hon. friend that I postponed the

second reading until to-day, in order that the other bill might be produced. Of course the promise now given of its speedy introduction should satisfy me. While I have very little personal interest in the matter, still I do not wish to allow it to be interfered with. If the principle is admitted in the larger bill to be introduced, then this, of course, would be of no particular value. However, I think it is wise and proper that I should accept the suggestion which the hon. gentleman has made, because it is a reasonable one. I therefore move that the order of the day be discharged and placed on the order paper for Monday next.

The motion was agreed to.

NORTHERN COMMERCIAL TELEGRAPH COMPANY'S BILL.

SECOND READING.

Hon. Mr. MACDONALD (B.C.) moved the second reading of Bill (M) "An Act respecting the Northern Commercial Telegraph Company, Limited." He said:—This is a short bill amending the charter given by Parliament last year to the Northern Commercial Telegraph Company. It provides that the directors of the company need not be persons resident in Canada. They are all British subjects. Then the company takes power to extend its telegraph lines up in the Yukon and British Columbia, and takes power also to increase its stock to £300,000 sterling.

The motion was agreed to.

SECOND READINGS.

Bill (60) "An Act to authorize the amalgamation of the Erie and Huron Railway Company and the Lake Erie and Detroit River Railway Company."—(Mr. Casgrain.)

Bill (51) "An Act to incorporate the Canadian Inland Transportation Company."—(Mr. Casgrain.)

Bill (54) "An Act respecting the Eastern Trust Company."—(Mr. Power.)

THIRD READING.

Bill (E) "An Act for the relief of Annie Inkson Dowding."—(Mr. Clemow.)

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, 1st June, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

DELAYED RETURNS.

INQUIRY.

Hon. Mr. FERGUSON—Before the orders of the day are called, I wish to ask the hon. leader of the House for the return regarding the carrying of the mail from Sackville, N.B., to Cape Tormentine.

Hon. Mr. MILLS—I may say to my hon. friend that I have not received it yet, but I will drop a note again to my colleague.

Hon. Mr. FERGUSON—When may we expect it? It was moved for a long time ago.

Hon. Mr. MILLS—My hon. friend is asking a question that I am not able to answer.

Hon. Sir MACKENZIE BOWELL—It would not be difficult for the hon. minister to find out.

Hon. Mr. MILLS—I will make a memorandum of it. When was the return moved for?

Hon. Mr. FERGUSON—In the early part of the session.

THIRD READINGS.

Bill (34) "An Act respecting the Pontiac Pacific Junction Railway Company."—(Mr. Clemow.)

Bill (23) "An Act respecting the Alberta Irrigation Company, and to change its name to the Canadian North-west Irrigation Company."—(Mr. Lougheed.)

Bill (47) "An Act respecting the Brandon and South-western Railway Company."—(Mr. Kirchhoffer.)

Bill (17) "An Act respecting the Ottawa and Gatineau Railway Company."—(Mr. Clemow.)

Bill (26) "An Act respecting the Columbia and Western Railway Company."—(Mr. Lougheed.)

Bill (8) "An Act respecting the Atlantic and North-west Railway Company."—(Mr. Lougheed.)

Bill (58) "An Act respecting the Central Counties Railway Company."—(Mr. Clemow.)

Bill (59) "An Act to incorporate the Russel, Dundas and Grenville Counties Railway Company."—(Mr. Clemow.)

Bill (98) "An Act respecting the Cobourg, Northumberland and Pacific Railway Company."—(Mr. Kerr.)

Bill (66) "An Act respecting the Lindsay, Bobcaygeon and Pontypool Railway Company."—(Mr. Dobson.)

Bill (29) "An Act to incorporate La Compagnie du Chemin de fer de Colonisation du Nord."—(Mr. Landry.)

Bill (95) "An Act respecting the Lindsay, Haliburton and Mattawa Railway Company."—(Mr. Dobson.)

Bill (83) "An Act respecting the Northern Pacific and Mattawa Railway Company."—(Mr. Vidal, in the absence of Mr. Power.)

SECOND READING.

Bill (L) "An Act respecting the Sun Life Assurance Company of Canada."—(Mr. Ogilvie.)

CANADA LIFE ASSURANCE COMPANY'S BILL.

SECOND READING.

Hon. Mr. KIRCHHOFFER moved the second reading of Bill (62) "An Act respecting the Canada Life Assurance Company."

Hon. Mr. POWER—Is this the bill for and against which so many petitions have been presented.

Hon. Mr. CASGRAIN—Yes.

Hon. Mr. POWER—I think some explanation should be given.

Hon. Mr. KIRCHHOFFER—The bill is on the hon. gentleman's desk and explains itself.

Hon. Mr. BERNIER—We should have an explanation; the bill has not been distributed yet.

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

TRADE MARK AND DESIGN ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (41) "An Act in further amendment of the Trade Mark and Design Act." He said:—This is a bill asked for by certain labour men, who are most anxious, as the bill was defeated in the Senate last year, to be heard before any vote of this House disposing of the matter is taken. It seemed to me that the most convenient way would be to allow the bill to be read the second time, without committing anybody to the principle of the bill, and to give the representatives of this body an opportunity of being heard before the committee to which the bill would be referred.

Hon. Mr. MILLER—It is a public bill and would go to a Committee of the Whole House.

Hon. Mr. MILLS—In this event I would ask that the order of the day be discharged, and that the bill be put down for second reading on Tuesday next, so as to give the parties an opportunity of being heard.

Hon. Sir MACKENZIE BOWELL—Does my hon. friend propose to have the representatives of the Trades Unions heard before the bar of the House? That is what his motion would imply. If not, by whom would these representatives be heard, and where?

Hon. Mr. MILLS—They could be heard at the bar of the House, but that is not desirable; or the bill could be referred to a special committee and they could be heard before that committee.

Hon. Sir MACKENZIE BOWELL—I must confess I had overlooked the bill and its provisions altogether. Is it the same bill that was introduced last year and rejected by the Senate, or are there changes in it?

Hon. Mr. MILLS—There are some changes in it.

Hon. Sir MACKENZIE BOWELL—It has been passed by the lower House, and I see it is introduced by Mr. Sproule. Does the government assume the responsibility of the bill in this House?

Hon. Mr. MILLS—No, I am simply acting as a private member of this House, because there was no one here in charge of the bill. I did not want the bill to be disposed of without due consideration. Of course, I supported the principle of the bill last year, and take the same view still, but the majority of the House entertained a different view and, therefore, I thought, as these people desired to be heard before this House before the bill was finally disposed of, that if the second reading was taken and the bill referred to a committee, the parties could be notified and they would have an opportunity of stating their views to that committee.

Hon. Mr. OGILVIE—Why should it not go to the Committee on Banking and Commerce?

Hon. Mr. MILLS—That would be a very satisfactory committee.

Hon. Sir MACKENZIE BOWELL—Yes, it could be heard before that committee.

Hon. Mr. MILLS—I suggest that it be referred to the Banking and Commerce Committee.

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

INLAND REVENUE ACT AMENDMENT BILL.

FIRST READING.

A message was received from the House of Commons with Bill (124) "An Act to amend the Inland Revenue Act."

The bill was read the first time.

Hon. Mr. SCOTT moved that the bill be read the second time on Monday next.

Hon. Sir MACKENZIE BOWELL—Would it not be well to explain the purport of that measure, as it is an important one?

Hon. Mr. SCOTT—It is a short bill, and I shall be glad to read it. I have not considered it myself, and I do not think I could enlighten the House very much upon it. It is simply amending the Inland Revenue Act in some particulars, substituting the word "two" for "one" in one particular paragraph. I do not know what that alteration refers to, and I am quite unable to explain it. I will give the House a clear explanation of it on the second reading, and I hope the House will accept it.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Friday, 2nd June, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

CRIMINAL CODE AMENDMENT BILL.

FIRST READING.

Hon. Mr. MILLS introduced Bill (Q) "An Act further to amend the Criminal Code."

The bill was read the first time.

Hon. Mr. MILLS moved that the bill be read the second time on Friday next. He said:—This bill is somewhat long. I need not undertake to give an explanation of it. It will be in galley form and will be printed for distribution, and upon the second reading I shall be prepared to explain its provisions. In fact, there are very few general principles involved in the bill. It is necessarily a bill of detail, amending the existing law, and nearly everything connected with it can be better discussed in committee than at any other stage.

The motion was agreed to.

THIRD READING.

Bill (108) "An Act respecting the Roman Catholic Episcopal Corporation of Pontiac, and to change its name to the Roman Catholic Episcopal Corporation of Pembroke."—(Mr. Clemow.)

COMPANIES ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (N) "An Act to amend the Companies Act." He said:—I have no further explanations to give than those I gave on the first reading of the bill. There is one principle involved in the bill. It makes provision for the issue of preference stock, and gives to the holders of that stock special representation upon the board. I think that it has generally met with the approval of companies, and that the principle will commend itself to the consideration of the House.

Hon. Sir MACKENZIE BOWELL—Will my hon. friend inform the Senate if any special case has arisen which calls for this amendment to the Act? Let me also ask my hon. friend whether, in using the expression "Revised Statutes," he means the Consolidated Statutes of 1886?

Hon. Mr. MILLS—Yes.

Hon. Sir MACKENZIE BOWELL—When we reach another bill I will call his attention to the fact that where his expression "Revised Statutes" is used in examining the statutes I could not find the Acts to which they refer, but I found them afterwards in the statutes of 1891 and 1892. However, that does not apply now.

Hon. Mr. SCOTT—There is only one principle introduced in it. Those who had to do with the working out of the Companies Act have found a considerable amount of inconvenience has arisen where companies want to create a limited amount of preference stock. We know Acts of Parliament passed under which preference stock can be issued, and in England, under the Companies Act, they do issue preference stock. This bill provides that the people interested may, if they so desire, at a meeting at which all are unanimous, either by being personally present and voting for it, or by proxy, create preference stock; or three-fourths in value of the shareholders may at any time create a preference stock, but in that case they must get the consent of the Governor General in Council to the issue of the preference stock. It is found very often that persons enter into a company developing some enterprise or other, and they exhaust perhaps $50,000 and find they want more stock, and they have faith enough in it to offer to let others come in and give them certain advantages and it is found to facilitate business to a very marked degree. It saves the necessity of coming to Parliament to obtain that power. There can be no hesitation in giving the right to the persons who are directly interested, the shareholders. where they must all agree before preference stock can be issued; and where less than all are desirous of issuing preference stock, then it requires three-fourths, and in that case the consent of the Governor in Council must be obtained before it can be done.

Hon. Sir MACKENZIE BOWELL—I do not see any objections to the bill.

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

OTTAWA ELECTRIC RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. CLEMOW moved the second reading of Bill (18) "An Act respecting the Ottawa Electric Railway Company." He said:—This bill is to empower the company to extend its line from Hintonburg, or some point on its present line in Nepean, in the county of Carleton, to some point near Bell's Corners. There is no objection to that clause. The other is to remove the disability now existing as to running cars on Sunday. As hon. gentlemen are aware, a plebiscite was taken in Ottawa on the Sunday car question, resulting in a majority in favour of Sunday cars. The company desire this legislation in order that they may comply with the wishes of the people. I believe it is the feeling in the city that the cars should be allowed to run on Sunday, and the railway company are willing to comply with the wishes of the people, but before it can be done, this bill must be passed.

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

SECOND READINGS.

Bill (33) "An Act respecting the Nipissing and James Bay Railway Company."—(Mr. Casgrain.)

Bill (73) "An Act respecting the James Bay Railway Company."—(Mr. Casgrain.)

BILL INTRODUCED.

Bill (10) "An Act respecting the Nisbet Academy of Prince Albert."—(Mr. Lougheed.)

The Senate adjourned.

THE SENATE.

Ottawa, Monday, 5th June, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

THIRD READINGS.

Bill (21) "An Act respecting the Canadian Railway Accident Insurance Company."—(Mr. Clemow.)

Bill (14) "An Act respecting the Quebec Steamship Company."—(Mr. Landry.)

Bill (54) "An Act respecting the Eastern Trust Company."—(Mr. Power.)

Bill (F) "An Act for the relief of Abraham Aronsberg."—(Mr. Clemow.)

CRIMINAL CODE AMENDMENT BILL.

SECOND READING POSTPONED.

The order of the day being called:

Second reading (Bill 2) "An Act to amend the Criminal Code, 1892, so as to make more effectual provision for the punishment of Seduction and Abduction."—(Mr. Vidal.)

Hon. Mr. MILLS said:—I would ask my hon. friend to let this order of the day stand till a week from to-day, as the other bill of which I have charge is not yet printed.

Hon. Mr. VIDAL—I feel the importance of the request made, on account of the bill, which makes considerable change in the criminal law, being almost ready for distribution, and in my judgment it would be a very convenient way of dealing with the bill of which I have charge if I could persuade either the Minister of Justice or the House to accept the amendment when in committee, making the one change in the bill. Still, as I desire to preserve the right and power of going on with the bill in case of anything occurring not exactly as I would like in committee, I move that the bill be not now read the second time, but that it be read the second time on Wednesday, 14th June. That will give the House an opportunity of considering the other measure before this bill is taken up.

The motion was agreed to.

DELAYED RETURNS.

INQUIRY.

Hon. Mr. FERGUSON—Before the House adjourns, I wish to call the attention of the members of the government once more to the delay in bringing down returns that have been asked for. I find that the return asked for last session has not been brought down, and that another return, which I have repeatedly called attention to, is not forthcoming.

Hon. Mr. MILLS—I would ask my hon. friend to mention the particular returns.

Hon. Mr. SCOTT—Send over a memo. of them.

Hon. Mr. FERGUSON—There are three returns now overdue. One of them is for information relative to the opening of a bonded warehouse in King's County, P.E.I., in the premises of John G. Scrimigeour. I asked for it a month or two ago, and it has not yet been brought down. Another refers to the Cape Tormentine mails. My hon. friend, I am sure, has not forgotten this return to which I have called attention two or three times since I thought it should have been here. The other motion was for a return showing what money had been expended on straightening a curve in the Prince Edward Island Railway near North Wiltshire, and other information relative to straightening curves on the Prince Edward Island Railway. These three returns are now long overdue, and I hope the hon. minister will be kind enough to see that they are brought down at an early date.

Hon. Sir MACKENZIE BOWELL—I would call the attention of the hon. gentleman to the return I asked for at the opening of the session, three months ago—correspondence relative to the dismissal of Mr. Ketcheson, a mail clerk in the county of Hastings—the affidavits in the case. I also moved for a return for further informa-

tion in reference to dismissals, royal commissions, &c. That was also moved for at a very early period of the session, being a continuation of the information contained in a document laid before the House last session. Perhaps we will get them at the opening of next session.

Hon. Mr. MILLS—It will be meritorious.

Hon. Sir MACKENZIE BOWELL—It will be a very meritorious act, I admit, on the part of the present government, because they seldom bring down returns in less than six, eight or twelve months.

Hon. Mr. MILLS—There are some four years standing.

Hon. Sir MACKENZIE BOWELL—The old story, following a bad example.

Hon. Mr. MILLS—I have endeavoured to get information from the different departments. I expected the return to which the hon. gentleman referred, relating to the mail service, to-day, but have not received it.

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, 6th June, 1899.

THE SPEAKER took the Chair at Three O'Clock.

Prayers and routine proceedings.

IMPERIAL LOAN AND INVESTMENT COMPANY'S BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. ALLAN, from the Committee on Banking and Commerce, reported Bill (H) "An Act incorporating the Imperial Loan and Investment Company of Canada." with amendments. He said:—The first amendment is simply giving the company power to lend money on leasehold as well as on freehold property. The next amendment is to insert "provided also the company shall not invest or lend money on the security of the stock of any other loan company." Then the next amendment is in clause 20 which reads "the new company may have an agency or agencies in any city or cities in England, Scotland or Ireland, and any by-law passed for such purpose," &c. After the word "purpose" the committee have added "establishing such agency." That is simply to make the matter clearer. Then it prescribes what the vote shall be—"the shareholders present or represented by proxy." The committee have amended that clause by adding "and holding not less than two-thirds of the issued capital stock of the company represented at such meeting." The last amendment is merely a verbal one.

Hon. Mr. KIRCHHOFFER moved concurrence in the amendments.

The motion was agreed to.

DELAYED RETURNS.

INQUIRY.

Hon. Mr. PRIMROSE—Before the orders of the day are called, I should like to ask the minister when the correspondence and other documents for which I moved on the 18th May last will be laid on the table.

Hon. Mr. SCOTT—What was the subject?

Hon. Mr. PRIMROSE—*Re* Capt. Norwood.

Hon. Mr. SCOTT—The department was duly notified, but I will make further inquiry.

THIRD READING.

Bill (78) "An Act respecting the Hamilton Powder Company."—(Mr. Dandurand.)

SECOND READINGS.

Bill (K) "An Act for the relief of Isaac Stephen J. Gerow Van Wart."—(Mr. Clemow.)

Bill (10) "An Act respecting the Nisbet Acadamy of Prince Albert."—(Mr. Lougheed.)

THE COMPANIES ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (N) "An Act to amend the Companies Act."

(In the Committee.)

On the third clause.

Hon. Mr. CLEMOW—I think it would be utterly impossible to comply with the first part of that clause. It is an impossibility to get every stockholder in the company to be present to ratify any arrangement or any by-law. Some live at a distance and it would be impossible to trace them, and others might be unwilling or unable to attend; therefore, it would be an utter impossibility to get the total number of shareholders to assent to any proposition of this bill. I have had some personal knowledge of how such legislation would work. I was connected with a company some years ago that had a similar provision, and it served admirably in settling the affairs of the company. We find when companies act under that clause, and it is necessary to raise money, some shareholders expect the majority to do the business for them while they reap the benefit. This measure is in the right direction, and I leave it to the Minister of Justice to consider whether a majority of 75 per cent should not be sufficient. I understand the subject, and think it very desirable that this change should be made. Another change might be necessary; if it should occur that the parties agreeing to this preference stock should at any time consider it necessary to be reinstated in their original position, some provision should be made in the bill to enable them to be so reinstated without having to apply to Parliament for legislation. I offer the suggestion to the Minister of Justice. If the hon. gentleman will look at the legislation of 1867, 1868 and 1871, he will find the provisions to which I refer and which served such a useful purpose in the case of the company to which I refer.

Hon. Mr. MILLS—My hon. friend will see that the sanction of all the shareholders is not absolutely necessary. It may be sanctioned by the unanimous vote of all the shareholders present, or by the unanimous affirmation of the parties who are shareholders, in writing.

Hon. Mr. CLEMOW—You can easily see that a very few members might be present, and have power to bind the great majority. It would be better to require the approval of a majority of three-fourths of the shareholders.

Hon. Mr. MILLS—The bill has been very carefully considered by a large number of the companies, and they entirely approve of this provision, and as it has been approved by those who have had large practical experience, I do not apprehend there is any difficulty with regard to the matter. The provisio is intended to be an additional security that if three-fourths of those present, or three-fourths of the shareholders by written consent have approved of the measure, then it shall receive the sanction of the Governor in Council. If the vote of the meeting be not unanimous, or the approval is not unanimous but represents the views of three-fourths of the shareholders, the matter may be referred to the Governor in Council.

Hon. Mr. ALLAN—If there should be only twenty shareholders present at a meeting called, and they should be unanimous, they could carry this clause. Is it not usual to provide that there must be either a certain number of shareholders, or shareholders holding a certain amount of stock, present?

Hon. McMILLAN—This provides for three-fourths in value of the shareholders of the company. It does not matter how many are present so long as three-fourths in value of the shareholders are represented in the meeting.

Hon. Sir MACKENZIE BOWELL—As the hon. gentleman from York says, there may be only twenty shareholders out of three hundred present, and their unanimous consent would carry. The word "unanimous" is something unusual in bills of this kind. In the issuing of preferential stock of railway and other companies, it is usual to have two-thirds or three-fourths of the shareholders present, or representing two-thirds or three-fourths of the stock, or a majority of the stock, I know that is the usual practice.

Hon. Mr. CLEMOW—At that first meeting, supposing there were two or three dissentients?

Hon. Sir MACKENZIE BOWELL—One would be enough.

Hon. Mr. CLEMOW—It would not be unanimous, and their action would be inoperative.

Hon. Mr. MILLS—Then it could be referred to the Governor in Council.

Hon. Mr. CLEMOW—It would be better to make the first meeting sufficient to carry it.

Hon. Sir MACKENZIE BOWELL—One advantage has been suggested to me: if the shareholders present are unanimous, then it avoids the necessity, if I understand the bill, of their going to the Secretary of State. If they are not unanimous, but secure the assent of three-fourths in value of the shareholders, then they can go to the Secretary of State.

Hon. Mr. LOUGHEED—Does my hon. friend refer to three-fourths in value of the shareholders present at the meeting?

Hon. Mr. MILLS—No, three-fourths in value of the shareholders of the company.

Hon. Mr. LOUGHEED—With all due deference to the opinion expressed by the Minister of Justice, I think the language of this clause is susceptable to the contention that in the event of there not being a unanimous sanction by the vote of the shareholders to the proposed issuance of preference stock, then growing out of that meeting, three-fourths in value of the shareholders may sanction this particular act, subject. of course, to the approval of the Governor in Council. It seems to me to proceed from the one action—if the shareholders do not unanimously agree, then three-fourths of the shareholders may do something else.

Hon. Mr. MILLS—My hon. friend cannot put that construction on the clause, because there is another mode of proceeding.

Hon. Mr. LOUGHEED—It makes provision for the calling of the general meeting, then, growing out of that meeting, in the event of the shareholders not being unanimous, I submit it may be argued that the three-fourths in value of the same shareholders may, under this bill, proceed to do something. There should be some machinery introduced into the bill by which shareholders should receive special notice of the meeting being called for this purpose. I understand from this clause that the meeting is to be duly called to consider this particular matter, but it seems to me there should be some provision or some particular mode of giving notice to the shareholders, so that due publicity should be given.

Hon. Mr. MILLS—My hon. friend will see that the clause is not open to the objection which he makes. In the first place, no such by-law shall have any force or effect whatever until after it has been unanimously sanctioned by a vote of the shareholders present in person, or by proxy, at a general meeting of the company, duly called for considering the same. That is one mode of proceeding; it must be duly called for the purpose. Every shareholder is notified as to the object of the meeting, and knows how much he is interested in it, to what extent he can entrust the settlement of the affair to his colleagues, and if he has any special interest, or any feeling that it is necessary to be present in order that he may guard his own interest, he no doubt will be present, and if such a meeting, duly called for such purpose, unanimously decide upon the question, then their decision is binding upon the company. This, my hon. friend will observe, is a simple amendment to an existing law.

Hon. Mr. LOUGHEED—Oh, I have no objection to the principle of the bill.

Hon. Mr. MILLS—Then the second proceeding is that they may unanimously sanction in writing the proposed change. The shareholders of the company may do so. Unless they all do so, then the proceeding in that way is not binding, provided, however, that if the by-law be sanctioned, whether at a general meeting or in this other mode of proceeding by writing, by three-fourths in value of the shareholders of the company, the company may, through the Secretary of State, petition the Governor General for an order approving of the said by-law. Now, the three-fourths means three-fourths of the shareholders of the company and not three-fourths of the shareholders present at the meeting; not three-fourths of the shareholders who may sign the writing, but three-fourths of the shareholders, those who hold shares in the company, and if they do so, then they may petition the Governor General through the Secretary of State, and it will be then for the Governor in Council to decide whether they will give effect to the wishes so expressed or not.

Hon. Mr. ALLAN—Am I not right in coming to the conclusion that, according to the first paragraph, if a meeting is duly called to consider this matter, it may be a company with two, or three, or four, or five hundred shares, and 25 or 30 shareholders may attend, and they are all unanimous, according to the wording of this clause, that would suffice to carry the vote, but surely that is a very unusual thing to give the power to so small a proportion of the shareholders to legislate for the rest.

Hon. Mr. SCOTT—The notice calling this meeting must be in conformity with the statutes. That notice must convey to the shareholders the object of the meeting; the notice of the time and place for holding the general meeting shall be given at least 21 days previously thereto in some newspaper published in the place where the head office, or chief place of business of the company, is situated, and if there is no such newspaper, then in the place nearest thereto where the newspaper is published. That is clause 33 of the Companies Act of which this is an amendment. This clause only applies to the Companies Act.

Hon. Mr. ALLAN—That is very proper, but at the same time it makes no provision for any proportion, either in numbers or the amount of stock, to carry very important changes in the company.

Hon. Mr. LOUGHEED—Section 33 only provides a method for calling a meeting of the shareholders.

Hon. Mr. SCOTT—This is a general meeting and has to be called in conformity with that notice.

Hon. Mr. LOUGHEED—"In the absence of other provisions in that behalf." Therefore, I say that in the event of a by-law being passed dispensing with all these safeguards which are so necessary for the calling of a meeting of shareholders, section 33 would not be in operation.

Hon. Mr. MILLS—How would they pass the by-laws?

Hon. Mr. LOUGHEED—It might be in the interest of those in control of the company to pass a by-law dispensing with many methods which we assume to be necessary for the calling of a meeting, and only provide for a post card being sent or something of that kind.

Hon. Mr. POWER—No by-law can contradict the statute.

Hon. Mr. LOUGHEED—It reads: "In the absence of other provisions in that behalf." They say that in such event such and such steps shall be taken for the calling of a meeting.

Hon. Mr. CLEMOW—Certain companies, in their Acts of incorporation, define how meetings shall be called. Does this contravene that?

Hon. Mr. LOUGHEED—Supposing that we dispense with many of the formalities which we consider to be a safeguard for the calling of meetings, and the shareholders provide very meagre methods of calling that meeting, then that very meagre system would supercede the provisions of section 33 of the Company's Act.

Hon. Sir MACKENZIE BOWELL—We should define what shall be meant by "duly called." Duly called in this case would cover every company having an incorporation and the means provided for calling the meeting. If there are no provisions in the special Act, then clause 33 of chapter 119 would prevail; but as the hon. gentleman from Calgary (Mr. Lougheed) has suggested, they might have passed a by-law. They have power to pass by-laws, declaring that it shall be simply by advertising in the newspapers. Now, for the changing of the whole value of the property in a company of this kind,—that is the value of the shares—there should be a notice given to every shareholder, or provision made for notifying, of what is intended to be done, and that cannot be done by ordinary newspaper notices, because there are hundreds of shareholders of companies in this country, in England, Ireland and Scotland. In such cases where would you advertise? An advertisement in this country never would reach them. You might provide for it in the way I suggest, that provision should be made for sending a circular to each of the shareholders, stating the object of the meeting, being for the reduction of the stock or the issue of preferential stock as the case may be.

Hon. Mr. CLEMOW—That condition is in force in several companies. They must

send a notice, registered in the post office, to every stockholder in the company.

Hon. Sir MACKENZIE BOWELL—But that would not meet the case of companies where there is no such provision.

Hon. Mr. COX—The issue of preference stock is a serious matter, and I think there should be some provision to imperatively require the consent of at least three-fourths of the ordinary shareholders. It is possible for a meeting to be regularly called and an insufficient number to attend that meeting. That number might be unanimous, and as I read in this, the preference stock might be issued without any opposition on the part of those present at the meeting, but there might be a very small minority of the entire shareholders present. I think it should imperatively require the sanction of at least three-fourths of the holders of any stock. And if they did not attend the meeting they should be summoned again and their consent obtained in some way. They should be either present in person or by proxy.

Hon. Mr. MILLS—I think hon. gentlemen are proceeding upon the assumption that those who are managing the affairs of the company, who call the meeting for the purpose of transacting this business on behalf of the company, have a disposition to ruin the prospects of the company.

Hon. Sir MACKENZIE BOWELL—That might possibly be. Take the Farmers' Loan Company. There is an illustration of it.

Hon. Mr. MILLS—I think the whole theory upon which loan companies and other companies are organized is for the purpose of promoting the interest of those who are shareholders. If the amendment is made, I suppose in that first section, as a matter of abundant caution, it would answer the purpose. "No such by-law shall have any force or effect whatever until after it has been unanimously sanctioned by a vote of the shareholders present, in person or by proxy, at a general meeting duly called for considering the same." We might add "representing a majority."

Hon. Mr. COX—Representing a three-fourths majority.

Hon. Mr. MILLS—That is a very large majority.

Hon. Mr. COX—Not too large to issue preference stock. It is no hardship to require that at least three-fourths shall be present in person or by proxy.

Hon. Mr. POWER—Two-thirds is enough.

Hon. Mr. LOUGHEED—You already admit the principle in the other section, and not only that but you have added on to that that the consent of the Governor in Council, through the Secretary of State, must be obtained.

Hon. Mr. POWER—Now you require that three-fourths of the shareholders must be present at the meeting, either in person or by proxy and that they must be unanimous.

Hon. Sir MACKENZIE BOWELL—Oh no, you strike out the word unanimous.

Hon. Mr. POWER—If you require that three-fourths shall be present at the meeting, and that they shall be unanimous, you are asking too much. The usual clause inserted in private bills for railway companies is that important changes of that kind shall be made at a regularly called meeting of the company where two-thirds in value of the shareholders are present, either in person or by proxy; and then you might say that three-fourths of those might agree. But to say that you shall have three-fourths of the members of the company at a meeting called for this purpose, to which possibly no member of the company has any objection, is going too far. Why should you put them to the trouble of attending?

Hon. Mr. COX—I do not think it would be difficult or unreasonable to get three-fourths of the shareholders of any company to consent to the issuance of preference stock, and in the absence of that it ought not to be done.

Hon. Mr. POWER—But that is not what is required. The second requirement is that if the shareholders at the meeting are not unanimous, then three-fourths of them must ask in writing for the change.

Hon. Mr. LOUGHEED—My hon. friend does not observe that the intended security of the shareholder is the earlier part of the section. It nevertheless affords really less security than the latter part of the section,

because a small portion of the shareholders may be present, and may unanimously consent to the issuance of preference stock.

Hon. Mr. POWER—It seems to me, as a matter of convenience, the better way would be to provide that a certain kind of notice shall be given which the directors by by-law cannot alter, and that if the shareholders have satisfactory notice they should be taken as having given their assent.

Hon. Mr. COX—But it is so easy to call a meeting of shareholders, and from various reasons they do not attend. Take a company with a capitalization of $1,000,000 of common stock. I do not think it would be right for the shareholders of that company to issue preference stock if more than $250,000 of capital were opposed to it. It would not be hard, by communication, to get the opinion of at least $750,000 out of $1,000,000, and they should have the sanction of at least that amount before proceeding to issue preference stock. I do not think that would be any hardship. The bill intends to make that provision, but the first part of the clause renders it possible for the shareholders to the extent of say three hundred thousand dollars of the shares to be present and agree to issue preference stock, while the holders of seven hundred thousand dollars may not have an opportunity of expressing an opinion.

Hon. Mr. MILLS—My hon. friend will see that, as I have consented to amend the section, it requires the unanimous vote of those present, and requires two-thirds of the stock to be represented. I think that is going a very long way, and that may represent, and in all probability would represent, far more than three-fourths of the stock. The meeting must be regularly called, the vote must be unanimous and it must represent two-thirds of the stock.

Hon. Mr. CLEMOW—If two-thirds are represented, that would be sufficient.

Hon. Mr. COX—I would like to see it made compulsory, that by some means they should communicate with the shareholders and get their consent.

Hon. Mr. MILLS—My hon. friend will see the meeting must be duly called. Every man has the keeping of his own interest in his own hands, and if there is a single stockholder present, under that clause as it is amended, opposed to the action of the meeting, although there should be a two-thirds vote, it would not carry. The vote must be unanimous, and that, I should think, would be a greater security than simply to say three-fourths.

The clause was amended, and agreed to as amended.

Hon. Mr. POWER—I wish to direct the attention of the minister again to the clause which the hon. gentleman from Rideau Division has referred to, and ask my hon. friend whether he does not think it would be wise to provide some machinery by which this preference stock could, under certain conditions, revert to the condition of common stock. I do not know whether it would be practicable to make such provision, but it might be a very great convenience.

Hon. Mr. CLEMOW—In the case of companies to which I have referred, they were compelled to apply to Parliament to restore the preference stock to the position of common stock. It necessitated an Act of Parliament, which was passed in 1871. Could not machinery be provided in this bill to obviate the necessity of applying to Parliament?

Hon. Mr. SCOTT—That must have been a very rare occasion, preference shareholders applying to have their shares reduced to the level of common stock.

Hon. Mr. CLEMOW—The preference stockholders may get all the dividends, and the holders of common stock may arrange with them to have all the stock placed on the same footing. That occurred in the case that I have referred to, and the company applied to Parliament for legislation.

Hon. Mr. McMILLAN—You buy them out?

Hon. Mr. CLEMOW—Yes, you make terms with them.

Hon. Mr. CASGRAIN, from the committee, reported the bill with amendments.

INLAND REVENUE ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (124) "An Act to amend the

Inland Revenue Act." He said :—This bill is a very short one, and like many bills that come from the department is rather enigmatical, I confess, but the practice seems to have prevailed for several years to send bills from the department when they require amendments to the statutes which have been passed from year to year. The first clause amends a cause of the Inland Revenue Act by altering the word "one" to "two." On inquiry I find that this refers to chemical stills—stills used for chemical purposes. At present the law permits chemical stills to be made up to the capacity of one hundred gallons. It is found necessary, now that the manufacturers have a larger trade than they contemplated, to make stills, in many cases for export, of larger capacity, and this bill provides that under an application to the Governor in Council the still can be made to the capacity of two hundred gallons instead of one hundred gallons. The next clause refers to the portion of grain or malt required to make up a gallon of proof spirit. The duty on spirit is charged on the grain used in its production, at the rate of one gallon for every $20\frac{4}{10}$ pounds. It appears that in some distilleries malt is used instead of grain, and in that case, upon the malt used in its production, one gallon of proof spirit for every 24 pounds. These words have been added. The third clause is not a very important one. As the hon. gentleman knows tobacco packages which are for sale in the shops are put up in various size,—one-fifth,—one-sixth, one-seventh, half a pound, and so on, and they are sold in accordence with that. This proposes simply to allow one-third of a pound to be put up. I do not know how that proportion was omitted in former legislation, because they had one-eighth, one-sixth, one-fifth, and so on. This simply adds one-third to the proportions in which tobacco may be put up in those small packages, and the stamp of the department attached.

Hon. Mr. ALMON—Is it advisable to proceed with this bill before we know whether the decision on the plebiscite is to be carried out ?

Hon. Sir MACKENZIE BOWELL—Has this one-third package been suggested from the fact that the manufacturers of tobacco had to reduce the size of the package which they sold for the certain amount of money after the increased duty was placed upon tobacco ?

Hon. Mr. SCOTT—No.

Hon. Sir MACKENZIE BOWELL—I have been told by those who use tobacco that when they went to buy the usual package the price was raised five cents, and the explanation was that the government had increased the duty upon tobacco, and therefore it was necessary to increase the price of that particular sized package. Then they manufactured a smaller package, which they sold at the former price, so that the purchaser really, while paying the extra duty, was not aware that he was getting a smaller quantity of tobacco. It must have been suggested to the department, that in order to meet that case, and to leave the consumers of tobacco under the impression that they are getting the same quantity as they did formerly for the same money, that they make up a one-third package instead of a larger one. Whether that is the reason or not, I cannot say, but I can find no other reason why this change should be made, because there are nearly all sizes of tobacco packages except the one-third, and if the manufacturers can succeed in humbugging consumers of tobacco with the idea that they are getting the same quantity for the same amount of money as they did formerly, they will have succeeded at least in preventing the cry which was raised against the government for increasing the duty on tobacco. I compliment the government on the dexterous manner in which they are accomplishing that object.

Hon. Mr. POWER—If the hon. gentleman thinks the consumers of tobacco are so green as to accept a package of one-third of a pound for half a pound, he has more faith in their gullibility than the government has.

Hon. Mr. PROWSE—I think there is a good deal in what the leader of the opposition says about the extraordinary size of tobacco packages. There are sixteen ounces to the pound, and a purchaser never asks for one-third of a pound of any commodity, but for so many ounces. Why should not the government adopt the same system in dealing with tobacco. Who ever heard of a law establishing five and a third ounces as a package ? It is done evidently for the purpose of deceiving the people.

Hon. Mr. POWER—I should like to read paragraph *b* of the Act of 1898 which is being amended. The hon. gentleman from Murray Harbour will see that he is all wrong. This is the paragraph which is to be amended :

All fine cut chewing tobacco, and all other kinds of tobacco not otherwise provided for in packages containing one-twentieth, one-sixteenth, one-fifteenth, one-fourteenth, one-thirteenth, one-twelfth, one-eleventh, one-tenth, one-ninth, one-eighth, one-seventh, one-sixth, one-fifth, one-fourth, or one-half of one pound, or one pound——.

One-third has been omitted in the list, and the object of the amendment is to insert one-third with the other fractions.

Hon. Sir MACKENZIE BOWELL—Certainly, and the people are not as gullible as the hon. gentleman thinks they are. But a consumer of tobacco knows what he has to pay for one-half pound of tobacco. Instead of getting half a pound he is getting one-third, and this bill is to meet that case.

Hon. Mr. POWER—I do not approve of the tax on tobacco, but I do object to the criticism.

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

BILLS INTRODUCED.

Bill (131) "An Act respecting the inspection of Petroleum and Naphtha."—(Mr. Scott.)

Bill (123) "An Act further to amend the Adulteration Act."—(Mr. Scott.)

Bill (77) "An Act respecting the Canadian Power Company, and to change its name to the Ontario Power Company of Niagara Falls."—(Mr. Kirchhoffer.)

Bill (107) "An Act respecting the Bedlington and Nelson Railway Company."—(Mr. Clemow.)

Bill (120) "An Act to incorporate the Rutland and Noyan Railway Company."—(Mr. Clemow.)

Bill (91) "An Act to amend and consolidate the Acts relating to the Quebec Harbour Commissioners."—(Mr. Mills.)

Bill (92) "An Act respecting the Saskatchewan Railway and Mining Company."—(Mr. Lougheed.)

Bill (103) "An Act to incorporate the Klondike Mines Railway Company."—(Mr. Kirchhoffer.)

Bill (61) "An Act respecting the Canadian Pacific Railway Company."—(Mr. Lougheed.)

Bill (119) "An Act respecting the Red Deer Valley Railway and Coal Company."—(Mr. Baird.)

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, 7th June, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

THIRD READINGS.

Bill (13) "An Act respecting the Home Life Association of Canada."—(Mr. Casgrain.)

Bill (62) "An Act respecting the Canada Life Assurance Company."—(Mr. Kirchhoffer.)

WINDING UP ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. KIRCHHOFFER moved the second reading of bill (O) "An Act further to amend the Winding Up Act."

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. MILLS—I think there is a bill before the House of Commons, with the same object in view, introduced by Mr. Fortin, of Quebec, and it might be well not to press this bill until the other bill comes before us, and the two might be combined.

Hon. Mr. KIRCHHOFFER—For the information of the House, I may state that this bill was introduced by Mr. Osler, a member of the other House, and some other gentlemen who are interested in the winding up of the Farmers' Loan Company. It appears they have some three-quarters of a million of money on hand, and yet they are

unable to distribute it, and they express themselves as extremely anxious to get the bill through as quickly as possible. Whether my hon. friend would wish it to stand when it might be the cause of considerable delay, or whether he wishes it to stand in order to see the other bill, I do not know. Will the hon. minister not allow this to go to the committee?

Hon. Mr. MILLS—The bill has been read the second time, and I would not ask for any unnecessary delay, but I thought it might be advantageous that, instead of having two bills on the statute-book in the same session amending the same Act, it might be advantageous to combine the two.

Hon. Mr. ALLAN—But if it is referred to the Committee on Banking and Commerce it might be allowed to stand there?

Hon. Mr. MILLS—Yes, that is what I meant.

BANK ACT AMENDMENT BILL.

FIRST READING.

A message was received from the House of Commons introducing Bill (127) "An Act to amend the Bank Act."

The bill was read the first time.

Hon. Mr. MILLS moved the second reading of the bill for Tuesday next. He said:—The bill is a very brief one. There is but one object aimed at, and that is to provide that a bank may issue notes for circulation abroad, and that these notes may be of the denomination of one pound. My hon. friend knows that under section 51 of the Bank Act, as it now stands, a bank can only issue bank notes as low as $5 in value. This is something less, but it gives the bank no additional power in respect to the amount of its circulation. It stands precisely as it is in the Bank Act, and the circulation of these notes elsewhere would diminish to that extent the power of the bank to issue notes.

Hon. Sir MACKENZIE BOWELL—It's principle, as I understand it, is to meet the case where Canadian banks have agencies in the West Indies and other portions of the British Empire.

Hon. Mr. MILLS—Yes, in other possessions.

BILLS INTRODUCED.

Bill (32) "An Act to amend the Act respecting the sale of Railway Passenger Tickets."—(Mr. McMillan.)

Bill (68) "An Act respecting the London Mutual Fire Insurance Company of Canada." (Mr. McMillan.)

Bill (100) "An Act respecting the Guarantee and Pension Fund Society of the Dominion Bank, and to change its name to the Pension Fund Society of the Dominion Bank."—(Mr. Power.)

INLAND REVENUE ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (124) "An Act to amend the Inland Revenue Act."

(In the Committee.)

On clause 1.

Hon. Mr. SCOTT—As I explained yesterday, the purpose of substituting two for one is to authorize the chemical stills to be made of a size double what they are now. In some large concerns they find the 100-gallon stills altogether too small for their operations, and they have asked permission to use a still of 200 gallons.

Hon. Mr. PROWSE—Do I understand this to be the bill the government was expected to pass after the plebiscite was taken?

Hon. Mr. SCOTT—No; it has no connection with the plebiscite.

Hon. Mr. PROWSE—It appears to give the distillers a better opportunity of enlarging their stills and supplying the demand for liquor.

The clause was adopted.

On clause 2.

Hon. Mr. SCOTT—The second paragraph refers to the making of spirit in some distilleries where malt is used. This is another anti-temperance clause. The clause is changed in order to define the duty on spirit made from malt. The first section of part A has not been changed, but the following has been added to it:

Or in the distillery where malt only is used, upon the malt used at the rate of one gallon of proof spirit for every twenty-four pounds.

It appears you can make more whisky out of the malt than you can out of the grain.

The clause was adopted.

On clause 3.

Hon. Mr. SCOTT—The third paragraph allows tobacco to be put up in a package of one-third of a pound. I do not know how the one-third of a pound happened to be dropped out when they were authorizing one-sixth, one-seventh, one-eighth, and so on. They seemed to drop out one-fourth, one-half and one-third.

Hon. Sir MACKENZIE BOWELL—I explained that yesterday.

Hon. Mr. SCOTT—Possibly the hon. gentleman's explanation may be correct. It is for the purpose of enabling the government to put the stamp on. They put it on according to the quantity.

Hon. Mr. PROWSE—I regret that the government, when they found it necessary to make an amendment to the bill, did not amend it in the way required, that is, to reduce it to the proportion of a pound, as the table shows by the ounces, one, two, three, four, and so on. Then the vendor and purchaser would know exactly what business they were doing and what they were getting for their money. But when you talk of a third of a pound and a fifth of a pound of any commodity, it is evidently done to deceive the buyer, because everybody understands there is sixteen ounces to the pound.

Hon. Mr. SCOTT—We are not responsible for the divisions. Those proportions have been in operation for many years. We are amending the Revised Statutes. There are all the proportions named which were spoken of yesterday.

Hon. Mr. PROWSE—I take it the government are entirely and directly responsible for this bill as it is now. They admit there is a fault in the statute and they are not correcting it. They must take the responsibility of the whole measure, because, it must be assumed, that they are amending it in all the particulars that require amendment.

Hon. Mr. SCOTT—This is a free country, and if the people want to buy tobacco by the third or the fourth of a pound, they can do so. All the department requires is that they shall put a stamp on it. The proportions were defined many years ago, and the one-third happened to be dropped out. I do not know what reason there was for it.

Hon. Mr. McMILLAN—The arguments of the hon. gentleman from Prince Edward Island are very logical. The law should be changed so as to designate the quantity by the ounces, and have the package stamped as such.

Hon. Mr. PRIMROSE—There can be no doubt that were it sold by the ounce, it would be much better understood by the trade.

The clause was adopted.

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

PETROLEUM AND NAPHTHA INSPECTION ACT.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (131) "An Act respecting the inspection of Petroleum and Naphtha." He said:—I am glad to see that the department has departed from the practice pursued in some of the other bills, and in making the charges in the Act relating to the inspection of petroleum, have re-enacted the old law, and therefore the charges will be much more easily understood and will probably be better explained when the House is in committee, as I can point out the old clauses and the new clauses. I may say, the object of making any changes is due to the proposal to cheapen coal oil. It is very well known that coal oil could only be brought into Canada in tank vessels and in tank cars at particular points, which are limited, and that the inspection of the oil took place only when the oil was removed to smaller vessels, a barrel or a case, or whatever it may be, and there was the inspection fee charged on that. It is now proposed that the oil shall be inspected and tested while it is in bulk in a larger vessel, either in the tank car or the tank on board the ship, and that coal oil may therefore be introduced in tank wagons or in any other vessel that the parties choose. Coal oil, in the North-west more particularly, has been found very expensive and this will allow parties to come in with tank wagons

and have the oil analysed and examined in the wagons, and they will then be authorized to sell it from the original vessel. One of the other important points is that provision is made that it shall only be put up in a vessel painted red and branded as naphtha, and that no other oils of any kind shall be put in barrels painted red, reserving that colour exclusively for naphtha. Those are the principal changes in the bill. The inspection fee on inspecting the oil in the smaller vessels is abolished.

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

ADULTERATION ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (123) "An Act further to amend the Adulteration Act." He said:—The object of this perhaps is not quite as clear as is usual in the case of departmental changes in the law. The object is simply to limit the pharmacopœia in which the druggists prescribe, when it is put up by the chemists, with the label marks, it refers only to the British pharmacopœia. As the law now stands, the United States pharmacopœia is equally recognized, but as I am advised at present, in our universities the United States pharmacopœia is not recognized, and the students are not taught from it. The United States pharmacopœia is therefore placed in the category of other foreign pharmacopœias, and where the article is compounded of drugs that are known only in the United States or other pharmacopœia, the particular pharmacopœia must be indicated on the label. That is the whole object of the bill.

Hon. Mr. McMILLAN—I do not rise to oppose the bill, because I think it is in the right direction, but I do not understand it as the hon. minister explains. It really refers to every drug—every drug must come up to the standard which is represented in the pharmacopœia of Great Britain and the pharmacopœia of the United States and the pharmacopœia of France.

Hon. Mr. SCOTT—No. If there is no pharmacopœia named, it is assumed to be the British pharmacopœia. If it is not British, it must be stated on the label whether it is the United States, the French, or the pharmacopœia of any other country.

Hon. Mr. McMILLAN—And it must come up to the standard.

Hon. Mr. SCOTT—Yes; it is simply putting the United States pharmacopœia on the same level as the French.

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

SECOND READINGS.

Bill (107) "An Act respecting the Bedlington and Nelson Railway Company."—(Mr. Clemow.)

Bill (92) "An Act respecting the Saskatchewan Railway and Mining Company."—(Mr. Lougheed.)

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, 8th June, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

TELEGRAPH LINE TO YUKON DISTRICT.

NOTICE OF MOTION.

Hon. Mr. MACDONALD (B.C.)—I beg to give notice that on Tuesday next I will inquire if the government intends to proceed this year with the construction of a telegraph line from some point in British Columbia to the Yukon district. With the permission of the House I would like to explain the meaning of this inquiry which I propose to make. It will be within the knowledge of the House that two bills were passed last year incorporating telegraph companies to extend lines of telegraph wire from British Columbia to the Yukon district, and these companies now are very apprehensive that their schemes will fall to the ground, as they hear that the government intends having a line of its own, and they would like to have some definite information as to whether the government intends to proceed with its line or not. Two of these companies have spent a good deal of

money, and materials are on the way from England to British Columbia to construct one of these lines, and they find it would be perfectly impossible for them to compete with the government in a telegraph system. That is the meaning of my inquiry, and I explain it now so that I shall be able to get a more definite reply from the minister.

Hon. Mr. SCOTT—Early last year, fully a year ago, it was felt that one of the most important——

Hon. Mr. MACDONALD (B.C.)—I do not expect an answer now.

Hon. Mr. SCOTT—I can give the answer now as well as at any other time. It was felt very important that a telegraph line should be constructed leading to Dawson. The hon. gentleman knows that at that time we were from three to five months without answers to communications. Orders in Council were passed here, and we did not hear of them for six months afterwards, and in the mean time the department were held responsible for what were held to be errors or mistakes. Therefore, it was decided at once to construct a line. The Minister of Public Works entered into correspondence with certain parties, a syndicate who professed their ability to go on and build at once. The whole of last summer was lost in consequence of promises made to Mr. Tarte which he thought he could have relied upon. Of course we were granting charters last year. But Parliament gave no exclusive privileges. We know the freedom with which charters are granted by Parliament, and there were no assurances given to any parties that they would have exclusive privileges. When in the early part of the present year it became manifest that no action was being taken, it was decided by the government that we should take up the project ourselves and go on with the least possible delay, and so the Minister of Public Works was authorized to enter into negotiations for the purchase of wire and other materials necessary, and in furtherance of that authority given him, Mr. Tarte, as probably hon. gentlemen know from the reports in the public press, sent parties out to British Columbia and on to the Yukon, and already the line is in operation from Skagway, utilizing, of course, the railway line up to a certain point, but from the limit of the railway telegraph line to a point on Lake Bennett, and they are constructing it just as rapidly as the line can be constructed.

Hon. Sir MACKENZIE BOWELL—May I ask if there was an appropriation voted for that purpose in anticipation?

Hon. Mr. SCOTT—I think there was an appropriation last year. That is my impression of it.

Hon. Sir. MACKENZIE BOWELL—I do not remember it.

Hon. Mr. MACDONALD (B.C.)—The intention is to build the line from Ashcroft to Cariboo and up to the Yukon?

Hon. Mr. SCOTT—What was felt was that immediate action was necessary and, of course, the shortest way to get connection for the present year would be from some point at the height of land up above the Lynn Inlet along the line of traffic to Dawson, and later on it is to be hoped that the line will be continued on down to a connection with the telegraph system in British Columbia, which would follow then the line that was contemplated fifteen or twenty years ago. As hon. gentleman probably know, a portion of that line is still in existence north from Ashcroft, I think for about 250 miles to a point in British Columbia, and a trail was made at one time for the continuation of that line. It will be remembered that before the Atlantic cable was laid it was proposed to carry a line across by Behring Straits and we had actually commenced the construction of a line up in that direction. It was abandoned afterwards when the Atlantic cable was laid, but no doubt in the near future the line will be extended from the neighbourhood of Lake Bennett, or whatever point may be necessary to carry it down and connect it with the telegraph system.

AN ADJOURNMENT.

MOTION.

Hon. Mr. POWER moved:

That when the Senate adjourns on Friday the ninth instant, it stand adjourned until Tuesday the thirteenth instant, at three o'clock in the afternoon.

He said:—When I gave this notice I did not propose to take the management of the business out of the hands of the government, but simply gave notice as a matter of convenience.

Hon. Mr. McCALLUM—For whom—for the government, or the House?

Hon. Mr. POWER—For the House. I have not the slightest interest in the matter, but when one looks at the order paper he will see that there is practically nothing to be done on Monday.

Hon. Mr. MILLER—There are fourteen orders to-day, though.

Hon. Mr. POWER—As hon. gentlemen know, a number of gentlemen who live in the neighbourhood of Ottawa are anxious that the adjournment should extend a little further than it does as a rule, and I think that the public business will not suffer if we agree to meet on Tuesday at 3 o'clock, instead of on Monday at 3 o'clock, and these hon. gentlemen will have an opportunity to attend to their private affairs. I have made the hour 3 instead of 8, because there are some elderly gentlemen in the Senate who do not care to come out in the evenings, and because the experience of a great many years shows that, as a rule, very little business is done at the evening meeting.

Hon. Mr. FERGUSON—As a general rule I think the question regarding the adjournment of this House should emanate from the government, and although my hon. friend the senior member from Halifax (Mr. Power) is no greater transgressor in that respect than others of us, because there has been a practice of private members giving notice and making motions for adjournments in this House, but I think the responsibility devolves on the government, and it is from the government only that such motions should emanate. For my part, I think at this particular moment that we have our hands full of work, and there is no indication, looking at the notice paper, that Monday will not be a day of work, because some of the notices on the paper to-day may be allowed to stand over and the indications are that Monday will be like every day of this week and I hope every day for weeks to come. While I have no desire to oppose this motion, I wish to point out that the matter should be left in the hands of the government—not only a short adjournment of this kind, but all adjournments.

Hon. Mr. MILLS—I do not agree with the view expressed by my hon. friend opposite. After a certain custom has grown up, and a certain practice has been continued for upwards of thirty years without ever being called in question, for the hon. gentleman to rise and say that the government should take control of the House and decide whether it ought to sit on Monday or not is asking us to adopt a rule which has not prevailed heretofore. The House is the judge of its own convenience. The House knows precisely what amount of business is before it, and if they think that without any detriment to the public business they can get through with the motions on the order paper by meeting on Tuesday instead of Monday, I shall not object. It makes no difference to me. The members of the administration are here continuously. I cannot be away, whether the House sits or not, but if the House chooses to adjourn over Monday I shall not make any objection whatever. There are a few important government bills on the paper and there will be more, but my hon. friend has suggested that the government ought to decide whether we should sit on Monday or not. I do not see that. When I was spoken to yesterday about an adjournment for a week, I objected because there is upon the paper a very considerable amount of business. There are a good many important bills—bills in which the government are interested. I suppose we can get through with them in the remaining four days of the week, therefore if it is to the convenience of any considerable number of members that we should adjourn until Tuesday at 3 o'clock, instead of Monday at 3 o'clock, I am ready to acquiesce, because I do not wish to inconvenience any of the members unless it is to the positive advantage to the government in the discharge of public duty. In my opinion, we could get through at the rate of speed at which we have moved, for we have moved rapidly, although we are the senior House in Parliament. We have got through without a great deal of conflict of opinion, and I judge from what we have already done that we will be able to get through with the business before us, and what is likely to come before us, during the coming week. If important measures are not sent up from the House of Commons we will then consider what it may be necessary to do. I am entirely in the hands of the House in this matter. If it is the general feeling of the Senate to meet on Monday at 3 o'clock, I am quite ready to acquiesce in that view, and if the desire is to

adjourn until Tuesday at 3 o'clock, I make no objections, for the reason that I do not know that the business before us would suffer from a delay of twenty-four hours.

Hon. Mr. FERGUSON—In addition to the general ground that I mentioned I may explain that early this session the press supporting my hon. friend the leader of the House, made some statements with regard to the Senate to the effect that the Senate in the future would not be allowed to take long adjournments as in the past years, but under the leadership of my hon. friend the House was to be kept hard at work.

Hon. Mr. McCALLUM—The Minister of Justice is non-committal in this matter. He says it is for the House to decide, and he is leader of the House, and must take the responsibility whether he wants to assume it or not. We will know if we push to a division on this question whether he is in favour of an adjournment or not. I do not know what interest the senior member for Halifax has in moving this motion. There must be some action among members that I do not know anything about. I cannot go home myself, like a good many others, when there is an adjournment of only two or three days. I hold the Minister of Justice responsible, and when he tries to throw the responsibility on the House and says it is for the House to decide, as though he had no responsibility, the country will not sustain him in that. I for one will move that when the House adjourns on Friday next it stand adjourned for a week.

Hon. Mr. MILLS—No.

Hon. Mr. McCALLUM—Then take the responsibility of going ahead on Monday. I am perfectly willing, but if the hon. gentleman will not take the responsibility of adjourning for one day he must take responsibility of saying that he will not consent to an adjournment for a week. I am perfectly prepared to follow the hon. gentleman.

Hon. Mr. MILLS—That is a joke.

Hon. Mr. McCALLUM—I will follow the hon. gentleman as long as he is right, but I will follow no man when I consider he is wrong. I will follow the hon. gentleman when he takes the responsibility of moving the adjournment himself, but when by slight of hand he undertakes to do it through a supporter I will not follow him.

Hon. Mr. DANDURAND—I am glad we have the admission from the hon. gentleman from Monck (Mr. McCallum) that he is ready to back the government every time they move something concerning an adjournment.

Hon. Mr. McCALLUM—I did not say that.

Hon. Mr. DANDURAND—The government have the confidence of the hon. gentleman on the question of adjournment; that is a beginning. I do not think we need be so timid about what the public press thinks of our adjournments. We all know that in the other House there was a discussion on the Address which lasted a month, and, here, we passed the Address in twenty-four hours. Are we to remain here for a month just to please some journalists marking time and doing nothing, simply because the discussion in the House of Commons is extended for a month? They have had to discuss the budget in the other House, and they may be two weeks discussing it. We have no such discussion here. Are we to remain here two weeks marking time because it pleases the hon. gentlemen in the Commons to spend that time discussing the budget? We pass, en bloc, the last day of the session, the items that it takes them several weeks to discuss. Are we to remain here for weeks while they are discussing those items? They will have discussions on the Redistribution Bill and on the proposed reformation of the Senate lasting possibly five or six weeks. Are we to mark time here just to please public opinion, or sit in the gallaries of the Commons listening to the same arguments for weeks—arguments which will be rehashed from day to day just because the Commoners have to speak to their electors? In this chamber we think it is beneath our dignity to repeat an argument that falls from the lips of our neighbour, and we pass on as soon as we have formed a judgment upon any question submitted to us. So that in a four months' session every one who attends closely to public questions knows that a body of business men, like the Senate of Canada, can dispose of the work in one month. Why should we remain here two or three months just because the House of Commons is in session? We do not speak against time in this House. We do not speak for the sim-

ple pleasure of distributing our speeches to the electors, and it is the experience of hon. gentlemen who have preceded me in this House that within a month the senators can cope with the work which is brought before them. So it will be easily seen that the hon. Minister of Justice is not responsible for the adjournments. It is useless to ask the Minister of Justice to extend our work over four months; and keep us sitting ten or fifteen minutes every day, as we have been doing every day for the last few weeks. We can sit for hours at a time if needs be, and, if we are threatened with a long session running up to the month of August, we can disperse for two or three weeks and do our work in the remainder of the time.

Hon. Mr. ALLAN—I do not think the Minister of Justice has done himself justice, nor do I think that we have quite done justice to him. Of course, I conceive that in the case of a motion like that which my hon. friend from Halifax has made, to adjourn till Tuesday instead of Monday, the hon. leader of the House would leave it to the decision of the Senate without interfering in any way, but wherever an adjournment for any length of time has been moved for, then the House has always appealed to the government to so decide, as they are best acquainted with public business, as to whether it would be to the prejudice of public business or not.

Hon. Mr. MILLS—I said that.

Hon. Mr. ALLAN—I think we have always followed the government on such occasions, but in this case it is a very small matter whether we adjourn to Monday or Tuesday.

Hon. Mr. OGILVIE—I had a notice of adjournment once this session, but before giving it I took the precaution to ask the Minister of Justice if he had any objection, and he said he had none. The senior member for Halifax ought to feel proud that this quiet little motion of his has raised such a row; certainly there was no occasion for it. I agree, however, with the hon. gentleman from Halifax that we might as well adjourn to Tuesday, so far as our order paper is concerned, if we do not discuss adjournment all day. There is no doubt if we meet on Wednesday at three, instead of Tuesday, the work would be done before Friday. We have been sitting ten or twenty minutes per day all week, and have done our work. The hon. senior member for Halifax was right, and I am sorry to say—and I have to say it—that I think my own friend—the hon. gentleman from Monck—was altogether unjustified when he said the Minister of Justice should take the responsibility of these adjournments into his hands. The hon. gentleman from Monck knows as well as I do, for he has been in this House a very long time, that the motion has been made on this occasion in the way we have been doing it for years, and no other leader of the House has ever acted differently. The hon. Minister of Justice is acting wisely, and is perfectly right in leaving the matter in the hands of the House. I quite agree with him, and I am glad to be able to agree with him for once. If I were to move an amendment—which I will not do—I would move to make the adjournment to Wednesday instead of Tuesday.

Hon. Mr. MILLS—As the adjournment is only for a day, we had better not lose a day discussing it.

Hon. Mr. PROWSE—This is rather an important question, and I do not think it is lost time altogether if we discuss it a little more fully. It appears to me there is a disposition on the part of some hon. gentlemen in this House to make some innovations in the procedure in regard to adjourning, and I am afraid this motion to-day will be taken as a precedent for the future, and the probability is that Mondays may escape altogether from being utilized as business days in the Senate. I certainly object to that. I would not object particularly to Monday next, were it not establishing a precedent which I think is detrimental to the interests of the country, and to our record as well. When we have our business all done and nothing special coming before us, we would be perfectly justified in doing in the future as we have been doing in the past, taking two or three weeks adjournment, and then almost every member of the Senate could take advantage of it and go home for a few days. But when we adjourn for one day only, it is giving some members an advantage which is denied to others. My hon. friend from Montreal (Mr. Dandurand) waxes eloquent on the question of adjournment I think it is the most eloquent speech I have ever heard

him make. He says there are several subjects we have no interest in discussing, such as the address in reply to the speech from the throne, the budget and other matters, but we have just as much right as the members of the House of Commons to discuss and criticize all these questions from beginning to end. There is one question on which a two or three hours discussion would be very interesting to the Senate, and that is the hon. gentleman's own position. He says he is not talking to his constituents, that he is not responsible to the electors of this country for the speeches he makes here, and that there is no necessity to make long speeches for his constituents. I tell him his constituents are the government of the day. They are the gentlemen who placed him here, and he has made a very good speech—several very good speeches—especially for his constituents. We know that the hon. gentleman came here because of good services he has rendered his party. He tells us he has been an organizer of the Liberal party for a good many years past, and he has told us in this House how he managed, I suppose, to sweep the whole province of Quebec in support of the present government.

Hon. Mr. DANDURAND—Hear, hear.

Hon. Mr. McCALLUM—He is going to reorganize the Senate now.

Hon. Mr. PROWSE—Then we have heard of that man Parent, who was sent into the back settlements to do some very special work for the party, by the hon. gentleman, and the record that man holds before this House and the country does not speak well for him. Instead of spending the money entrusted to him, according to instructions, he spent it in liquor and got drunk. And who recommended Parent to the Temperance Alliance in the province of Quebec? There are a good many interesting questions which might come up on this occasion and on other occasions, and I do not think it would be wise for us to have too many adjournments for fear there will not be time to ventilate some of these questions.

The motion was agreed to.

BILL INTRODUCED.

Bill (76) "An Act respecting the Dominion of Canada Guarantee and Accident Insurance Company."—(Mr. Power, in the absence of Mr. Allan.)

THIRD READINGS.

Bill (H) "An Act incorporating the Imperial Loan and Investment Company of Canada.—(Mr. Kirchhoffer.)

Bill (M) "An Act respecting the Northern Commercial Telegraph Company, Limited."—(Mr. Macdonald, B.C.)

Bill (46) "An Act to incorporate the Arthabaska Railway Company."—(Mr. Macdonald, B.C.)

Bill (I) "An Act respecting the Canadian Northern Railway Company."—(Mr. Kirchhoffer.)

CANADIAN POWER COMPANY OF NIAGARA FALLS BILL.

SECOND READING.

Hon. Mr. KIRCHHOFFER moved the second reading of:

(Bill 77) "An Act respecting the Canadian Power Company, and to change its name to the Ontario Power Company of Niagara Falls."

Hon. Mr. PROWSE—Another innovation which is creeping into the Senate is the fact of gentlemen who have charge of bills moving the second reading without giving any explanation of their nature. I have always understood that on the second reading of a bill the members in charge of it is obliged to give some information to the House of its nature and object. As we are not very heavily worked at present, according to statements made to-day, I think it would be well to adhere to our rule. We are not all members of standing committees and it is very desirable that we should get information about these measures.

Hon. Mr. KIRCHHOFFER—The preamble of the bill which practically explains its object is as follows:—

Whereas the Canadian Power Company, has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

Hon. Mr. McKAY—The hon. gentleman is reading his speech.

Hon. Mr. KIRCHHOFFER—I am giving an explanation in the very best way it can be given. By the time I have read the

bill through, the House will understand every one of its details. (Cries of "dispense.") Do let me go on and explain it! (Cries of "dispense.") Since the hon. gentlemen insist on dispensing with the explanation, I shall have to acquiesce.

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

SECOND READINGS.

Bill (120) "An Act to incorporate the Rutland and Noyan Railway Company."—(Mr. Clemow.)

Bill (103) "An Act to incorporate the Klondike Mines Railway Company."—(Mr Kirchhoffer.)

Bill (61) "An Act respecting the Canadian Pacific Railway Company."—(Mr. Lougheed.)

ADULTERATION ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a committee of the whole on Bill (123) "An Act further to amend the Adulteration Act."

(In the Committee.)

Hon. Mr. SCOTT—As the law now stands the pharmacopœia of the United States is a recognized authority, and it has been found by a leading medical gentleman that very serious mistakes sometimes arise, because under the present law druggists are not obliged to mark the words "United States Pharmacopœia" on the label, and there is a very wide difference in many elements between British and United States drugs and consequently very serious results might follow the omission of these words from the labels.

Hon. Mr. McMILLAN—As to the strength of the drug?

Hon. Mr. SCOTT—Yes. We propose to adopt the British pharmacopœia, and if the elements are from any other pharmacopœia, French, German or United States, the name of the particular pharmacopœia must be on the label so that the chemists, in putting up prescriptions, may know how the drugs are compounded.

Hon. Mr. FERGUSON—Under the law as it stands at present, is it obligatory on any vender of a drug to have the name of the pharmacopœia on the label?

Hon. Mr. SCOTT—Only the word "foreign." But as there is a difference between the British and United States pharmacopœia you can see that serious errors may arise when no distinction is made. If a druggist now mixes up a drug without any statement on the label it is taken to be British, otherwise it must be stated.

Hon. Mr. FERGUSON—It is intended that whatever pharmacopœia is used it shall be up to the standard of that authority.

Hon. Mr. SCOTT—As the law now stands, the British and United States drugs are not defined. A drug may be compounded under the United States pharmacopœia and the druggist is not obliged to give that information. A medical man may give a prescription founded on the British pharmacopœia, and it may be compounded on the United States basis. Under the law as it stands at present, the druggists may compound it from the United States pharmacopœia without at the same time defining on the label that it is the United States pharmacopœia.

Hon. Mr. FERGUSON—I still fail to understand whether it is necessary, under the law, that a particular authority should be stated on the label or upon the parcel, whether, British, United States or what. I do not understand that it is obligatory to have any authority, either British, United States, French or any other kind.

Hon. Mr. SCOTT—It is if it should be French, German, or any other pharmacopœia except British or United States. The United States is now on the same plane as the British, and therefore, the chemist is not obliged to mention whether it is British or United States, and he may compound his drugs under either pharmacopœia, whereas the medical man, in writing his prescription, may have intended it to be filled on the British pharmacopœia, and so confusion arises. Under the provisions of this bill, if it is made up at all and there is no reference to any pharmacopœia, then the legal assumption is that it is prepared under the British pharmacopœia. If it is prepared under the United States pharmacopœia, then the United States pharmacopœia must be cited on the label. If made under the French pharmacopœia, that fact must be stated.

Hon. Mr. FERGUSON—I do not understand these amendments in the way my hon. friend explains them. They only require that the drug shall be up to the standard that is claimed for it.

Hon. Mr. MILLS—It is not a question of standard at all. There are various pharmacopœias in use, and there are two that are permitted to be used without designating them, the British and United States pharmacopœias. The intention is to leave only the British in that position. If there is no pharmacopœia mentioned on the prescription, then it is assumed that it is British, and the reason for requiring the United States pharmacopœia to be named, if the prescription is under the United States pharmacopœia, is because it is different from the British.

Hon. Mr. FERGUSON—My hon. friend, as I understand, is explaining what is in the original Act and not in these amendments.

Hon. Mr. MILLS—It is exactly what is in these amendments. Where a prescription is prepared under the United States pharmacopœia, that fact is to be stated on the prescription.

Hon. Mr. SCOTT—At present it need not be.

Hon. Mr. FERGUSON—I do not understand the amendment as my hon. friend does. All that this provides is that if the drug differs from the standard it is adulterated.

Hon. Mr. MILLS—Read lines 17 and 18.

Hon. Mr. McMILLAN—I may tell the hon. gentleman that the authors of materia medica in the United States give the description of the medicine, and the standard and strength of the medicine in accordance with the pharmacopœia of that country, and the authors of materia medica in England will have them likewise of the same strength that that pharmacopœia mentions.

Hon. Sir WILLIAM HINGSTON—It seems we are legislating to continue a custom that already exists, and has existed in this country for a great number of years. When a medical man in this Dominion writes a prescription, he means it to be prepared according to the requirements of the British pharmacopœia. The authorities in Great Britain are attempting to have a uniform pharmacopœia for Great Britain and all her colonies, and Canada is taking a very active part in that direction. This bill is merely legislating to continue a custom which has been in existence for a long time. I repeat: when a medical practitioner in Canada writes a prescription he means that the British pharmacopœia, and no other, shall be followed and while there may be no harm in saying it, there certainly is no necessity for so stating it, and it will be found a practice that medical practitioners will refuse to append to each article named in a prescription that it should be according to the British pharmacopœia. That goes without saying, and our medical men will not write what to them appears unnecessary.

Hon. Mr. SCOTT—At present the druggist is not obliged to mention the pharmacopœia on the label. I understand that the circumstances which led to the introduction of the bill is that a leading medical man, who is a member of the other House, wrote a prescription under the British pharmacopœia and the druggist in Halifax made it up under the United States pharmacopœia, and it was a grave mistake.

Hon. Mr. POWER—Paragraph I of the first clause says:

(i.) If, when sold or offered or exposed for sale under or by a name recognized in the edition of 1898 of the British pharmacopœia, it differed from the standard of strength, quality or purity laid down therein.

That appears to assume that the edition of 1898 is the standard to be hereafter used in dealing with British prescriptions.

The next provision provides as follows:—

(ii.) If when sold or offered or exposed for sale under or by a name recognized in any foreign pharmacopœia, such as *Le Codex Medicamentarius* in France or the pharmacopœia of the United States, and having the name of such pharmacopœia, plainly labelled, upon the article, it differs from the standard of strength, quality or purity laid down therein.

The committee will observe that this paragraph does not indicate that that name shall be labelled on the article, and I think that this is the point to which the hon. gentleman from Marshfield (Mr. Ferguson) directed his question. It seems to me if the hon. the Secretary of State is correct in his statement of the intention of the bill, then this paragraph should be amended so as to provide that the name of the pharmacopœia

shall be plainly labelled. It is not indicated, either in this bill, or in the chapter of the Revised Statutes, or in the Act of 1890, that the name of the foreign pharmacopœia shall be labelled on the bottle or package, and it ought to be.

Hon. Mr. SCOTT—It is.

Hon. Mr. POWER—I should like the hon. gentleman to point out where it is. It only says "if it is plainly labelled," and the drug is not up to standard, the drug is adulterated. It does not say that it shall be plainly labelled on the bottle.

Hon. Sir WILLIAM HINGSTON—I think we are creating a difficulty by introducing anything of that kind. We are in this position: a doctor in writing a prescription writes it with the knowledge that it will be according to the British pharmacopœia and the druggist makes it up in accordance with that recognized authority. If a foreign doctor, United States, French, German or other, writes a prescription and wishes it to be according to his own pharmacopœia, he must so state it in his prescription and the druggist will execute it.

Hon. Mr. SCOTT—The only change made by the bill is dropping the words "United States" out of the Act.

Hon. Mr. FERGUSON—The hon. gentleman from Halifax quite understands the point I made, and that is that the bill should provide that the particular pharmacopœia shall be named.

Hon. Mr. SCOTT—So it does.

Hon. Mr. FERGUSON—It only says if a particular authority is named the drug must be put to that standard, but it does not provide that any authority shall be named. It may not refer to any standard. The adulteration comes in if it is not up to the claim that is made for it. The point is whether we should not require that drugs when sold shall have on the label the name of the authority of the drug they are selling.

Hon. Mr. SCOTT—Read subsection 2 and you will see that that point is covered. That provides that if you use any other than the British pharmacopœia you must state it.

Hon. Mr. FERGUSON—The clause does not appear to bear any such meaning.

Hon. Mr. POWER—I presume that if the article is not plainly labelled, under paragraph 2, as being United States or French, it would come under paragraph 3, and be sold under a name not recognized. I submit, as this is a very important matter as to which a small mistake might be of considerable consequence, and it would be well, before the bill is read the third time, that the medical gentlemen in the House should examine it carefully to see that there is no error. The Secretary of State smiles, but it would not be the first time that a mistake would be discovered in a bill submitted to this House.

Hon. Mr. MILLS—You get the key of the bill by looking at subsection I. Under that clause a drug would be deemed adulterated if, when sold or offered or exposed for sale under or by a name recognized in the edition of 1898, of the British pharmacopœia "it differs from the standard or strength, quality or purity laid down therein." Now, if it does that, it is within the class of adulterated articles.

Hon. Mr. SCOTT—That is exactly word for word, the law as it now is, leaving out the words "United States."

Hon. Mr. McMILLAN—It is the manufacturer who is required to have the goods manufactured up to that standard.

Hon. Mr. MILLS—The second clause provides:

(ii.) If, when sold or offered or exposed for sale under or by a name recognized in any foreign pharmacopœia, such as *Le Codex Medicamentarius* in France or the pharmacopœia of the United States, and having the name of such pharmacopœia plainly labelled, upon the article, it differs from the standard of strength, quality or purity laid down therein.

Now, although the name is plainly labelled on the article, if it differs from the standard of strength, then it should be deemed adulterated. That is clear enough. Then the third clause provides:

(iii) If, when sold, or offered or exposed for sale, under or by a name which is not recognized in any pharmacopœia, but which is found in some generally recognized standard work on materia medica or chemistry, it differs from the standard of strength, quality or purity laid down therein.

Hon. Mr. McMILLAN—I do not know but that there is something in what the hon. gentleman from Halifax (Mr. Power) says after all. It appears to me that the

third subsection is unnecessary, because if you have these drugs up to the standard of the pharmacopœias mentioned, that is the British pharmacopœia or the pharmacopœia of the United States or the French pharmacopœia, that is quite sufficient. Why do you go beyond that and give the privilege to have the drugs come up to the standard mentioned in these books? I think that is going too far. If you use the term the materia medica of any country, you should say the authorized materia medica of that country.

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

A QUESTION OF PRIVILEGE.

Hon. Mr. FERGUSON — Before the House adjourns, I wish to call the attention of the members of the government and the House to what perhaps is almost a question of privilege. It is with regard to the mails for the members of this House. The mails coming from the east that arrive from Montreal at eight or nine o'clock in the morning of each day are not delivered here until about four or five in the afternoon of the same day. Occasionally a letter or paper seems to escape the delay in Montreal and get through, but as hon. members know, the bulk of our correspondence and papers do not reach here until about four or five o'clock in the evening, though they arrive in Montreal early in the morning by the Canadian Pacific Railway. I am informed, on what I think is very good authority, that by some blunder these mails go to the General Post Office in Montreal, in place of being handed over from one train to another and being carried direct here, they go to the General Post Office at Montreal, and are again made up and sent here in the afternoon. I do not know whether it is the case with regard to the mails for the House of Commons, or whether it is only the Senate mail, but I am now relating our experience during this session with regard to the mails from the east for hon. members of this House.

Hon. Mr. SCOTT—Do the mails always come by the short line of the Canadian Pacific Railway.

Hon. Mr. FERGUSON—I think they do. I am told they come by the short line and that most of them are held over in Montreal.

Hon. Mr. MILLS—They should be distributed on the mail train.

Hon. Sir MACKENZIE BOWELL—That is what should be done.

Hon. Mr. FERGUSON — Perhaps my hon. friend will inquire of the Postmaster General and let me know the cause.

Hon. Mr. MILLS—Yes.

Hon. Mr. FERGUSON—If they come by the Intercolonial Railway, they could not reach here till the afternoon, but the mails from Prince Edward Island do not all come by the Intercolonial Railway because we occasionally get a paper or letter about half past twelve or one o'clock. A paper dated yesterday morning arriving here is delivered in the Senate post office at one o'clock, but the bulk of our mail does not reach us until about this time, or even later each day. I have no doubt if it is brought to the attention of the department it will be remedied.

DELAYED RETURNS.

INQUIRY.

Hon. Sir MACKENZIE BOWELL—I do not like to find fault all the time, but I have not had the return for which I moved at the beginning of the session. I first asked if there had been any correspondence between the government and the different provinces in which the right of appeal to the judge against the voters' list, had taken place. I was informed by the Minister of Justice that he was not aware at that time whether there was any correspondence. I pointed out that the reasons why I had asked the question, was because in Nova Scotia a change had taken place and that amendments had been made to the Franchise Act. Afterwards I received an answer, when the question was put again, that letters had been written to the different governments; but then, when I put another question, as to the answers which had been obtained, I was informed by the Minister of Justice that that was not a portion of the question which I had previously asked and consequently had not ascertained that fact. Since that time the British Columbia Government, while in session made a change, and I believe the Manitoba Government has also done the same thing. If I am to believe one-tenth part of what we read in the newspapers, as to the manipulations of the voters' lists in the province of Manitoba,

it is high time that there should be an appeal to the judge, in order to set right the iniquities which the journals say are being constantly perpetrated in connection with the preparing of the voters' lists. Following that up, in order to try and obtain this information, which ought to be obtained, I think, in two or three letters, I then put a notice upon the paper asking for copies of the letters which had been sent to the different governments, and also the replies which had been received, in order that the House and the country might be put in possession of what had been done by the government in carrying out the pledges which they made to this House, and to the House of Commons when the question of adopting the local franchises was accepted by both Houses. I am anxious to know—and I think it is in the interest of the country that we should know—whether proper representations have been made to these governments, and whether these governments have acquiesced in the requests, which I take it for granted were made, that provision should be made for these appeals, and if they have declined to do it, we should know that fact. It might guide us in the future in considering many bills coming before this House. I hope the hon. Minister of Justice will not think I am too persistent in this matter, but I felt a great interest in that question of adopting the local franchises at the time it passed this House, having a firm conviction that the Parliament of Canada should control its own franchise; but, as I stated then, as that was one of the planks of the Liberal platform when they went to the people, and the people had elected them, I did not deem it advisable, even individually, nor would I recommend to the Senate, that they should act in direct opposition to what was supposed to be the express will of the people. I should like to have this information, and the country would like to know what has been done.

Hon. Mr. MILLS—I will make inquiry for the information which the hon. gentleman seeks. My hon. friend spoke, as if by way of censure, of my answer to him before, when I told him that I had not inquired, nor did I know, whether the local governments had responded to the question. I answered him precisely in accordance with the facts. Now, I may say to him that what I assumed he was specially anxious to know was whether any communication had taken place or not, and I ascertained that fact and informed him accordingly. My hon. friend says the manipulations that have taken place, as he understands, in the legislature of Manitoba with the voters' lists there makes it highly important——

Hon. Sir MACKENZIE BOWELL—No; I did not say in the legislature. I said in the preparation of the voters' lists under the present law, which prevents an appeal.

Hon. Mr. MILLS—My hon. friend is mistaken when he says it prevents an appeal. The Manitoba Act is exactly like that of the Dominion, which my hon. friend made. Under the Manitoba Act an appeal may be taken to the county judge, or the revising barrister appointed for the purpose.

Hon. Sir MACKENZIE BOWELL—There is no revising barrister now.

Hon. Mr. MILLS—Yes; under the Manitoba Act.

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

Hon. Mr. MILLS—I am inclined to think my hon. friend will find the facts as I have stated them.

Hon. Mr. FERGUSON—Not a revising barrister.

Hon. Mr. MILLS—My recollection is that the Manitoba Act is exactly the same as the Dominion Act as framed by the government of which my hon. friend was a member. But that is a matter of no consequence. We will ascertain what the facts are.

Hon. Sir MACKENZIE BOWELL—That is not what I complain of so much. If there has been any communication, it should be in the possession of some of the heads of the departments. If there has been an answer, they ought to have it, and they cannot possibly require three, or four, or five, or six months to ascertain the simple fact. If the correspondence exists, we should have it, and if it does not exist, let the Minister of Justice say so and there is an end of it.

Hon. Mr. MILLS—I will ascertain.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman promised that two months ago.

Hon. Mr. MILLS—Perhaps I did. I gave my hon. friend the information for which he specifically asked.

Hon. Mr. FERGUSON—I think the hon. leader of the House is not altogether right when he says that a revising barrister is provided for under the laws of Manitoba in a similar way to the provision in the Dominion law. But he is at least partially right in saying that some provision is made, because I have noticed lately in the Winnipeg papers that our old friend, Judge Prendergast, has been appointed by the provincial government to some duty in connection with the making up of the lists in the city of Winnipeg at the present time.

Hon. Sir MACKENZIE BOWELL—That is for this House.

Hon. Mr. SCOTT—I had occasion to look into the law of Manitoba, and following that law, assuming that the revision of the list would not take place in Manitoba early enough, we had taken proceedings to have the list revised, and a revision was made in Winnipeg under the authority of the Manitoba Act. I know under the authority of that Act there was a limited time, I think it was one month, and then the list had to be advertised and hung up for a month, and at the end of that month the judge took it up, and Judge Prendergast was appointed.

Hon. Mr. FERGUSON—By whom?

Hon. Mr. SCOTT—By this government, but following the Manitoba Act. It was all done under the Manitoba Act. And then we found, after the revising barrister had entered upon his duties, and while the judge was considering the list, that the government of Manitoba ordered a general revision, and so we then cancelled our order. That is the fact. Therefore, there seems to be an appeal there to the judge.

Hon. Sir MACKENZIE BOWELL—No, no, that does not follow. By what authority does the Dominion Government appoint Judge Prendergast? Is it under the Act which adopted the franchise of the province?

Hon. Mr. SCOTT—Oh, yes.

Hon. Sir MACKENZIE BOWELL—We have a good illustration of the results which follow the adoption of the local franchise. Winnipeg has been kept out of its representation in the House of Commons ever since the unfortunate death of the late member, Mr. Jameson. The list was not in such a state as to go on with the election. That is three or four months ago. The Manitoba Government took no action, nor did it provide for the revision of the list under their law, and the Dominion Government then had to assume the responsibility of appointing a judge in order to get a voters' list upon which they could hold an election for a member of the Dominion House. The result has been, as my hon. friend the Secretary of State has said, that they had to hang up the voters' lists for a month, and the other result is that Winnipeg has been unrepresented during all this time, and is likely to be during the present Parliament. However, that is apart altogether from the question I put to the hon. gentleman, nor is it an answer to the motion which I make asking for the return. I repeat that a return, which must of necessity consist of only three or four letters, might have been laid before the House a long time ago, and I should not like to say that my hon. friend has designedly delayed it, because it would be very improper to say that, and people who do not know the responsibilities which rest upon my hon. friend's shoulders and the possibility that he may have, or no doubt has forgotten it, will attribute other motives to his failure to furnish this information. I do not think he can blame them if they do

Hon. Mr. MILLS—My hon. friend has made a statement with regard to the Manitoba case, which he says has nothing particularly to do with the question which he has put. I quite admit it, but I did not introduce the election of Manitoba in the discussion. I told my hon. friend that the Manitoba Act provided for a revision by the judge or the revising officer. The appointment to which he refers, in Manitoba, of a judge to make a revision out of the ordinary time, was an appointment under the provision of an Act to which my hon. friend and this House gave assent last year. It was under the authority of that Act that that was done. The reference to the people of Manitoba being unrepresented is one

which the hon. gentleman ought to have been more careful in making, because if the election had taken place under the old statute, to which he was a party, it would have been a voters' list of which more than 50 per cent of those on the list would no longer be qualified, and at least 50 per cent of those under the one law or the other, who ought to have been upon the list and ought to have had an opportunity of voting, could not vote at all. It is better that there should be a little delay and the election be made by those who are entitled to make a return of the members to this Parliament than that the election should be held and a member returned by men, a large number of whom, though on the list, are no longer residents of the place and ought not to be entitled to vote.

Hon. Mr. FERGUSON—My hon. friend, while admitting that the city of Winnipeg has remained unrepresented as a consequence of the Act of last year, pleads that if that Act had not been passed and the old Act remained in force, the same result would have practically followed, or that the member would have been elected on the old list when only about 50 per cent of the electorate would have been entitled to vote. My hon. friend is entirely wrong in that statement because if my hon friend had legislated in the right direction last year in this Parliament, he would have provided for revision of the electoral franchise of 1885, and that revision would have been completed before the meeting of this Parliament, and the member could have been in his place, if not at the very opening days of this session, at all events very early during this session, and the city of Winnipeg would have been represented.

Hon. Sir MACKENZIE BOWELL—I have just made inquiry from a member of the Commons who represents Manitoba, as to the law regulating the voters' list in that country. The hon. Secretary of State is partially right. He says there is an appeal to a barrister or a judge, but he is the appointee of the government itself, to whom the appeal is made. It is not as it existed under the old Franchise Act of the Dominion, an independent tribunal to which an appeal can be made. That is all the difference.

Hon. Mr. MILLS—My hon. friend took the power of appointing a revising officer. It is not confined to a judge.

Hon. Sir MACKENZIE BOWELL—That is quite true. No revising barrister was appointed under the old law—or very few, if any, were appointed—where there was a judge or junior judge. In either case the judge and the junior judge were appointed as the revising officers, and it was only in counties like my own, where there were three divisions that an exception was made, and in that case the junior judge was appointed as the revising officer for two. I do not desire to argue that principle just now, but what I object to is placing the revision of the list or making the appeal to a person who is a creature of a government.

Hon. Mr. POWER—I desire to call the attention of the hon. gentlemen present to the fact that the members of the Banking Committee desire to hold a meeting and cannot meet while the House is sitting.

Hon. Mr. MILLER—It is not a usual thing for the House to adjourn for a committee. Committees sometimes adjourn when the House meets. The time for the committee was half past four, and as that time has passed they cannot meet now.

Hon. Mr. DANDURAND—There are certain gentlemen who wish to address the committee and get away.

Hon. Mr. FERGUSON—While we are on the matter of delayed returns, may I again ask when I may expect these returns that I have been pleading for so long across the floor of this House. I want that return as to the mail between Cape Tormentine and Sackville very particularly, and I was promised it to-morrow, and to-morrow and to-morrow, but that to-morrow does not appear to come. Can my hon. friend tell me when that to-morrow will arrive.

Hon. Mr. MILLS—I cannot tell my hon. friend; I am not a prophet.

DOMINION OF CANADA GUARANTEE AND ACCIDENT INSURANCE COMPANY.

Hon. Mr. POWER—Before the adjournment of the House I ask leave, on behalf of the hon. gentleman from York (Mr. Allan)

who is not present, to move that the bill, which came from the House of Commons, intituled: "An Act respecting the Dominion of Canada Guarantee and Accident Insurance Company," be placed on the orders of the day for second reading on Tuesday next.

Hon. Sir MACKENZIE BOWELL—That is one of the most irregular proceedings which could be taken. With a motion before the House for adjournment, my hon. friend, who is a great stickler for the rules of this House, makes a motion which is totally irrelevant and out of order.

Hon. Mr. POWER—I accept the situation.

The Senate adjourned.

THE SENATE.

Ottawa, Friday, 9th June, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

BEDLINGTON AND NELSON RAILWAY COMPANY'S BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. MILLER in the absence of Mr. Baker from the Committee on Railways, Telegraphs and Harbours, reported Bill (107) "An Act respecting the Bedlington and Nelson Railway Company" with an amendment. He said:—I may state with regard to this amendment that the bill is really intended to make a Dominion Act of an Act of the legislature of British Columbia and the first clause is a declaratory clause to that effect. The amendment is to add to the schedule after the words 1897, the words set forth in the schedule to this Act, which means that the British Columbia Act should be added as a schedule to the Act of this Parliament which is done.

Hon. Mr. SCOTT—This amendment incorporates one of the British Columbia Acts and as there is serious objection to some of their Acts I would ask that the consideration of the amendments be postponed.

Hon. Mr. MILLER—The amendment was put in by the law clerk, because it was necessary to be done in order to carry out the amendment passed by the committee. The amendment of the committee was that the British Columbia Act should be added as a schedule to the bill before the committee.

Hon. Mr. SCOTT—Is it not rather an extraordinary proceeding? Some legislation may have taken place since on that very Act in British Columbia, so that it is rather misleading. It is a novelty in our legislation certainly. Many of the Acts of British Columbia contain clauses disqualifying the Chinese from being employed in the construction or operation of the company, and there are other objectionable clauses in their legislation. I think it is rather a serious innovation that we should adopt their legislation here and confirm it.

Hon. Mr. POWER—The hon. gentleman is mistaken. The amendment does not confirm the British Columbia statute. The British Columbia statute is recited in the bill as it came before the committee, and all the ratification which the British Columbia measure gets was in the bill as it came to the committee. All the committee did was to say that this British Columbia Act, which is referred to in the bill, should be added to the bill as a schedule, so that any one reading this Canadian Act would know just what it meant. It does not confirm it.

Hon. Mr. LOUGHEED—I invariably defer to the action of any committee of which I may be a minority member, in regard to any amendment which they may choose to make to the bill, but in this particular case I thought it wise on my part at any rate to object to the proposal which was made by my hon. friend the senior member from Halifax (Mr. Power) in adding to this bill as a schedule of the British Columbia legislation passed on behalf of this company. It certainly, to say the least of it, is an anomoly that there should be embodied in our statute-book a copy of provincial legislation regarding any company, and more particularly when that legislation is not embodied or contained in one Act but in series of Acts, and not only in a series of Acts regarding that particular company, but in the general Railway Act of the province. My hon. friend from Halifax, with very commend-

able anxiety or zeal to place the public in a position by which they might have full information regarding this company, suggested that one particular Act—the Act of 1897, I believe it is—should be embodied in this particular bill, overlooking the fact that such action would be entirely misleading and illusory, inasmuch as that Act has been amended by a series of Acts, and, as I understand, there has been incorporated into it the general Railway Act of British Columbia. Consequently, one who is a stranger to those facts, perusing this particular bill which we have under consideration, and looking at the schedule and finding thereto annexed a copy of a British Columbia Act, would very naturally assume that it was a complete statement of the whole legislation upon that particular subject, whereas we find, as I have said before, a series of Acts respecting it. I am in favour of embracing in the schedule any agreements to which the public might not have access, and concerning which research could not be had except through private quarters, to any bill which might come up for our consideration, but where an Act of Parliament is embodied in the provincial statutes, and where those statutes can be seen in any legal library to which one may have access, it seems to me an entirely unnecessary step and a very bad precedent to establish, and one which will be extremely misleading, owing to the public believing that the whole legislation is embraced in the schedule, whereas it is only a part of it. I, therefore, with very great hesitation, and with all deference to the committee's report, submit that it is a very dangerous precedent to establish and one which should not be adopted by this House.

Hon. Mr. POWER—The hon. gentleman from Rideau (Mr. Clemow) has given notice that these amendments will be taken into consideration on Wednesday, and I take it that is the proper time to discuss it.

Hon. Sir MACKENZIE BOWELL—I think that I can give reasons which will justify the course taken. I am fully in accord with the sentiments of the hon. Secretary of State (Mr. Scott) on that question, and when it is elaborated, I think the House will agree with me.

THE WINDING UP ACT AMENDMENT BILL.

REFERRED BACK TO COMMITTEE.

The order of the day being called "third reading of Bill (O) "An Act further to amend the Winding Up Act."

Hon. Mr. ALLAN said:—Before the third reading of the bill, I should like to say that I have received representations, as chairman of the Banking Committee, from several parties to the effect that there are suits now pending before the courts in Ontario which would be affected by some provisions of this bill, and they desire to have an opportunity of being heard before the bill passed.

Hon. Sir MACKENZIE BOWELL—I have received similar letters in connection with the provisions of this bill, and in conversation with Mr. Kirchhoffer, before he left for the west, I intimated to him that I thought the better way would be to refer it back for consideration to the committee where the parties interested on both sides can be heard. I, therefore, move that the bill be not now read the third time, but that it be referred back to the Committee on Banking and Commerce for further consideration.

Hon. Mr. MILLS—I think that is a very proper motion, under the circumstances. It is only right that parties complaining that their interests are likely to be affected seriously by the bill, should have an opportunity of being heard before the committee before the bill is submitted to the House for the third reading.

The motion was agreed to.

THIRD READING.

Bill (124) "An Act to amend the Inland Revenue Act."—(Mr. Scott.)

ADULTERATION ACT AMENDMENT BILL.

THIRD READING.

Hon. Mr. SCOTT moved the third reading of Bill (123) "An Act further to amend the Adulteration Act." He said:—After the criticisms of several members of the House yesterday, I submitted this bill to

the gentlemen in the Inland Revenue Department who are particularly familiar with the subject, and who drafted the bill, and they seemed to be perfectly satisfied with subsection 2 of section F, which was so commented on yesterday. Several hon. gentlemen thought some improvement might be made in this subsection. The officers of the department expressed themselves perfectly satisfied with that clause, and think it could not be changed with advantage. I had, myself, drafted another clause, perhaps more in harmony with the spirit of yesterday in the debate, but that has not been approved of. The suggestions for the change in this bill, I may say, have been made by Dr. Roddick of Montreal, and were forced on the attention of the department by him owing to circumstances that had really arisen and which might have been attended with very serious consequences, and which would still be open to serious consequences if a change of this kind were not made in the law. Under these circumstances, I move the third reading of the bill.

The motion was agreed to, and the bill was read the third time and passed.

CRIMINAL CODE AMENDMENT BILL

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (Q) "An Act further to amend the Criminal Code, 1892." He said:—I need not enter into a discussion of the provisions of this bill. It contains a number of distinct amendments that have no relation to each other, but are amendments to the Criminal Code that have been suggested by different officers acting under the Crown. They have reported their views from time to time to the department, pointing out what ambiguity they think ought to be corrected and what changes ought to be made, in order to carry out the original intention and purpose of the Act. These changes relate to various matters, and can all be better discussed when the House goes into committee on the bill than they can upon the second reading. I may say that if our Criminal Code errs at all, it is perhaps in going further than many think necessary in undertaking to bring various human actions within the purview of what is known as crime. It may be in some instances that offences are temporary in their character, and rather fall within the class of police offences and could be better regulated under the powers of police than powers conferred for dealing with crime. I think it is important that in legislating upon the subject of crime we should take care to distinguish between those classes of actions that may result simply in riot or disorder, and which can be regulated under the police powers of the provincial governments, from those which are permanent offences against the well-being of society. For these reasons there are some things that have been proposed from time to time to Parliament to be made crimes that we have not thought it in the public interest to deal with as such under the provisions of this bill. Take, for instance, the proposals to embrace a certain class of photographs that may be exhibited for hire in halls, mostly representing pugilistic contests. I thought it well not to undertake to deal with them. If they are offences at all, they may be regarded as police offences rather than crimes, and can be dealt with as such by those having jurisdiction over that subject. The same may be said with regard to race courses. It does seem to me that it would be a most illogical position to say that you will permit racing as an innocent recreation, or whatever you may choose to call it, for ten or fifteen or twenty days of the year, but that if one runs a horse race on a race course on the 21st day it shall be a crime. That is a mistaken view altogether of the use which ought to be made of prohibitory legislation constituting crime. If there is gambling or riotous conduct or disorder, or actions which tend to the demoralization of society in the continuance of racing on a race course, the proper way to deal with it is by requiring a license for the establishment of such a course, and to provide for the regulations of its use and the determination of the number of days in the year when such license shall be enforced. It becomes a police regulation, as much so as the licensing of a hotel, or of any other institution in the country which may require regulation in that way. For these reasons, I have undertaken to confine the legislation within those limits that have been long recognized as criminal offences.

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

Hon. Mr. ALMON—I desire to give notice that I shall move to amend the clause

of this bill which raises the age of consent to eighteen. I shall move that eighteen be striken out and forty-five years substituted. If I had my own way I would fix no age at all, and would allow "every herring to hang by its ain head," because it is clear to me that it is not so much the age of the female as the way she has been brought up that will be her protection. If a girl has been allowed to stroll about the streets in the evenings, or to go to public houses and buy spirituous liquors for her parents and hear ribald conversation, I think she is more likely to be corrupt at five or six years of age than a girl properly brought up would be at eighteen. A girl who is properly brought up is kept in the house in the evenings and not allowed to associate with improper persons; she is prevented from reading immoral books, and especially is not allowed to read such filthy bills as some which have been brought before this House. The hon. Secretary of State will remember a bill which came to us the provisions of which were of so disgusting a nature that he moved that the report of the discussion upon it be stricken out of our record. I do not want such a bill to be on the statute-book, so that fifty or sixty years hence people will take it as an indication of of the state of morals in this country at the present age. I say wait until crimes are committed before laws are passed against them, I have read in some classical work an account of where a Scythian was asked by an Athenian legislator what punishment they had for patricide in his country. He replied none, we have no such crime. I say we should not legislate to prevent crimes until they arise. The way a female is brought up, and not her age, should be her best protection. I may quote from a noted poet, whom my hon. friend from Monck highly esteems—Robert Burns, in the Jolly Beggars—where a young woman says, "I once was a maid; but I dinna mind when." If my hon. friend from Brandon were here, I would ask him if that is not a literal translation of what Petronius Arbiter, who flourished 1900 years ago, the friend of Nero, put in the mouth of a female in his classical work. In the last 1900 years there have been so many females who did not know when they were maidens, that age should not be made a protection against the wiles of man. Why do I name 45 as the limit? When a woman is over 30, it is difficult to ascertain her age. It is marked in the family Bible, but that is a portion of the Bible she never refers to. It is as hard to find out her age as it is to ascertain the age of a horse, when the mark in his teeth has worn out. At 45, the female is in the state that Moses mentions Sarah was when the angel told Abraham that she should have a son, and she treatd it with ridicule. A young female knows the evil that may happen to her if she sins; she knows that she may become pregnant, and that the offspring would be a bastard, and would be branded as such. He may succeed in life, acquire wealth and distinction, but still would be branded with the name of bastard. William the Conqueror, the greatest monarch, perhaps, that has ever sat on the British throne, who, from his small duchy in France, landed an army in England, conquered at Hastings the army of Harold, who had just returned from the north of England, where he had defeated the Danes, and who brought England under subjection and gave it Norman laws and Norman civilization, and whose Doom's-day book is still quoted as a mark of his legislation, was, nevertheless, spoken of in the annals of the day as William the Bastard, and his mother as the miller's daughter. I will defer anything more I have to say on the subject till the bill goes to committee.

Hon. Mr. MILLS—I will say to my hon. friend that the provisions of this bill are for the protection of youth and not second childhood.

Hon. Mr. ALMON—That is the fault of the member for Norfolk in bringing in a bill without consulting the Minister of Justice. My remarks are entirely confined to the bill which he sent down.

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

GUARANTEE AND PENSION FUND SOCIETY OF DOMINION BANK BILL.

SECOND READING.

Hon. Mr. POWER moved the second reading of Bill (100) "An Act respecting the Guarantee and Pension Fund Society of the Dominion Bank, and to change its name to the Pension Fund Society of the Dominion Bank." He said:—It appears that at the present time this fund is used for two purposes, namely, as a pension fund and also

as a guarantee fund, out of which sums payable by the employees to the bank shall be taken, and the object of this bill is to limit the fund to the purposes of a pension fund alone, and allow the individual employees of the bank to make separate arrangements with the bank as to the guarantee; and as a consequence of that the name of the Guarantee and Pension Fund Society of the Dominion Bank is dropped, and the name of the fund in future is to be the Pension Fund of the Dominion Bank.

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

ERIE AND HURON AND LAKE ERIE AND DETROIT RIVER RAILWAY COMPANY'S AMALGAMATION BILL.

THIRD READING.

The order of the day being called:

Consideration of the amendments made by the Standing Committee on Railways, Telegraphs and Harbours to (Bill 60) "An Act to authorize the amalgamation of the Erie and Huron Railway Company and the Lake Erie and Detroit River Railway Company."—(Hon. Mr. Casgrain.)

Hon. Mr. POWER said:—The hon. gentleman from Windsor was obliged to leave Ottawa on important private business, and he desired me to move concurrence in the amendments to this bill for him. If hon. gentlemen will turn to page 318 of the Senate minutes they will find the amendments a little below the middle of the page. It will be remembered that the hon. gentleman from Windsor allowed the consideration of these amendments to stand over because there were two blanks left in the first amendment. The amendment reads:

The name of the company constituted by the amalgamation of the said two companies shall be the Lake Erie and Detroit River Railway Company. The capital stock of such company shall be dollars, divided into shares of dollars each.

On looking into the charters of the two companies I find that the shares of both companies are $100 each; so that the second blank will be filled in with a hundred. The capital stock of one of the companies is $1,000,000. The other company was originally incorporated by the legislature of Ontario with a capital of only $150,000, but with power to increase that capital from time to time; and the gentleman who appeared as counsel on behalf of promotors of the bill said that they wished to have the capital of the new company the sum of the capital stocks of the two companies. Therefore I move that in the first amendment the word "dollars" be stricken out, and the words "the sum of the capital stocks of the two companies" inserted; and that in the second blank "one hundred" be inserted.

The motion was agreed to.

Hon. Mr. POWER moved that the amendments as amended be concurred in.

The motion was agreed to.

Hon. Mr. POWER moved the third reading of the bill as amended.

The motion was agreed to, and the bill was read the third time and passed.

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, 13th June, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

INSPECTOR OF MINES IN YUKON DISTRICT.

INQUIRY.

Hon. Mr. PRIMROSE inquired of the government:

1. What is the date of H. H. Norwood's appointment to the position of Inspector of Mines in the Yukon Territory?
2. The total amount paid him from date of his appointment to the 1st May, 1899?
3. Total amount allowed or paid him for travelling expenses?

Hon. Mr. MILLS—In reply to the inquiries by the hon. gentleman I beg to say that Mr. H. H. Norwood was appointed on the 21st August, 1897. The total amount paid him was $3,476, of which $1,575 is for salary and $1,901.50 allowed him for travelling and living expenses in connection with his duties. The third question as to the total amount allowed or paid him for travelling expenses, is answered by the reply to question No. 2.

PAYMENTS TO GRAND TRUNK RAILWAY COMPANY.

INQUIRY.

Hon. Mr. FERGUSON inquired of

The leader of the Senate to furnish details of the following items, contained in a return submitted to this House on the 26th of May last, of amounts paid the Grand Trunk Railway Company by the government of Canada:—

Proportion of operating joint sections....	$43,991 71
Proportion of cost of ties	186 57
Proportion of cost of Nunn's signal.....	5 99
Difference in value of rails renewed on joint section	2,176 28
Allowance for proportion of general office expenses, rent, fuel, light, stationery, &c	1,000 00
Proportion of cost of renewals of bridges on joint section.....	2,281 50

The statement of details to show on what basis the proportion was in each case ascertained.

He said:—I may explain that I have asked these questions because an item given earlier than this in the list submitted in the return stated that the Intercolonial Railway had paid one-half of the salary of the car inspector at St. Hyacinthe, and my object was to find whether all these proportions were on the same basis of the government paying one-half.

Hon. Mr. MILLS—I may say to my hon. friend that this return is in course of preparation in the Department of Railways and Canals, and I have not yet received it. I think they are awaiting some information from the Grand Trunk Railway Company before the return is completed. I expected to have received it to-day. As soon as it is received I will bring it down as promised.

Hon. Mr. FERGUSON—Then the inquiry should stand.

Hon. Mr. MILLS—Yes, it will stand.

The inquiry was allowed to stand.

THE COMPANIES' ACT AMENDMENT BILL.

THIRD READING.

Hon. Mr. MILLS moved the third reading of Bill (N) "An Act to amend the Companies' Act."

Hon. Mr. LOUGHEED—Before this bill is finally disposed of, I desire to mention to the Minister of Justice that considerable attention has been paid to this measure, since publicity has been given to it, in circles that would most naturally be interested in its passage, and I have myself had communications from three different parties relative to its merits, and pointing out that it did not go as far as such a bill might safely go. With a view to giving my hon. friend the suggestions which have been made to me by certain professional men in Toronto, I would ask that he allow the third reading to stand, and possibly he might see the propriety of enlarging the scope of the bill so as to meet the suggestions to which I refer. I would, for instance, mention this class of cases: It has been suggested that there is no logical reason why this bill should not be applied to companies incorporated under special Acts, so that they could issue preference shares in the same manner as companies incorporated under the Companies' Act. I understand that under the Ontario Act, of which this bill I understand is practically a copy, it is possible for companies incorporated under special Acts to exercise the provisions practically of this measure—that is to say, that the preference shares provisions under the Companies' Act in Ontario are not limited or restricted to companies incorporated under the Companies' Act. Another point to which my attention has been directed is that the language of the bill is somewhat vague, and is giving considerable trouble in Ontario—that is, whether preference shares have a preference only in the case of dividends, or whether the preference applies in winding up. The language of the Ontario bill is precisely the same as in this bill, and that language has resulted in complications and doubt in Ontario. I am told that the Attorney General of Ontario is in considerable doubt as to its application by reason of those words. If that be the case, there is no reason why this House should not profit by the experience gained in the working of the Ontario Act. I have no interest in the matter beyond directing the attention of the Minister of Justice to the suggestions which have been made, and to say that it would be well to allow the bill to stand.

Hon. Mr. MILLS—The suggestions which the hon. gentleman mentioned, and others, have been brought under my notice. Some of the suggestions made I have discussed with the Finance Department, and we came to the conclusion that the provisions of the

bill are all we ought to undertake to deal with in the present session. I may point out to my hon. friend that the object of another bill that we have before Parliament is to enable all loan companies to avail themselves of the opportunity of coming under its provisions, and those companies to which my hon. friend refers, that have special charters, if they choose to come under the provisions of the general Act of incorporation can avail themselves of the provisions of this bill. It is not, I think, in the public interest—it ought not to be a part of the policy of this Parliament—to encourage them to continue under existing charters. If they choose to remain distinct companies relying upon the provisions of their charters of incorporation, and not on the general Act, if they require a provision of this sort they will say so, and will come to Parliament for that purpose. It would be rather illogical to extend the provisions of this bill to them, when this is a part of the general scheme of incorporation, and at the same time to allow them to retain their isolated position under a separate and distinct charter. That is one reason, and I think an important one, why we should not undertake to embrace these companies. Then, with regard to what my hon. friend says in respect to the preference stock, whether it is a preference in the case of winding up as well as a preference in the case of dividends, is worthy of consideration, and if there was any doubt in the matter that ought to be removed. I do not think that any one ever contemplated doing more than giving preference as to dividends, because my hon. friend will see that the bill provides that this special stock may afterwards become general stock under the provisions of the bill. I shall let the bill stand, as my hon. friend suggests, and will be prepared to consider that one point with regard to the preference stock. I move that the order of the day be discharged, and that the third reading of the bill be fixed for Tuesday next.

The motion was agreed to.

OTTAWA ELECTRIC RAILWAY COMPANY'S BILL.

THIRD READING.

The order of the day being called :

Third reading of Bill (18) "An Act respecting the Ottawa Electric Railway Company."

Hon. Mr. CLEMOW said :—Parties interested in the construction of this road are very anxious to have the time limited for the completion of the road, and the promoters have very generously acceded to the request. I, therefore, move that the bill be not now read the third time, but that it be amended by striking out the word "three" in the second line of clause 2, and inserting in lieu thereof the word "two."

Hon. Mr. DEBOUCHERVILLE—The time given to begin the work is how long?

Hon. Mr. CLEMOW—Eighteen months within which to begin the work, and three years to complete. The company wish to reduce the time to two years.

Hon. Mr. DEBOUCHERVILLE—That will give them only six months to complete the extension.

Hon. Mr. CLEMOW—It is their own request.

The motion was agreed to, and the bill was then read the third time and passed, as amended.

THIRD READINGS.

Bill (33) "An Act respecting the Nipissing and James Bay Railway Company."—(Mr. Casgrain.)

Bill (92) "An Act respecting the Saskatchewan Railway and Mining Company."—(Mr. Lougheed.)

SECOND READINGS.

Bill (127) "An Act to amend the Bank Act."—(Mr. Mills.)

Bill (76) "An Act respecting the Dominion of Canada Guarantee and Accident Company."—(Mr. Macdonald, B.C., in the absence of Mr. Allan.)

Bill (119) "An Act respecting the Red Deer Valley Railway and Coal Company."—(Mr. McCallum, in the absence of Mr. Baird.)

RAILWAY PASSENGER TICKETS ACT AMENDMENT BILL.

Hon. Mr. McMILLAN moved the second reading of Bill (32) "An Act to amend the Act respecting the sale of Railway Passenger Tickets." He said :—This is a bill to amend

the Railway Passenger Tickets Act, section 110, by adding after the word "railways" the words "steamboats or ferry companies." It is done at the request of a ferry company running boats from Windsor to Detroit, and persons other than the agents appointed by this company are taking advantage of some irregularities in the matter of selling tickets, and defrauding the company out of some money. This bill merely authorizes the company to appoint their own agents to sell tickets, and provides that no person else shall have the privilege.

Hon. Mr. POWER—I do not rise for the purpose of opposing the measure, but I wish to direct the attention of the hon. gentleman of Glengarry to the fact that the bill does not cover the whole ground. It will be necessary, it seems to me, to have this first clause amended by the committee. In the chapter of the Revised Statutes at the end of the first section, there is a reference to railway companies employing such agents. The hon. gentleman will require to insert the words "steamboat or ferry" after the word "railway." The bill does not provide for that. It only provides for the insertion of the words in section 7.

Hon. Mr. McMILLAN—I think it should be amended as the hon. gentleman suggests.

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

LONDON MUTUAL FIRE INSURANCE COMPANY BILL.

SECOND READING.

Hon. Mr. McMILLAN moved the second reading of Bill (68) "An Act respecting the London Mutual Fire Insurance Co." He said:—This is a bill of the London Mutual Fire Insurance Company of Canada to obtain the privilege of issuing stock by by-law of the board of directors. I do not know much about the bill. I simply took it up because it was not fathered by anybody here. I suppose the whole matter can be properly explained in committee.

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

QUEBEC HARBOUR COMMISSIONERS AMENDMENT AND CONSOLIDATION BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (91) "An Act to amend and consolidate the Acts relating to the Quebec Harbour Commissioners." He said:—This is a bill of considerable length, as it is a consolidation of the provisions of many statutes passed since the beginning of this century, relating to Trinity House of Quebec and Trinity House of Montreal and the Harbour Commissioners of Quebec. There have been, in all, up to the present time, 99 statutes relating to this subject, and there is an attempt made in the bill, which I submit for the consideration of the House, to consolidate the provisions of these Acts that are still in operation, and to make clear the functions and duties of the harbour commissioners of the city of Quebec. The bill is one of details rather than general principles. Many hon. gentlemen will remember how the harbour commission of the city of Quebec is at present established. There is no change in the organization, but there is an attempt made in the bill—and I think successfully made—to consolidate the provisions of all these various statutes, which will be a matter of convenience, both to the public who are interested in the port of the city of Quebec, and to the harbour commissioners who have its management and care in their hands.

Hon. Mr. POWER—I would like to ask the Minister of Justice if there is any new matter in the bill?

Hon. Mr. MILLS—It is a consolidation of the law as it is. There is nothing new except the phraseology, which in some cases is necessarily new, on account of the number of statutes relating to the subject.

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

BILLS INTRODUCED.

Bill (90) "An Act respecting the Great North-west Central Railway Company."—(Mr. Lougheed.)

Bill (121) "An Act respecting the Ontario and Rainy River Railway Company."—(Mr. Lougheed.)

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, 14th June, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

JAMES BAY RAILWAY COMPANY'S BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. BAKER, from the Committee on Railways, Telegraphs and Harbours, reported Bill (73) "An Act respecting the James Bay Railway Company," without amendment.

Hon. Mr. CASGRAIN moved that the bill be read the third time to-morrow.

Hon. Mr. FERGUSON—Before this bill is read the third time, I would like to call the attention of the hon. gentleman in charge of it to the fact that another bill relating to the James Bay Railway Company has gone through the Senate this session. It is not usual to have two measures dealing with the affairs of the same company in the same session.

Hon. Mr. CASGRAIN—This bill relates to another company.

The motion was agreed to.

EXPENSES OF OPERATING THE GRAND TRUNK RAILWAY.

INQUIRY.

Hon. Mr. FERGUSON rose to

Ask the leader of the Senate to furnish details of the following items, contained in a return submitted to this House on the 26th of May last, of amounts paid the Grand Trunk Railway Company by the government of Canada:—

Proportion of operating joint sections	$43,991 17
Proportion of cost of ties	186 57
Proportion of cost of Nunn's signal	5 99
Difference in value of rails renewed on joint section	2,176 28
Allowance for proportion of general office expenses, rent, fuel, light, stationery, &c.	1,000 00
Proportion of cost of renewals of bridges on joint section	2,281 50

The statement of details to show on what basis the proportion was in each case ascertained.

He said:—My hon. friend will remember that yesterday I called his attention to this notice which I had given, and he told me that he would be prepared to give the answer to-day.

Hon. Mr. MILLS—I may say to my hon. friend that I have the return in my hands, and it is as follows:—

DETAILS OF AMOUNTS PAID THE GRAND TRUNK RAILWAY BY THE GOVERNMENT OF CANADA.

Proportion of operating joint sections			$ 43,791 71
Details.			
Proportion of operating joint sections		$ 9,000 00	
Balance of proportion of joint expenses of section Ste. Rosalie to Montreal—			
March, 1898	$ 34 84		
April, 1898	139 69		
May, 1898	884 90		
June, 1898	4,986 32		
July, 1898	4,718 03		
August, 1898	4,251 44		
		15,015 22	
Proportion of joint section expenses, September, 1898		$ 4,675 59	
Maintenance, operations, &c., of joint section, October, 1898		4,784 05	
Proportion of joint section, maintenance and operating—			
November, 1898	$5,541 75		
December, 1898	4,509 06		
		10,050 81	
Balance of operating joint section—			
March, 1898	39 90		
April, 1898	226 14		
		266 04	
			43,791 71
Proportion of cost of ties, stationery, &c.			$ 186 57

Details.

Difference on 30 ties at 20c. each	$ 6 00		
I. C. R. proportion 12·53 per cent.		0 75	
Difference of 20 ties at 20c. each	4 00		
I. C. R. proportion ½ at 12·53 per cent and ½ at 6·88 per cent.		0 32	
Difference on 1,080 ties at 25c	270 00		
I. C. R. proportion ½ at 12·69 per cent and ½ at 5·58 per cent.		19 55	
Difference on 200 ties at 25c. each	50 00		
I. C. R. proportion 5·88 per cent.		2 94	
		23 56	
I. C. R. proportion Montreal Freight Station pay-roll left off account 10·17 per cent of 731·99		74 44	
Stationery, &c., supplied I. C. R. conductors, direct charge		88 57	
			$ 186 57
Proportion of cost of Nunn's signal put up at Chaudière Station, I. C. R., one-half of $11.98			$ 5 99
Difference on value of rails			$ 2,176 28

Details.

March, 1898	49·47	per cent of	$ 101 56 =	$ 50 24		
"	9·18	"	27 00 =	2 48		
"	5·29	"	122 17 =	6 46		
					$ 59 18	
April, 1898	12·53	"	17 38 =	2 18		
"	6·82	"	299 35 =	20 41		
					22 59	
May, 1898	12·69	"	280 80 =	35 63		
"	5·88	"	1,129 70 =	66 42		
					102 05	
June, 1898	24·56	"	7,072 65 =	1,737 05		
"	11·19	"	416 95 =	46 67		
"	5·56	"	1,962 74 =	109 13		
					1,892 85	
July, 1898	12·17	"	174 30 =	21 21		
"	6·27	"	1,250 34 =	78 40		
					99 61	
						$2,176 28
Allowance for proportionate of general office expences, &c.						$ 1,000 00
Amount agreed as allowance to cover proportionate of general office expenses, rental, fuel, light, maintenance, &c., $100 per month, ten months, March to December, 1898						1,000 00
Proportionate of cost of renewals of bridges on joint section						2,201 50

Details.

April, 1898, Intercolonial Railway proportion	22·46	per cent of	$1,200 00 =	$ 269 52	
May, 1898 " "	23·59	"	4,434 03 =	1,045 99	
August, 1898 " "	23·76	"	478 00 =	113 57	
October, 1888 " "	28·39	"	20 26 =	5 75	
September, 1896 " "	27·07	"	2,756 70 =	746 24	
					$2,181 07
I. C. R. proportionate of water supplied at Bonaventure freight station.	6·39	per cent of	$ 168·75 =	$ 10 78	
Bonaventure passenger station.	4·36	"	221·20 =	9 65	
					20 43
					$ 2,201 50

PETROLEUM INSPECTION ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (131) "An Act respecting the inspection of Petroleum and Naphtha."

(In the Committee.)

Hon. Mr. SCOTT—I explained on the second reading that the object of this bill was to consolidate the laws relating to the inspection of petroleum, at the same time making changes which I pointed out with a view of reducing the cost of petroleum in this country. The principal change is in regard to the inspection. At the present time, as the hon. gentlemen know oil may be inspected in tanks, or in the refinery, and when it goes from the refinery as inspected by the officer of the Excise Department, it can be subdivided and distributed

over the country. Of course, the penalties have been increased considerably in consequence of the greater opportunity of not having the oil up to the standard, but as a close watch is kept on the oil coming into the country, and it is also inspected before it leaves the refinery, it was thought there would not be any real danger in that direction. Probably the more satisfactory way would be for me to explain the clauses as we go on and point out to the hon. gentlemen any that are new. Subsection *b* of the interpretation clause, contains a provision which is consequent upon the change in the proposal to allow the oil to be inspected at the refinery. All refineries are brought directly under the control of the Department of Inland Revenue, and they must take out a license. It is simply to bring them directly under the control of the officers of the Inland Revenue Department.

The clause was adopted.

On clauses 3, 4 and 5.

Hon. Mr. SCOTT said :—The object of the license is to bring the refiners under the control of the Inland Revenue officers.

Hon. Mr. LOUGHEED—Are they obliged to take out a license now?

Hon. Mr. SCOTT—No.

The clauses were adopted.

On clause 7.

Hon. Mr. SCOTT—Subsection 2 of this clause is new. Naphtha, being considered the most dangerous element of oil, by the statute all packages of naphtha must be painted red, and that colour is reserved exclusively for naphtha.

The clause was adopted.

On clause 8.

Hon. Mr. SCOTT—There is a change in this clause. The flash test has been reduced from 270 to 260 degrees. The department have given way to those who use it, for the reason that they think a better light can be obtained, and the test is sufficient. That relates to oil used on railway carriages. Ordinary oil for domestic purposes is only subject to a flash test at 85. It was formerly 95 In 1893 it was reduced to 90, and in 1894 to the present standard, 85 degrees. That is ordinary oil, but the oil to which I have alluded is subject to a test of 260 degrees.

Hon. Mr. LOUGHEED—Do these tests correspond with the tests of United States oils?

Hon. Mr. SCOTT—Some United States oils are subjected to higher and some to lower tests. The flash test in England is very much lower than ours. It is down among the seventies.

Hon. Mr. FERGUSON—This clause will apply to all oils, United States as well as Canadian.

Hon. Mr. SCOTT—Yes. No oil will now be permitted to be used which does not stand the test provided.

Hon. Mr. POWER—Perhaps the hon. gentleman will explain why these different tests are provided for. I understand the 85 degrees test is for ordinary or domestic use?

Hon. Mr. SCOTT—Yes.

Hon. Mr. POWER—And what is meant by oil for outside service?

Hon. Mr. SCOTT—I do not know. I presume it is not allowed to be used in a building. I presume it is for lighting vessels or headlights of locomotives. That has been the law for a number of years. That Act was passed in 44 Victoria.

The clause was adopted.

On clause 9.

Hon. Mr. SCOTT—Clause 9 is an important one. It is proposed to amend the Act because it has been found that in Petrolia, in the county of Lambton, the farmers use this naphtha for stoves. They have stoves specially constructed for it, and consider them quite as safe as gas stoves. They have 500 stoves in Petrolia using this naphtha in the farming community in violation of the law. It is a stove of peculiar construction and no accidents have followed its use, and the people are familiar with the danger. It is proposed to strike out in subsection *b* the words "In buildings not inhabited as residences for family purposes" and to add "and in stoves constructed in such a manner as to consume only the gas produced from the naphtha."

Hon. Mr. POWER—By that amendment the use of naphtha for mechanical or chemical purposes is allowed without any limitation. It seems to me that it would be better to put the exception after this clause, because you remove all restriction from its use for mechanical and chemical purposes by striking out those words.

Hon. Mr. SCOTT—Of course that is so. They have always had that privilege. There is no change in that respect. It can be used for mechanical and chemical purposes, and it can be used in stoves constructed in such a manner as to use only the gas produced from the naphtha.

Hon. Mr. FERGUSON—I do not pretend to understand the technical parts of the bill, but it would seem that the same care has not been taken in subsection *b* as has been taken in subsection *a*, which requires that naphtha shall only be used in underground tanks outside the buildings. In this clause according to the amendment we are now making, it would appear that it can be used in buildings, and there is nothing to prevent it being used within a building which may be inhabited, and the precaution in the law as it stands, about its not being used in inhabited houses, is taken away.

Hon. Mr. SCOTT—You will notice in subsection 2 that it is allowed to be used for lighting purposes only, and the vapour is introduced through pipes into the house. In the proposed amendment it can be used in stoves constructed for that purpose where they burn only the gas. They have done it in Petrolia for a long time, and it was used by so many that it was idle to attempt to crush it out, and so far no accident accurred.

Hon. Mr. PRIMROSE—It is the intention that naphtha may be used in inhabited buildings.

Hon. Mr. SCOTT—Yes. They use it in the States, and we often hear of explosions. I should not care to use it in my buildings.

Hon. Mr. CLEMOW—Is it not used here?

Hon. Mr. SCOTT—No.

Hon. Mr. FERGUSON—In the bill as it was originally drafted, the intention was to prevent its use in inhabited buildings, and the amendment goes on to permit of its use in stoves where the vapour can be used. I have no doubt the hon. gentleman has excellent authority behind his amendment, but that is what it means.

Hon. Mr. SCOTT—Yes. It was represented by people in the Petrolia district that they had been in the habit of using it in stoves specially constructed for that purpose. It is not likely to spread out of that district, and as there are at least five hundred farmers using naphtha in that way, it was thought better to legalize it, so long as it was used in a stove constructed in that district for the purpose, rather than to attempt to prosecute them all for burning naphtha in stoves.

Hon. Mr. FERGUSON—Will there be any provision for inspection?

Hon. Mr. SCOTT—Yes. Wherever naphtha is used, the officers of the department are authorized to make an inspection, but they will not take any responsibility for these stoves.

Hon. Mr. FERGUSON—I think, as this amendment reads, it goes much further than hon. gentlemen suppose. It reads "for use for mechanical or chemical purposes, and in stoves constructed in such a way as to consume only the gas from the naphtha." That gives unrestricted permission to use it for mechanical or chemical purposes, without any restriction.

Hon. Mr. SCOTT—Yes.

Hon. Mr. FERGUSON—The word "and" would make it read as two distinct provisions, first the permission to use it for mechanical and chemical purposes, and then the permission to use it in stoves where the vapour only is consumed.

Hon. Mr. VIDAL—I think we should leave it as it is there. It is a good provision as it stands. There should be another section, numbered *c*, specially providing for stoves.

Hon. Mr. SCOTT—Yes, I think it would be better. When the department make the changes themselves, one hesitates about making any alterations. But I can quite see that the clause is open to the objection urged against it. I think that we had better

leave clause *b* as it is, and make the provisions in regard to stoves an independent clause. I will draft an amendment later on.

The subsection was allowed to stand.

On subsection 2.

Hon. Mr. SCOTT—It is proposed to make some slight changes in this clause. It appears they put up oil in drums, barrels or smaller packages, and it reads "such drums, barrels and smaller packages must be painted red, with the word 'Naphtha' in some other colour legibly branded or marked thereon."

The subsection as amended was adopted.

On clause 11.

Hon. Mr. SCOTT—This is the same, except that the marking has been dropped. It will be observed now that petroleum and naphtha are not marked in the smaller vessels. A person having a tank brought in by car, or by vessel, can have it inspected in bulk, and then he distributes it in bulk in whatever vessel he pleases. No doubt a good deal of oil would come into the country in what is called tank wagons, particularly in the North-west, where there has been a complaint that oil is very expensive. In some parts of the North-west I have been told that oil has been sold as high as 50 cents a gallon. It is believed that it will be brought into the country in tank wagons and distributed in that way.

The clause was adopted.

On clause 15.

Hon. Mr. SCOTT—This clause is the same, except heretofore they were obliged to have marks on the vessel. The branding was always an item of charge. One reason why petroleum has been so dear in the past is that when brought in in bulk and put into smaller vessels it had to be inspected and each barrel branded.

Hon. Mr. POWER—This reference to the price of petroleum recalls to my mind something I saw in the papers a day or two ago. It will be remembered that, before the opening of the session, it was found that, owing, apparently, to some understanding which had been arrived at between the Standard Oil Company and the Grand Trunk Railway and the Canadian Pacific Railway Companies, higher rates were charged upon imported petroleum than upon petroleum refined in Canada, and in that way the price of the article was kept up, notwithstanding the regulation with respect to tank cars. Then the government had some correspondence with the railway companies, and it was understood, some time before the beginning of the session, that the railway companies had undertaken to desist from the discrimination which they had made. I have seen it alleged in the last few days that, notwithstanding this undertaking, they still discriminate. Perhaps the hon. minister knows whether that is the fact or not. If it is the fact, I think the attention of the government should be directed to it. It is a very important matter.

Hon. Mr. SCOTT—I only got it from the press and from a dealer in Montreal who wrote me unofficially on the subject. I think I referred it to the Department of Railways and Canals. I answered his letter in that direction, that the Department of Railways had the matter under consideration.

The clause was adopted.

On clause 22.

Hon. Mr. LOUGHEED—This clause imposes a penalty on any person having uninspected coal oil in his possessien. I presume you do not intend to have the inspection made while in the hands of the middleman?

Hon. Mr. SCOTT—It may be inspected at any time, if the officer has any reason for suspecting that the oil is not up to the standard.

Hon. Mr. LOUGHEED—An innocent holder may have such oil in his possession and this would leave him liable to a penalty of a considerable amount. I can very well understand the propriety of making him liable if he is wilfully in possession.

Hon. Mr. FERGUSON—The penalty should be levelled at the refiner or manufacturer.

Hon. Mr. SCOTT—You will find that provided for in the next clause. The policy is that oil coming into Canada shall be inspected at the border. It is only allowed to come in at certain ports, where ample provision is made for inspection. The refiner must take out a license, and there will be an officer from time to time at each refinery,

just as at a distillery, and it will be his duty to see that all oil is inspected. The belief is that very little oil will be in circulation that is below the standard. It is necessary to give most ample powers to the inspector, even if the oil is found in the hands of an innocent party. Of course, he would not be subject to punishment if he could show he was not aware that the oil was not inspected.

Hon. Mr. VIDAL—But the clause leaves the innocent holder liable to a heavy penalty.

Hon. Mr. LOUGHEED—Why not say wilfully. In the hands of a small storekeeper, it could not then subject him to a penalty if he does not wilfully keep such oil.

Hon. Mr. POWER—I can understand why the law should be stricter now than in the past. In the past, every package had to be inspected separately and marked as inspected. Under the new regulations the oil comes into the country in tank cars and tank ships, and the opportunities for defrauding the revenue will be much greater than under the existing law. I can understand that it is necessary there should be a pretty severe penalty for smuggling oil. That is about what it is. My own belief is that, though the general effect may be good, in certain places, like the Eastern Townships and some other portions of the province of Quebec, where the border of the United States is only an imaginary line, a good deal of petroleum will continue to come in without inspection.

Hon. Mr. MILLS—I dare say the origin of this provision of the law as proposed to be made is just what my hon. friend from Halifax has suggested. Of course, the oil brought into the country in a legitimate way is inspected at the border, or inspected at the refinery if produced in Canada, and it would require no second inspection for that reason. The test is determined at the time, but if oil that was below that test should be found in the possession of any dealer, it would be an evidence, to some extent at all events, that the oil had been improperly imported. That would be one of the indications that it had been oil improperly imported into the country, and had been put on the market without inspection.

Hon. Mr. VIDAL—The statute should apply to one engaged in the sale, but it appears to me that this clause says distinctly that if a man is found—any private individual—with a certain quantity of this oil in his possession, who has had no opportunity of testing it, he is made liable to this heavy punishment.

Hon. Mr. FERGUSON—These clauses require a good deal of consideration. I find that this clause imposes a penalty of $100 for the first offence, and $500 for the second offence against any person who may be found having uninspected oil in his possession for sale, and the next section imposes just the same penalty on a refiner who may have allowed to go, or sent out from his factory, uninspected oil. Clause 24 meets the case of a man to whom the Minister of Justice refers—of a person offering oil for sale which falls below the test. I think with my hon. friend from Halifax, that the necessity for this extreme provision without, as my hon. friend from Calgary says, the word wilfully to modify it does not exist so much now as it did formerly.

Hon. Mr. POWER—The hon. gentleman from Prince Edward Island misapprehends my point. My point was that it is more necessary to have a high fine now, because there are greater difficulties in identifying the oil. Once the oil is taken out of the tank car or tank ship, there is no means of identifying it by the package in which it is, as there is under the existing law.

Hon. Mr. SCOTT—Perhaps it would be as well to allow that clause to stand and let us think it over. No man is ever likely to be fined who comes by the possession of such oil innocently.

Hon. Mr. McKAY—How will the clause meet a case of this kind: in our part of the country we import oil from the United States in vessels, and it is landed three or four places before it reaches its destination. Then there is the difficulty of getting it inspected where it is landed. It may be in a man's possession for a week or more before being inspected.

Hon. Mr. SCOTT—It must be inspected at the port of entry. The ports at which petroleum is allowed to be imported are limited—ports where there is an officer to inspect. Once it passes that inspection, it is safe, so that the case which my hon. friend puts could not arise.

Hon. Mr. McKAY—I have known a case of oil being imported from Boston in a small vessel. It was put off the vessel into a scow, carried by scow to the railway station, and by rail to its destination, and it could not be inspected until it reached its destination.

Hon. Mr. SCOTT—Under the law, as I understand it, the oil can only be imported at the port where it is specifically allowed to come in, and must be inspected there.

Hon. Mr. McKAY—Is there a change in the law?

Hon. Mr. SCOTT—Yes, it must be inspected where it first comes into the country. It cannot go beyond that.

On clause 35.

Hon. Mr. SCOTT—This clause is new. The Acts mentioned in this clause are consolidated in this bill.

Hon. Mr. LOUGHEED—Why does it not come into force like any other bill?

Hon. Mr. SCOTT—I do not know. They may require to give it some other consideration, or it may be only fair to the public. The refiners have not taken out any license yet, and it may be necessary that they should be notified. The department do not want to take any hasty steps. It may take some little time to get down to work.

Hon. Mr. McKAY—Would it be to the interest of the refiners to flood the country with oil before the Act comes into force?

Hon. Mr. SCOTT—No, on the contrary, I think not. The refiner certainly is not interested in having each barrel inspected. He does not get any benefit. The Crown loses from forty to fifty thousand dollars a year. It is practically giving up that much revenue, because the smaller packages are no longer inspected, and the fees due the department are diminished in that proportion.

The clause was adopted.

On the schedule.

Hon. Mr. SCOTT—There is a change in the schedule, in the fifth line from the end of it. It appears in the amendment that took place in the Act in 1894, when the flash test was reduced from 90 to 85. The mode of testing ought to have been changed. In doing the testing the temperature is applied at a lower degree than the standard, and it is brought up gradually The oil now must stand a flash test of 85. Therefore, in testing at 85, they would apply the heat at 80, and bring it up to 85. We desire to substitute 80 for 90.

Hon. Mr. McKAY—Referring to the statement of the minister in explaining one of the clauses of this bill that the smaller packages shall not be inspected. I think that is a dangerous provision. We make it an offence for a man to sell oil not up to the standard. How is he going to know that the oil is not up to the standard if it is not inspected?

Hon. Mr. SCOTT—Before it leaves the refinery it must be inspected. There are heavy penalties if it is allowed to go out of the refinery without being inspected. If it comes in from a foreign country it must be inspected at the port of entry. No oil comes in which is not inspected.

Hon. Mr. McKAY—But the smaller packages are not inspected.

Hon. Mr. SCOTT—No. If a man imports a tank car, or imports a vessel with a tank compartment in it, he buys the oil in bulk; it is coming in from the United States, and an officer inspects it at the port, and the purchaser can place it in whatever vessels he pleases.

Hon. Mr. McKAY—I quite understand that, but there is oil imported from the United States in square cans in a wooden frame.

Hon. Mr. SCOTT—They would have to be inspected. If a man imports oil in smaller vessels he can do so.

Hon. Mr. McKAY—Those packages must be inspected?

Hon. Mr. SCOTT—Oh, yes.

Hon. Mr. MACDONALD (P.E.I.)—How would it be where persons have already placed an order for five or ten thousand barrels of oil and that oil has been purchased and landed before the bill goes into operation?

Hon. Mr. SCOTT—If they imported it in a larger vessel the cost of inspection would be so much less. If they bring it in in a barrel they must have each barrel inspected. It is a mere question of cost on inspection.

Hon. Mr. MACDONALD (P.E I.)—But the oil may be landed and stored before the bill becomes law.

Hon. Mr. SCOTT—Then they would have to pay for the inspection in the barrels. It may be some considerable time before the law goes into effect. We desire to give parties ample notice.

Hon. Mr. MACDONALD (P.E.I.)—Does not this test reduce the quality of the oil to a quality inferior to the present standard?

Hon. Mr. SCOTT—No, the schedule contains the instructions to the officer who examines the oil and he applies the test to it, so that oil that will explode at a less temperature than 85° would be condemned, and in testing it they commence at 80° and go up.

Hon. Mr. MACDONALD (P.E.I)—But the present test is ninety degrees.

Hon. Mr. SCOTT—No ; it is 85. It was originally 95, and in 1893 it was reduced to 90, and in 1894 was reduced to 85, and we are not making any change.

Hon. Mr. BERNIER, from the committee, reported that they had made some progress with the bill, and asked leave to sit again.

GREAT NORTH-WEST CENTRAL RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. LOUGHEED moved the second reading of Bill (90) "An Act respecting the Great North-west Central Railway Company." He said :—This is a road which has recently been purchased by the Canadian Pacific Railway Company and which, for a number of years, has been involved in serious litigation. There is now an opportunity, amounting to a certainty, of the road being built, and this bill provides for a short extension of time for the completion of the road, and provides that $20,000 shall be spent within the coming year. I understand it has received, to a very large extent, the support of the members from Manitoba and the North-west.

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

ONTARIO AND RAINY RIVER RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. LOUGHEED moved the second reading of Bill (121) "An Act respecting the Ontario and Rainy River Railway Company." He said :—The object of this bill is to empower the Ontario and Rainy River Railway Company to acquire, by purchase or otherwise, the Port Arthur, Duluth and Western Railway, a small road which is now being worked in conjunction with the first named line. They have not the corporate power to purchase this road, and they desire to purchase it.

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

BILLS INTRODUCED.

Bill (31) "An Act to amend the Winding up Act."—(Mr. Mills.)

Bill (40) "An Act to amend the Criminal Code of 1892, with respect to combinations and restraints of trade."—(Mr. Power.)

Bill (74) "An Act respecting the Huron and Erie Loan and Savings Company."—(Mr. Lougheed.)

Bill (93) "An Act to incorporate the Edmonton and Saskatchewan Railway Company."—(Mr. Lougheed.)

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, 15th June, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

PENITENTIARY ACT AMENDMENT BILL.

FIRST READING.

Hon. Mr. MILLS introduced Bill (R) "An Act further to amend the Penitentiary

Act." He said :—The object of the bill is, where a portion of a province is more convenient to a penitentiary in another province than it is to the provincial penitentiary, to give the government power to attach that portion of the penitentiary district to the most convenient penitentiary. It also provides that the Governor in Council may fix the sums annually paid to the warden and other officers of the penitentiary. At present these amounts have been fixed by law. The last statute, I believe, fixes the salaries in some instances below what they were formerly, and in some instances a grave injustice is done to officers in this way. I ask for power to regulate the salaries of the penitentiary officers. Then I also ask by the bill, with regard to persons who have been promoted from one office to another, and while the office to which they are promoted is an office for which compensation is provided under the Civil Service Act, that certain sums shall be paid to them upon their retirement from office. As the law now stands, where a person is promoted from the office to which a gratuity is attached to an office to which a retiring allowance is granted under the Civil Service Act, he would only be entitled to the latter, although he might have served a very short time in the office of higher grade. I propose to take power in this bill that, where an officer has been a long time in the service holding an office to which a gratuity is attached, upon his retirement he shall not be deprived of that gratuity in consequence of his having been promoted to another office where the compensation is on a different basis. In the latter case, his compensation would be measured by the time he served in the higher office, which might do him a great injustice and might give him much less than he would have received had he been retired before he was promoted. I also propose to provide in the bill for the removal of insane convicts, persons who were insane at the time of their conviction. We have in the penitentiaries several cases where persons had been confined in a lunatic asylum, where they were discharged from the lunatic asylum perhaps under the conviction that they were so far improved that they would be better in the care of their friends. They commit some offence, or they plead guilty, perhaps, upon the advice of relatives and friends, and are sent to the penitentiary, no inquiry having been made at the time, because there was no trial and no evidence taken, perhaps, beyond their own confession of guilt, to establish their mental condition, and to show that they were incapable of committing the offence for which they stand convicted. I propose to take the power—and we have found it necessary in several cases—where it becomes manifest that the person who has pleaded guilty and who was convicted and sent to the penitentiary was insane at the time, that notice shall be served upon the Attorney General and that he shall be handed into the charge of the civil authorities to be taken care of in the lunatic asylum, instead of continuing a charge upon the Dominion as at present. It is right and proper enough that the Dominion should be responsible for those persons who become insane after conviction, but it is scarcely proper that a person who, if the evidence had been taken and all the facts disclosed upon the trial, could not have been convicted because of want of responsibility, should, when that fact becomes manifest, continue to be in the custody of the Dominion authorities. These are the provisions of the bill.

Hon. Sir MACKENZIE BOWELL—I would like to ask the hon. minister whether the power which he proposes to take to raise salaries can be done at any period? Does he propose to pay them before having first asked for an appropriation in the estimates?

Hon. Mr. MILLS—No.

Hon. Sir MACKENZIE BOWELL—At the present moment the salaries of the officers to whom he has referred are regulated by the department, but Parliament is asked, before they can be paid, to vote the sum, and approve of the increases of salary which the officers are to receive. The proposition, if I understand him correctly, is to concentrate the power within the minister himself to declare what the salary of any of these wardens in the penitentiaries shall be, without the intervention of Parliament. It is true, when the estimates comes down, the Senate can reject the whole of the estimates. The Commons could reject an item, but the Senate could not. For my part, I cannot see what necessity there is for taking that power so long as power is vested in Parliament to approve or disapprove of the increase of any salary which the minister of the department to which the officer belongs,

thinks he is entitled. Then, if I understand the other point, it is a direct infringement of the provisions of the Civil Service Act. At present, an officer may have been serving in the position of a first-class clerk, from which he is receiving $1,800 a year. He may be promoted, a year before his retirement to the position of a chief clerk, which would give him $2,400 per annum.

Hon. Mr. MILLS—I am only dealing with the officers of the penitentiary.

Hon. Sir MACKENZIE BOWELL—Not the officers in the civil service?

Hon. Mr. MILLS—Oh, no.

Hon. Sir MACKENZIE BOWELL—Well, are they not under the Civil Service Act? Some of them are, and consequently they would be affected by the statement which I am making. If there are those officers in the penitentiary who are not governed by the provisions of the Civil Service Act, then my hon. friend's bill would apply, so far as the retiring allowance or the gratuity was concerned.

Hon. Mr. MILLS—My hon. friend can see that those provisions are made similar to the Civil Service Act.

Hon. Sir MACKENZIE BOWELL—It struck me from the hon. gentleman's statement that an officer who had been promoted from a position with a salary of $1,800 to one of $2,400 a year, and was retired one year after his promotion, would then receive his retiring allowance not upon the average of the three years salary prior to his retirement, but upon the salary he was receiving at the time of his retirement. Does this bill give the power to the minister to say that he shall be retired on the 70 per cent, or whatever it may be, of the full salary he has been receiving for only one year, instead of the proportion of three years' salary? That is the other point which struck me.

Hon. Mr. MILLS—I think I had better let a portion of the hon. gentleman's inquiry stand till the bill is printed and before us. I will say, generally, for the information of my hon. friend and hon. gentlemen, that the gratuities of the staff in the penitentiaries are regulated by the Penitentiary Act. There are certain officers that are entitled to a retiring superannuation similar to those under the Civil Service Act.

Hon. Sir MACKENZIE BOWELL—They are under the Civil Service Act.

Hon. Mr. MILLS—Yes, so far as they are concerned—the warden and the deputy warden. So far as the inferior officers are concerned, they do not come under the provisions of the Act. They are paid a gratuity depending on the number of years they have been in the service—a lump sum. Supposing I take one of these officers who has been a cooper, and who is promoted to the position of deputy warden, and he holds that office for a few years: he would get the allowance made at the present time, as the law now stands, in respect to superannuation.

Hon Sir MACKENZIE BOWELL—Not unless he had been under the Civil Service Act for ten years.

Hon. Mr. MILLS—Still, the sum to which he would be entitled in that case might be altogether less than the sum to which he would be entitled under the gratuity. Therefore, it is only fair in this case that the gratuity which he earned should stand, in addition to what he would be entitled to under the other law.

Hon. Sir MACKENZIE BOWELL—In addition to it.

Hon. Mr. MILLS—In addition to it. There is no discretion in the matter. I have taken no discretionary power, but my attention has been called to the fact that in some cases the parties would receive a less retiring allowance than if they had accepted the gratuity and gone out some years before.

Hon. Sir MACKENZIE BOWELL—We will discuss it in committee.

The bill was read the first time.

FISHING BOUNTIES.

INQUIRY.

Hon. Mr. FERGUSON inquired:

Whether the following persons or any of them, received cheques for fishing bounty for the season of 1897:—

Phileas Leclair, Nail Pond, P.E.I.
Jerry Richard " "
Maxim Martin, Tignish "
George Martin " "

Thomas Nelligan, Nail Pond, P.E.I.
Albert Nelligan " "
Martin A. Doyal " "
Peter Doyal, jun. " "
Patrick H. Morrissey, Sea Cow Pond, P.E.I.
Clarence Morrissey " "
Peter Morrissey " "
James O'Rourke, Kildare "
Michael O'Rourke " "
William Kinch, Waterford "

If so, inquired for, the name of the fishery officer or justice of the peace who administered the oath for claims in each of the above cases. Also, for the amount of the payment to each man.

Hon. Mr. MILLS—The reply is as follows:—

Phileas Leclair, $4.50, paid by F. J. White, F.O.
Jerry Richard, did not receive bounty.
Maxim Martin, $3.50, paid by F. J. White, F.O.
George Martin, $3 50 " "
Thomas Nelligan, $3.50 " "
Albert Nelligan, $3.50 " "
Martin A. Doyle, $4.50 " "
Peter Doyle, jun., $4.50 " "
Patrick H. Morrissey, $4.50 " "
Clarence Morrissey, $3.50 " "
Peter Morrissey, $3.50 " "
James O'Rourke, $4.50 " S. F. Perry, J.P.
Michael O'Rourke, did not receive bounty.
William Kinch, $3.50, paid by Nap. Gallant, J.P.

BILLS INTRODUCED

Bill (133) "An Act to authorize the acquisition of the Drummond County Railway."—(Mr. Scott.)

Bill (138) "An Act to confirm an agreement entered into by Her Majesty with the Grand Trunk Railway Company of Canada for the purpose of securing the extension of the Intercolonial Railway system to the city of Montreal."—(Mr. Mills.)

Bill (110) "An Act respecting the Hudson Bay and Yukon Railway and Navigation Company, and to change its name to the Hudson Bay and North West Railway Company."—(Mr. Power.)

Bill (115) "An Act to incorporate the Sudbury and Wahnapitae Railway Company."—(Mr. Casgrain.)

Bill (75) "An Act to incorporate the Canadian Permanent and Western Canada Mortgage Corporation."—(Mr. Allan.)

Bill (42) "An Act respecting the Portage du Fort and Bristol Branch Railway Company."—(Mr. Clemow.)

THIRD READINGS.

Bill (61) "An Act respecting the Canadian Pacific Railway Company."—(Mr. Lougheed.)

Bill (73) "An Act respecting the James Bay Railway Company."—(Mr. Casgrain.)

Bill (77) "An Act respecting the Canadian Power Company, and to change its name to the Ontario Power Company of Niagara Falls."—(Mr. Lougheed.)

BEDLINGTON AND NELSON RAILWAY COMPANY'S BILL.

THIRD READING.

Hon. Mr. CLEMOW moved concurrence in the amendments made by the Standing Committee on Railways, Telegraphs and Harbours to Bill (107) "An Act respecting the Bedlington and Nelson Railway Company." He said:—These amendments were considered in the Railway Committee at their last meeting, and received the sanction of the majority of the committee on that occasion. When it was before this House at the second reading some parties objected to the introduction of the Act passed in British Columbia respecting this road. I approved of it, because I considered it necessary for the information of people who might have anything to do with this company; they would have the whole facts before them instead of having to refer to the statutes of British Columbia. That was one reason why, as an unprofessional man, I thought it desirable that all the information should be before the public by having the local legislation enacted in this bill. I did not think there would be any opposition. It is for the House to say whether they approve of the amendments or not.

The amendments were concurred in.

Hon. Mr. CLEMOW moved the third reading of the bill, as amended.

Hon. Mr. MILLS—I should like the hon. gentleman to explain the effect of the incorporation of a provincial statute, as a schedule, into an Act of the Parliament of Canada—whether it is merely printed for the sake of information, which would be one thing, or whether it is incorporated into the statute in such a way as to make it part of our law. It is a matter entitled to very grave attention, and if my hon. friend does not object I should like to have the third reading stand.

Hon. Mr. POWER—The question asked by the hon. minister is a perfectly reasonable and natural one, and I may state, for

the information of the hon. minister and of the House, that the amendment does not in any sense re enact or validate the British Columbia Act. If hon. gentlemen will just look at the preamble of the bill they will see that. The preamble says:

> Whereas the Bedlington and Nelson Railway Company has, by its petition, represented that it was incorporated by chapter 47 of the statutes of the province of British Columbia of 1897, and that it was thereby authorized to build a railway as therein mentioned.

Now, the amendment is to insert after "chapter 47" the words "as set forth in the schedule to this Act." You will see there is no validating at all; it is simply giving the British Columbia Act for the information of persons who may have occasion to use this bill when it becomes law. I do not know that it is necessary to add anything to what has been said by the hon. gentleman from Rideau Division. He gave the substantial, business-like reasons which induced the majority of the committee to make this amendment. It was stated by some hon. gentlemen that the law could be found in the British Columbia statutes, but the average layman has not the British Columbia statutes at hand, neither has the average lawyer. If this bill had referred to an Act of the Parliament of Canada, it might be said that the law was readily accessible to any one inquiring into this enactment, but the statutes of British Columbia are not to be found in the libraries even of all legal gentlemen. In fact, I believe there are some law libraries in which you will not find the statutes of British Columbia; and, as a matter of practical convenience, there is no doubt it is a great deal better to have that British Columbia statute set out in the schedule. When any one who may have occasion to do business with this railway company picks up this bill which we are now passing, he finds that the first section of the Act says:

> In this Act the expression "the company" means the body corporate and politic heretofore created by the Act mentioned in the preamble under the name of the Bedlington and Nelson Railway Company, and the works which the company by its said Act of incorporation is empowered to undertake and operate, are hereby declared to be works for the general advantage of Canada.

Now, the reader is completely in the dark: he does not know what the works are. He does not know anything about this company, except that it was incorporated by an Act of the British Columbia legislature passed in 1897. On the other hand, if he has this schedule he can find in the Act all the information that he would require. The first section of the British Columbia Act gives the names of the corporators and the name of the company. The second section gives the capital stock. Then there are the usual provisions with respect to the first meeting, and shares, and so on, and that the company shall have certain powers with respect to telegraph and telephone lines, docks and wharfs, in addition to the powers conferred by the British Columbia Railway Act. The 10th section gives the qualifications of directors. The 15th authorizes the company to issue bonds for any sum not exceeding $30,000 per mile of their railway. The 18th section describes the undertaking of the company. The time in which the road is to be constructed is mentioned. There is provision made for a deposit with the provincial government of British Columbia. The hon. gentleman from Calgary (Mr. Lougheed) took objection to the addition of this schedule on the ground that it did not give the whole of the British Columbia legislation; but any person who reads the British Columbia Act, as given in the schedule, will see the references to the British Columbia Act. They are merely of a general character. They are provisions that are not calculated to create any difficulty or doubt whatever. The only objection which any one can see to the addition of this schedule to the bill is the fact that it slightly increases the bulk of our volume of statutes, but I do not think that is a sufficiently strong objection to counterbalance the many advantages it affords to persons who have to use this statute.

Hon. Mr. VIDAL—I take a very strong objection to the addition of this schedule to the bill. Hitherto, for a long term of years during the course of legislation, we have referred to provincial Acts of various kinds, and never, until this instance, has it been found necessary to introduce a provincial Act into the Dominion statutes, and I do not see that there is any special occasion for its being done now. There have been Acts referring more particularly to provincial legislation—in fact, confirming their provisions, a much more important matter than the one before us, and surely every argument brought forward in support of this amendment would have greater force were we confirming another statute. Yet, no one

has ever asked for such a thing. Is not the British Columbia statute as reliable and accessible as any Dominion statute? It is a recorded volume of Acts. This is a very different thing from a mere schedule of an agreement, which would necessarily be part of the bill; but in this case there is no necessity for departing from the rule which we have hitherto followed, and if it is done now every bill of the kind coming before this Parliament will contain such a schedule. If you adopt it as a principle, it will eventually make the Dominion statutes a very cumbersome book to put in every provincial Act required to give information. Any one having business with this railway must necessarily acquaint himself with the provisions of the provincial Act. Moreover, have we any assurance that what we are here asked to put in this bill is the Act as it stands in the British Columia statutes? It may have been amended.

Hon. Mr. MILLER—I am told that it has been amended.

Hon. Mr. VIDAL—We had no proof whatever adduced to us in committee that there has not been a change made in the bill.

Hon. Mr. MILLER—I am told it has been amended several times.

Hon. Mr. LOUGHEED—Yes, I am informed, several times.

Hon. Mr. VIDAL—That is an additional reason why we should not put into the bill a copy of an Act which has been altered and amended, and which is not the same to-day as it was when it was passed. I do not think that the argument which has been adduced here to induce us to depart from a well established rule, which had worked satisfactorily hitherto, has any weight on this occasion. I do not think there is any necessity for it. This does not confirm it at all, but merely refers to it as existing. It will be a very awkward addition to the bill.

Hon. Mr. LOUGHEED—I took very strong ground in committee against such a radical departure from our regular procedure. I have a distinct recollection of this House having, on various occasions, passed legislation confirmatory of provincial Acts, and yet we never thought for a moment of attaching that provincial legislation to the bill with which we were dealing. The reasons urged by the hon. gentleman from Halifax are the very best reasons, in my judgment, why the course suggested should not be adopted. My hon. friend suggests that, for the purpose of giving information to those whom the Act may concern, it is desirable that a provincial Act, the Act of 1897, as it appears on the statute-book, should be attached to this bill. My hon. friend in the next breath went on to state that that particular Act did not embrace the whole of the legislation concerning this particular company—that it referred to other Acts.

Hon. Mr. POWER—One other Act.

Hon. Mr. LOUGHEED—That it referred to the General Railway Act of British Columbia, and the solicitor who is promoting the bill before the Railway Committee stated distinctly, on that occasion, that a series of amendments had been made to this particular Act. My hon. friend shakes his head, but certainly that statement was made in my hearing. I am not prepared to say whether it is an accurate statement or not, but the committee was told that several amendments had been made to that Act. If that be the case, is it not misleading to refer the public to a particular Act of the provincial legislature attached to this bill, inferentially saying that it contains the whole legislation, and then upon examination we find that it contains only a part of the legislation—only a small part?

Hon. Mr. POWER—If you do not insert this as a schedule, then you have it referred to in the preamble, and one would naturally go to the Act referred to in the preamble, and no other.

Hon. Mr. LOUGHEED—Then the public are placed upon inquiry. They are driven to the British Columbia statutes, as they should be, for the purpose of ascertaining what legislation has been passed upon the subject. They learn from the Act that the General Railway Act of British Columbia has been incorporated into the charter. and will learn what other amendments have been made to the Act. Hon. gentlemen should keep this in view, that we have not taken the entire legislation concerning this company out of the hands of the local legislature. This bill does not expressly change the

jurisdiction of the provincial legislature over this company, and they possibly may have power from time to time to legislate with regard to same.

Hon. Mr. POWER—It is declared to be a work for the general advantage of Canada.

Hon. Mr. LOUGHEED—It simply declares that. It does not confirm or terminate the provincial legislation. It may be a debatable question as to whether the provincial legislature of British Columbia will continue to exercise jurisdiction over this company, but I submit, under the form of bill now before us, the local legislature is not expressly prevented from legislating. I am not urging any captious opposition to this bill; I simply protest against the introduction of a precedent which, I am satisfied, in the future will prove troublesome and cumbersome in reference not only to information to the public, but the preparation of our statute-book. It is a precedent which should not be followed, and one which we have avoided establishing in the past.

Hon. Sir MACKENZIE BOWELL—The arguments of the hon. gentleman from Sarnia and the hon. gentleman from Calgary, give the very best possible reason why we should not deal with questions of this kind at all, unless the full facts are before us. If the company organized for the building of this railway desire to come under the provisions of the constitutional Act which places such matters under Dominion control, then they should come forward with a new bill altogether embodying all the powers and privileges they require. We are told that in confirming this British Columbia Act we are also confirming the legislation which places it under the provisions of the Railway Act of British Columbia. If it is to be, as it is declared here to be, a work for the general advantage of Canada, it should come under and be governed by the consolidated Railway Act of Canada, and not by a British Columbia Act. I do not understand my hon. friend's argument when he says that, by the passage of this bill, we do not take its operation from the power and control of the British Columbia Government. It seems to me, if I understand it correctly, that the very moment we gave it a Dominion charter, and bring it under the power of the Dominion, and declared it to be a work for the advantage of Canada, then it becomes de facto a Dominion Act and not a provincial Act.

Hon. Mr. MACDONALD (B.C.)—That is the intention of the bill.

Hon. Sir MACKENZIE BOWELL—I am glad to hear that. My hon. friend confirms that view of it by stating that that was the intention of the Act, and the intention of the promoters of the Act. If that were not the case there would be no use coming here. The hon. gentleman for Calgary (Mr. Lougheed) and the hon. gentleman for Sarnia (Mr. Vidal) object to our attaching to this bill provincial legislation which we are virtually confirming and approving by this measure.

Hon. Mr. LOUGHEED—We are no confirming any bill.

Hon. Sir MACKENZIE BOWELL—What I object to in this character of legislation is that the Senate should be asked to confirm and approve local legislation, and declare a railway to be for the advantage of Canada of which we know nothing whatever. All we were asked to do was to declare that this Act was in the interest of and for the benefit of Canada. My hon. friend says there was a number of amendments to this Act. I daresay my hon. friend is right. I do not remember hearing that statement made in the committee. If there were a number of amendments to this Act, then the preamble is misleading, because it should have stated that it was incorporated by the Act of British Columbia of 1897, and the amendments thereto, so that the Senate would know what they were dealing with. We were asked to declare this Act of British Columbia to be in the interest of the country, thereby making it a Dominion Act without knowing anything about what the Act contained. That is the reason I think why the committee took the ground they did, and the sooner the Parliament of Canada lay down a principle of not enacting legislation of this kind, the sooner it will be in the interest of those who have to deal with corporations of this kind. I remember distinctly a case in the House of Commons when we were asked to give the same powers to a mining company that they had and exercise under a law, I think, of the state of Ohio. My hon. friend may remember that case in connection with the iron mines in North Hastings. The

committee never moved a single step until they had that Act before them, and knew exactly its provisions, and knew precisely what they were doing. That is all the committee asked to do in this case—simply that they should know whether they were justified in declaring this Act in the interest of Canada after having ascertained its exact provisions, and that is all the Senate is asked to do to-day. I am very strongly of the opinion that legislation of this kind, asking us to declare provincial Acts, of which we know nothing at all, to be in the interest of Canada, should not be passed. We should know the facts before we take any step in the matter. I do not think it is any argument to say that we have been pursuing a similar course in the past, and therefore, that it must be right, as if we were never to improve. If we find that is a vicious principle, let us reform it at once, and not go on in the old rut. Whenever I see that it is an advantage to the country, I have no objection, speaking personally, to the confirmation of that which I believe to be right, and that is why I ask that the provincial bill should be attached.

Hon. Mr. MACDONALD (B.C.)—Will the hon. gentleman from Rideau (Mr. Clemow) withdraw his motion for third reading and fix it for some other day, so that this amendment might be discussed more fully? The motion is to read the bill now. Will the hon. gentleman withdraw that motion and put it down for some other day?

Hon. Mr. CLEMOW—I have no objection, if the House desires it, but I think we might dispose of it now.

Hon. Mr. MACDONALD (B.C.)—I do not think so. The amendment is carried and it requires a motion for reconsideration.

Hon. Mr. CLEMOW—Then I will move that the third reading be fixed for Tuesday next.

The motion was agreed to.

CRIMINAL CODE AMENDMENT BILL.

ORDER OF THE DAY POSTPONED.

The order of the day being called:

Committee of the Whole House on Bill (Q) "An Act further to amend the Criminal Code, 1892."

Hon. Mr. MILLS—I ask to have this bill placed on the orders for Tuesday next.

I had two or three deputations waiting on me, yesterday, and I have received several communications, since the bill has been printed, from prosecuting attorneys in various parts of the Dominion, making suggestions, and before we go into committee on the bill I should like to consider some of the provisions. Therefore, I move that the order of the day be discharged and placed on the orders for Tuesday next.

Hon. Sir MACKENZIE BOWELL—In looking over this bill I notice that it is almost a reproduction of the bill introduced by the late Minister of Justice, Sir Oliver Mowat, a large portion of which the Senate at that time rejected. I see very few changes in it, except in one or two instances, and they seem to be in the wrong direction.

Hon. Mr. MILLS—If my hon. friend had the bill before him, he would see that there are a great many changes, and that what the Senate rejected is not before us now. I took that bill as my guide, and there have been further suggestions, some by the trial judges and some by prosecuting attorneys.

Hon. Sir MACKENZIE BOWELL—In the direction of those provisions which were rejected?

The motion was agreed to.

BANK ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (127) "An Act to amend the Bank Act."

(In the Committee.)

Hon. Sir MACKENZIE BOWELL—I understand the banks petitioned for this bill?

Hon. Mr. MILLS—Yes.

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

PETROLEUM INSPECTION ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resumed in Committee of the Whole on consideration of Bill (131) "An Act respecting the Inspection of Petroleum and Naphtha."

(In the Committee.)

On clause 9.

Hon. Mr. SCOTT—When the committee was considering this clause, it was suggested that the portions of the subsection marked *b* which was struck out be restored. I now propose restoring this clause as it appears in the printed bill. Then I propose submitting an independent section to be called subsection *c*, which will read :

For use in stoves constructed in such a manner as to consume only the gas produce from naphtha.

The clause as amended was adopted.

On clause 22.

Hon. Mr. SCOTT—This clause was allowed to stand over. Hon. gentlemen will see that this provision applies only to oil which has been smuggled in, and therefore we must have a pretty high penalty. If it once goes to the consumer there is no possible chance of it being seized, or the consumer being prosecuted for the penalty. I find that the clause was first introduced in 1881, not, of course, attaching a penalty of so much a car, but it was limited at that time—all the packages at that time had to be marked. The penalty was forty dollars for every package, no matter what size.

Hon. Mr. VIDAL—That related only to persons who kept it for sale.

Hon. Mr. SCOTT—Yes. The next change was in 1893, the words "or has in his possession" were introduced. All the amendments were in the direction of preventing the article going into consumption, unless it had been inspected and the package was marked, so I do not think there is any really substantial ground for alarm in making the penalty so high, because I do not think in any case, where a man is an innocent purchaser, he would be prosecuted, but where the article is smuggled in I think there should be a high penalty.

Hon. Mr. CLEMOW—I appreciate the force of what the minister says, but the words are "any man having in his possession"—how can an innocent man, by any possibility know whether the naphtha or petroleum he purchases has been inspected? I can understand how it could have been known under the old system, where every package was inspected, but under this bill I do not see how a person could know whether the oil was inspected or not. It would be a greater hardship for a man who bought a barrel of oil, who could not be at the tank to see whether it was properly inspected or not, to be held liable if he has uninspected oil in his possession. It is perfectly right that the refiners, and all those who deal in oil, should be obliged to see that the oil is inspected before being offered for sale, but in the case of an innocent party who might have a barrel of uninspected oil in his possession, it would not be right to render him liable to such a penalty.

Hon. Mr. FERGUSON—Clause 23 of the bill refers to refining, and clause 22 to importing. I think the phraseology of clause 22 should be made to apply to the importer as clause 23 does to the refiner. As it is now, an ordinary dealer, who bought from an importer in good faith and is found with uninspected oil in his possession would be liable to this heavy fine. The phraseology of clause 22 should be similar to that of clause 23, which says "every refiner who removes or allows to be removed." If it were applied directly to the importer, it would be all right, but it goes further and includes any one who may honestly and in good faith have bought oil which was uninspected.

Hon. Mr. SCOTT—It would not cover the case at all. It only applies to smuggled oil. Responsible dealers will not deal in smuggled oil. It is only directed against the smuggling which is going on along the St. Lawrence now. Any one buying from a regular dealer would know that the oil had been properly inspected.

Hon. Sir MACKENZIE BOWELL—If my hon. friend from Rideau had been dealin with the Customs and Inland Revenue, he would see that his argument does not apply. The legitimate dealer always takes care that the oil is inspected before being put on the market. This clause is to prevent people from having oil in their possession which has been smuggled into the country and sold by them clandestinely, because no importer will openly sell oil that he has smuggled. He will cover it up and sell it to different parties in the country. I think that it is the only way in which you can reach that class of smuggling—that is, if you find oil which will not stand the test

in the possession of a party you have a right to assume that it has not been inspected, and the question then arises, where did he get it? Did he smuggle it himself, or did he purchase it from some shopkeeper who has a secret cellar in which he keeps the smuggled oil? In that way they will be able to trace the source from which that oil came. If they found the uninspected oil in his possession in that way, he would be subject, no doubt, to the full penalty. The person who is innocently, as it is termed, in possession of it, would be let off with a smaller fine, because the man on the frontier who conceals the oil knows very well, when purchasing it, the source from which it came. I congratulate the government on the position which they are taking. I remember very well the vial wrath that used to be poured forth on my unfortunate head, and on that of the Minister of Inland Revenue, for endeavouring to place on the statute-book what seem to be arbitrary, and which would be under any other circumstances, arbitrary clauses, which are, to a certain extent, contrary to the general principles of laws which govern the community. There are provisions in the Customs and Inland Revenue Acts which we would never allow to exist in any other measure placed on the statute-book, but experience has taught those who have had anything to do with it that it is the only possible means of reaching the offender. For my own part, I fully approve of this clause, and I do so from the long experience I have had dealing with just such cases, and a knowledge of the difficulties which have always presented themselves to the officials who are exercising the power and performing the duty of carrying out the law. That is really the object of this measure, and while it seems arbitrary, and is arbitrary, it is the only means by which you can reach the smuggler on our extensive frontier.

Hon. Mr. FERGUSON—I do not understand this to be a customs law for the prevention of smuggling. It is an Act providing for the inspection of petroleum, and I presume that without this provision at all there is ample provision made in the customs laws to prevent smuggling.

Hon. Mr. SCOTT—There is no provision at all against smuggling oil except this.

Hon. Mr. FERGUSON—My hon. friend must be wrong. There is a duty on oil, and he does not ask me to believe that, without the passage of this bill, we are unable to collect the duty and prevent smuggling? I have no doubt whatever in my mind that we already have provisions against smuggling.

Hon. Mr. SCOTT—The customs officers are not supposed to know anything about the oil. They do not inspect oil. That is done by experts.

Hon. Mr. FERGUSON—That is inspection. We are dealing with inspection. I cannot see that this clause would be at all necessary, as I believe that in the customs laws we already have ample protection against smuggling. I still think that this provision should be modified, so that it should not bear severely upon the honest dealer who had bought from an importer. If it was aimed at importers, it would be all right, but you go beyond importers, and if you find this oil in the possession of dealers or consumers you impose this heavy penalty.

Hon. Mr. SCOTT—Any oil that has come into the country in tank cars could not possibly go into consumption without the officials knowing it. It is inspected at the border.

Hon. Mr. FERGUSON—It is possible that uninspected oil may get into the hands of an honest dealer, and he would suffer. I have no objection to making such oil liable to forfeiture, but to render a man liable to such a heavy fine I do not think is right.

Hon. Mr. POWER—The leader of the opposition has given the strongest reasons why this bill should pass. There was one point made by the hon. gentleman from Rideau Division (Mr. Clemow) which ought to be noticed. The hon. gentleman said that, under the existing law, this oil comes in in barrels and casks, each of which is marked; but the hon. gentleman must remember that, under the law of 1893, oil came in in large casks, and was sold out by dealers in quantities of 5, 10 and 20 gallons out of those casks; and if a cask had been smuggled, the person who bought from the smuggler was just in the same position as he would be under this clause. The words here have just the same effect as they have in the Act of 1893. The hon. leader of the opposition put it very well when he said that in the customs and excise laws it is impos-

sible, unfortunately, to have Acts which are altogether consistent with natural justice.

Hon. Sir MACKENZIE BOWELL—This clause specially deals with smuggled goods. It provides that:

> Every person who keeps or offers for sale or has in his possession in Canada any imported petroleum or naphtha which has not been inspected and entered for consumption through one of the ports or places duly authorized by the Governor in Council, is guilty of an offence against this Act, and for a first offence shall incur a penalty of one hundred dollars, and for each subsequent offence a penalty of five hundred dollars.

That oil being found in the possession of parties they become liable, so it does not apply to anything except that which has been brought into the country, and never entered for customs, and it deals exclusively with the smuggling which goes on upon our frontier.

Hon. Mr. CLEMOW—How does the innocent man know that?

Hon. Mr. SCOTT—No dealer would buy smuggled oil.

Hon. Sir MACKENZIE BOWELL—Yes, lots of dealers will buy smuggled oil. They will run the risk, and sell it secretly, and if they buy and sell in that way they ought to be punished.

Hon. Mr. CLEMOW—But if they buy without knowing it?

Hon. Sir MACKENZIE BOWELL—They must know it, because the inspector's certificate would not be with it. If you were a dealer on the frontier, buying a lot of oil, you would take precious good care to know whether the oil had been inspected or you would not touch it. An unprincipled dealer might get it at a much lower rate than the duty paid on oil, and could double or treble his profits on it.

Hon. Mr. VIDAL—The minister admitted the possibility of an innocent party having possession of such oil being fined, but said that the party would be let off with a light fine. This clause does not provide for a fine of anything less than $100. It is a very right amount for checking the evil that is being dealt with. My view is this, that in this House particularly, our business is to see that the law is so framed that no injustice can be done. Nothing has been said that would convince me that an innocent purchase of contraband oil is protected by the provisions of this bill. He may have bought it in good faith, and yet he is subject to a penalty of $100.

Hon. Mr. MILLS—The hon. gentleman will see that the party himself can prevent that from occurring. If he buys from a stranger he of course would make inquiry, and one of the ways he would ascertain whether he took any risks or not would be to apply the flash test himself. If he found it an inferior quality of oil he certainly would have reason to believe it was smuggled oil, because it never could have passed the inspection. That would be one way in which an innocent man could protect himself against the possibility of being punished.

Hon. Mr. FERGUSON—There is just as much reason to go farther in clause 23 and make the refiner liable, as in the case of the importer of oil. All the difficulty would be got over in this case if "wilfully" were inserted. This clause does not aim alone at the importer, but at the person to whom the importer may sell. Even in second or third hands a man might get into trouble over it. The insertion of the word "wilfully" would prevent innocent persons, who had perhaps exercised reasonable precautions before purchasing, from being fined.

Hon. Mr. SCOTT—I do not think any one can point out a case where a consumer came honestly into possession of an ordinary quantity of oil used in a house was prosecuted. The object of the officer would be to find out from whom he got it, not to follow the innocent consumer. The smuggler is not an importer. He cannot be reached in any way.

Hon. Mr. CLEMOW—If I buy a barrel of oil from a man and he gives me uninspected oil, the fact of having that barrel in my possession renders me liable to the penalty provided for in clause 22. I cannot go and inspect that oil, and yet I am liable if I have it in my possession.

Hon. Mr. MILLS—You can give the name of the party from whom you bought it.

Hon. Mr. CLEMOW—Yes, but I cannot prove it. I purchased what I believed to be inspected oil, but the dealer deceived me and I am liable to the penalty.

Hon. Mr. SCOTT—The hon. gentleman is putting a case that has never arisen.

Hon. Mr. CLEMOW—It may arise.

Hon. Mr. SCOTT—No, I do not think it. The oil is only allowed to come in at certain ports. It is there inspected, and that is the only oil that goes into consumption. We know there are places where people smuggle oil. It is the duty of the officers to protect the revenue, and they are obliged to have stringent laws.

Hon. Mr. FERGUSON—If it is necessary to have this provision in section 22 as against the imported article, it would be equally necessary to have a similar stringent provision against uninspected oil refined in this country. There is no such restriction. Why not? If it is necessary in the case of imported oil, it is equally necessary in the case of oil refined in Canada. The man to whom the refiner sells the oil is not obliged to show whether it has been inspected or not and could not be put to trouble at all.

Hon. Mr. POWER—Read clause 24.

Hon. Mr. FERGUSON—The whole trouble could be obviated by inserting in clause 22 the words wilfully or knowingly, and I will move that the word "knowingly" be inserted.

Hon. Mr. SCOTT—Then it would entail the necessity of the officer proving that the person knew it. You could not get a conviction in every hundred cases.

Hon. Mr. POWER—Clause 24 covers the defects which the hon. gentleman from Marshfield (Mr. Ferguson) finds in clause 23. That deals with the case of the domestic oil. With respect to clause 22, to insert the word "knowingly" where the hon. gentleman proposes to insert it would lead to great difficulty and confusion. I have some doubt as to the propriety of this House undertaking to amend a bill with respect to revenue, but if the 22nd clause were to be amended at all, it should be after the word "or."

Hon. Sir MACKENZIE BOWELL—If that is put in, it will render the whole clause nugatory. It will not be worth enacting it at all. I speak now from very long experience in dealing with questions of this kind. You must have such legislation or you will never stop smuggling.

The clause was adopted.

Hon. Mr. BERNIER, from the committee, reported the bill with amendments, which were concurred in.

LOAN COMPANIES BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (P) "An Act respecting Loan Companies." He said:—This bill is one of great practical importance, and it has been introduced, after very careful consideration, to meet the wishes of many loan companies, who desire this legislation for the purpose of facilitating their business, and to clothe them with some franchises which they do not now possess, and to place them in a more satisfactory position. There has been, so far as I know, no condemnatory criticism upon the bill itself. There are no clauses that have been pointed out as very objectionable, but in a vague way attacks have been made upon me, by one or two newspapers, charging me with having, by the measure, abandoned the constitutional views which I have hitherto held, and of making war upon provincial authority. I am not conscious that I entertain to-day less liberal views, with regard to the constitutional rights of the provinces, than those which I have always entertained, and to which I have, from time to time, given expression. But let me say there is nothing in this measure which, in any way, encroaches upon provincial authority, and if any one holds otherwise, I shall be pleased if he will point out the sections which he thinks ultra vires of the authority of this Parliament. We have undertaken by this bill to provide for incorporation by letters patent. Once the principles of the law have been settled by a general measure, there can be no object in requiring Parliament to bestow, in each particular case, by its own direct act, those franchises which experience shows may be safely trusted to companies of this kind, and which when once settled by Parliament may be as well bestowed by letters patent under parliamentary authority as in any other way.

It would seem that some parties are under the impression that because this bill deals with companies which are in the habit of loaning money on the security of real estate,

it is an invasion of property and civil rights, and so encroaches upon local jurisdiction. Let me say that the loaning of money is not local or provincial in its character; and, although such loans may be made upon the security of land which must be situated somewhere, the contracts with regard to such loans are contracts relating to mercantile transactions which may be extended to any part of the Dominion, and the capacity to enter into them for the whole Dominion can be conferred by the Parliament of Canada alone. I know very well that where loans of money are advanced to individuals, and a mortgage upon land taken as a security, the impression readily arises that because the estate in lands, and the laws regulating their transfer, are under provincial jurisdiction, this subject must be in its nature provincial. But this is not so. An opinion of this sort arises from the confusion of things that are essentially different. In the Princess of Reuss *vs.* Boss, decided by the House of Lords in 1871, it was held that though the scene of a company's operations was to be abroad there was no objection to its being constituted in England under the Companies Act. It is perfectly true, that though the Dominion Parliament may incorporate companies of this kind, with a capacity to enter into contracts in any part of the Dominion, the power so conferred must be exercised in each province subject to provincial authorities. In this respect, a corporation does not differ from a natural person, and, like a natural person, where it requires the aid of provincial authority for the maintenance or enforcement of its rights, it must depend upon that authority for such enforcement.

I have been referred to several cases, as though this bill were in some way an invasion of the legal doctrines laid down in these cases, which it certainly is not. Among them is the case of the Citizens' Insurance Company *vs.* Parsons, where the Privy Council decided that though the Dominion Parliament could incorporate an insurance company with the capacity to enter into a contract in any province, the capacity as bestowed could be exercised only subject to the law of the province. This, I think, is a very clear legal proposition, but it is in no way contravened by anything which this bill contains. The Privy Council did not say the Dominion had not the power to incorporate the Citizens' Insurance Company because it was obliged to exercise those powers, subject to the law of the province. It merely pointed out that in the enforcement of its rights it must conform to the law, and that law, in some instances, was the law of the province. This is equally true of every natural person, as it is true of every corporation. Now, to say that a Dominion corporation must exercise its authority subject to the law of the province is indeed a very different thing from saying that it ought to have derived all its franchises from the province, and not from the Dominion. The Privy Council did not say the Citizens' Insurance Company was ultra vires. Their Lordships held the contrary. The intention of every Act of incorporation is to create an artificial person with some of the attributes which pertain to a natural person. It may well be, that in the exercise of the franchise which the Dominion bestows upon an artificial person, created under its legislative authority, it may bestow upon it no more than the capacity, in certain matters, to acquire rights which a provincial legislature alone can bestow; but this does not show that the Dominion Act of incorporation is ultra vires, or that the provincial authority has been invaded in calling such corporation into existence. It might as well be argued that because the civil rights of a natural person are derived from the laws of a province, he ought not to possess any rights beyond those which a province can bestow.

The kind of argument which has been employed to uphold the exclusive authority of the province is one which would deny all authority to the Parliament of Canada in relation to matters which concern individuals or mercantile corporations. Some civil rights, when we use those words in their widest sense, fall within Dominion jurisdiction—such as the right to issue bills of exchange and promissory notes, to engage in mercantile transactions abroad, to pursue the business of banking, and to exercise any of those powers which are not expressly assigned, in the enumerated classes mentioned, to the province. It is true, the lending of money to a particular individual may be, standing alone, local and provincial, but the general business of lending of money is not local or provincial. It is a business that may be extended over the entire Dominion, and when an artificial person is created for the purpose, desiring to carry on its business over the entire Dominion as a matter of right, it is

absurd to contend that it should be incorporated only for a province, so that the business that it may undertake to do everywhere else will rest upon comity and not upon legal right. The British North America Act provides for the incorporation of companies with provincial objects, but a company that desires to lend money in any part of the Dominion, on the security of real estate, is not a company with a provincial object. Its objects and purposes are Dominion; and it would be preposterous to argue, because the security which it takes is under local control, that its character is to be determined by that security, and not by its primary aims. A loan company is called into existence, not to speculate in real estate, but to lend money, and as an incident of the loan, to take a pledge of real estate as a security for the loan, and so the nature of the corporation is determined by the capacity which it possesses, bestowed for the purpose of carrying on its operations. Now, a loan company being called into existence to lend money to those who are willing to pay it back, with interest, in any part of the Dominion, is undoubtedly a Dominion enterprise, entitled to Dominion recognition, which is not in the least changed in character by the acceptance of a pledge of real estate as a security for the advances which it may make. A private individual residing in one province may lend his money in every other province, and when he seeks to enforce the contract he invokes the local law to aid him in the enforcement of his rights. An artificial person, created by the Dominion, does precisely the same thing, and to the extent which it invokes the machinery of the provincial law it must conform to it. If it takes real estate as its security, its mortgage must conform to the local law. The sale under it, or the foreclosure, must conform to the same law. The fact that it has a Dominion incorporation does not relieve it from this obligation, but it would be absurd to argue that because it comes within the purview of local authority, and must conform to it, therefore, all its rights and franchises must be of local origin.

These policies of insurance, it is said, are mere contracts of indemnity against loss by fire, and like any other contract between persons are governed by the local or provincial laws. Certainly, they are governed by local laws in so far as the local law is applicable to them; but an insurance company has for its primary object the making of gain out of a certain amount of capital of which it is possessed and for which it is seeking a profitable investment. To get this investment it enters into a certain class of contracts. It undertakes to indemnify the other party against loss by fire for a specified amount. The fact that it has to enforce its contract under the provisions of some local law, and in a provincial court, does not establish as a legal proposition that the provincial legislature is the proper body for the incorporation of the company which desires to carry on these operations. Wherever a person habitually does and contracts to do a thing capable of producing profits, and for the purpose of producing profits, he carries on a trade or business. Erickson *vs.* Last, 8 Q. B. D. (C. A.) 418. If the Fire Insurance Company undertakes to carry on operations over the whole British Empire, it may seek an Imperial charter. If it desires to carry on its operations over the entire Dominion, it will certainly prefer a Dominion to a provincial charter. In the one case there is no limitation on local authority, because the Imperial Parliament has granted an Act of incorporation, nor is the Act in the other case ultra vires, because the company chooses to invest its money by contracting to take certain risks on property which is held under the authority of a provincial law. All that the province can ask is that the corporators shall not be given a privilege for the exercise of a power which falls within local jurisdiction in a way that that local jurisdiction does not authorize.

There seems to be a good deal of confusion of thought upon this subject. I have already mentioned that in the Citizens' Insurance Company *vs.* Parsons, while the Judicial Committee held that the exercise of the corporate powers of the company was subject to the laws of the province, it did not hold that the incorporation of the company was ultra vires. These and a number of other decisions clearly point out where the line should be drawn which separates Dominion legislative authority from that legislative authority which is vested in the province. The Judicial Committee say, in the case of the Citizens' Insurance Company *vs.* Parsons:

> Suppose the Dominion Parliament were to incorporate a company with power, among other things, to purchase and hold land throughout Canada in mortmain, it could scarcely be contended if such a company were to carry on business in a province where a law against holding land in mortmain prevails (each province having exclusive legislative power

over property and civil rights in the province), that it could hold land in that province in contravention of the provinicial legislation; and, if a company were incorporated for the sole purpose of purchasing and holding land in the Dominion, it might happen that it could do no business in part of it, by reason of all the provinces having passed mortmain acts, though the corporation would still exist and preserve its statute as a corporate body.

Now, this paragraph draws very clearly a distinction between the creation of the corporation and the powers and franchises with which it seeks to be clothed. The British North America Act, section 11, provides that the legislature of a province may exclusively make laws for the incorporation of companies with provincial objects. If the object of the company is broader than this —if its operations are to be carried on throughout the Dominion—if it wishes to have, as of right, the power to exercise its franchises in every province of the Dominion—its objects are not provincial, and it must look elsewhere than to the legislature of a province for its incorporation. I would be sorry to encourage the incorporation of a company, simply to avoid local jurisdiction, by undertaking to enlarge the field of its operations by seeking Dominion incorporation. But a loan company that is honestly desirous of carrying on its business in more than one province is surely not a provincial institution. There is no one province to which its functions are confined. It is equally desirous of carrying on its banking business—for it is a species of banking institution—in the one province no less than in the other. No province can claim to be the habitat of such an institution, and so it is not an institution with provincial objects and aims. Its primary business is not the acquisition of real estate. Its primary business is the lending of money for gain. It seeks to diminish the risk of losing its principal to the lowest point. Its ability to lend money, at a moderate rate of interest, depends largely upon the diminution of the risk it takes of losing the principal. And so, in order to loan that money with the least risk of losing it, it obtains from the owner a mortgage upon real estate as security. The moment the money is paid, the mortgage is discharged. The form of the mortgage must be such as the local law requires. The property can only be sold by respecting local jurisdiction, and the foreclosure, if made, must also conform to the same laws. Local authority is upheld, local authority is respected; but if the government or legislature of any province says to the capitalist who is in this way seeking to employ his money that "you have no right to seek incorporation anywhere than from us," they are putting forward an untenable constitutional doctrine. They have no right to force a capitalist to come to any one province for a charter. They have no right to compel him to do business on sufferance in every other part of the Dominion. They have no right to say to him that "if you wish to acquire a right to loan money in every province of the Dominion, you must obtain an Act of incorporation from each," which would not make one corporation, but seven corporations. This is one of the inconveniences that was intended to be met by the bestowal upon the Federal Government of the power to incorporate.

Let me refer to another case which makes still more plain the unquestionable right of this Parliament to create corporations of this kind. In the case of the Colonial Building and Investment Association *vs.* the Attorney General of Quebec, the question was raised as to whether that institution was not really a Quebec institution. It had undertaken to erect buildings with a view to their sale, and to making a profit upon them. It had not carried on business anywhere beyond the province of Quebec. To that province it confined its operations. But did their Lordships say that the Act calling into existence this institution was ultra vires, because it had done no business outside of the province of Quebec? On the contrary, they say that "What the Act of incorporation has done is to create a legal and artificial person, with capacity to carry on certain kinds of business, which are defined, within a defined area, namely, throughout the Dominion. Among other things, it has given to the association power to deal in land and buildings, but the capacity so given only enables it to acquire and hold land in any province consistently with the laws of the province relating to the acquisition and tenure of land. If the company can so acquire and hold it, the Act of incorporation gives it capacity to do so."

It is true that a provincial company may do business in another province than that in which it is incorporated, but it does so as a foreign company. Everywhere, except in the province in which it is incorporated, it stands upon the footing of a foreign corporation, and most companies, in so far as they

can, prefer that their franchises should exist not as a matter of forebearance, but as of right everywhere in the country in which they intend to carry on their operations. There are two classes of Dominion incorporations, which stand upon a somewhat different footing in their relation to local authorities, but they are each equally valid as Dominion corporations. The British North America Act provides that the province shall have exclusive jurisdiction in reference to certain matters which are enumerated. It also provides that the Dominion shall have jurisdiction over certain other matters, which are also enumerated. But with respect to Dominion matters, it is declared that notwithstanding anything in this Act—that is, notwithstanding the exclusive powers given to the provinces—that the exclusive legislative authority of the Parliament of Canada extends to all matters coming within the class of subjects next hereinafter enumerated. Now, the Privy Council, in reading these two sections of the British North America Act together, have declared that exclusive powers bestowed upon the provinces shall not restrain the Dominion Parliament in legislating in respect to the enumerated powers of the Dominion under section 91. And so it is held in Tennant *vs.* Union Bank of Canada that the provisions of the Mercantile Amendment Act of Ontario, which regulate the granting of warehouse receipts, were subordinate to the provisions of the Dominion Banking Act, which deals with the same subject, and which confers upon a bank privileges as a lender which the provincial law does not recognize. The doctrine, as stated by the Judicial Committee, is this :

> The question turns upon the construction of two clauses in the British North America Act, 1867. Section 91 gives the Parliament of Canada power to make laws in relation to all matters not coming within the classes of subjects by the Act exclusively assigned to the legislatures of the provinces, and also exclusive authority in relation to certain enumerated subjects, the fifteenth of which is "Banking, Incorporation of Banks, and the Issue of Paper Money." Section 92 assigns to each provincial legislature the exclusive right to make laws in relation to the classes of subjects therein enumerated; and the thirteenth of the enumerated classes is "Property and Civil Rights in the Provinces."
>
> Statutory regulations with respect to the form and legal effect, in Ontario, of warehouse receipts and other negotiable documents, which pass the property of goods without delivery, unquestionably relate to property and civil rights in that province; and the objection taken by the appellant to the provisions of the Bank Act would be unanswerable if it could be shown that, by the Act of 1867, the Parliament of Canada is absolutely debarred from trenching to any extent upon matters assigned to the provincial legislature by section 92. But section 91 expressly declares that, "notwithstanding anything in this Act," the exclusive legislative authority of the Parliament of Canada shall extend to all matters coming within the enumerated classes; which plainly indicates that the legislation of that Parliament, so long as it strictly relates to these matters, is to be of paramount authority. To refuse effect to the declaration would render nugatory some of the legislative powers specially assigned to the Canadian Parliament.

So that, in every case of Dominion legislation which comes within the enumerated powers of the Dominion, it is in the power of Parliament to extend its legislation so far as may be necessary to make that legislation effective. It may overlap and encroach upon the enumerated powers of a province, but when it does so it is paramount, and the authority of the province, for the time being, is in abeyance, if the statutes cannot stand together. This is made clear in several decisions. In the case of the Attorney General of Ontario *vs.* the Attorney General of the Dominion, in respect to an Act of the legislature of Ontario, relating to assignments and preferences by insolvent persons, which provided for assignments purely voluntary, it was enacted in section 9 as follows :—

> An assignment for the general benefit of creditors under this Act shall take precedence of all judgments, and of all executions not completely executed by payment subject to the lien, if any, of an execution creditor for his costs, where there is but one execution in the sheriff's hands, or to the lien, if any, of the creditor for his costs who has the first execution in the sheriff's hands.

Now, this legislation was attacked on the ground that the Act was an Insolvent Act, and that the Dominion could legislate alone upon the subject of insolvency. But their Lordships did not regard it as necessarily such, for this Act dealt with assignments purely voluntary. They say :

> They would observe that a system of bankruptcy legislation may frequently require various ancillary provisions for the purpose of preventing the scheme of the Act from being defeated. It may be necessary for this purpose to deal with the effects of executions and other matters which would otherwise be within the legislative competence of the provincial legislature. Their Lordships do not doubt that it would be open to the Dominion Parliament to deal with such matters as part of a bankruptcy law, and the provincial legislature would doubtless be then precluded from interfering with this legislation, inasmuch as such interference would affect a bankruptcy law of the Dominion Parliament.

Another decision in which the same principle is laid down is that given in the case of the Attorney General of Ontario *vs.* the Attorney General of the Dominion on the

subject of Liquor Prohibition. Their Lordships, in referring to section 18 of the Ontario Act in question, which provides for local prohibition, say that the general authority given to the Canadian Parliament by the introductory enactments of section 91 is to make laws for the peace, order and good government of Canada in relation to all matters that come within the classes of subjects by this Act assigned exclusively to the legislatures of the province. * * There may therefore be matters not included in the enumeration upon which the Canadian Parliament has power to legislate, because they concern the peace, order and good government of the Dominion. But to these matters which are specified among the enumerated subjects of legislation, the exception from section 92, which is enacted by the concluding words of section 91, have no application; and, in legislating with regard to such matters, the Dominion Parliament has no authority to encroach upon any class of subjects which is exclusively assigned by section 92. These enactments appear to their Lordships to enact that the exercise of legislative power by the Parliament of Canada in regard to all matters not enumerated in section 91 ought to be confined to such matters as are unquestionably of Canadian interest and importance, and ought not to trench upon provincial legislation with respect to any of the class of subjects enumerated in section 92. To attach any other construction to the general power in supplement of its enumerated powers, as conferred upon the Parliament of Canada by section 91, would, in their Lordships opinion, not only be contrary to the intendment of the Act, but would practically destroy the autonomy of the province. If it were once conceded that the Parliament of Canada had authority to make laws applicable to the whole Dominion in relation to matters which in their province are substantially of local and private interest, upon the assumption that these matters also concern the peace, order and good government of the Dominion, there is hardly a subject in section 92 upon which it might not legislate to the exclusion of the provincial legislatures, and so their Lordships held that a province had the power to pass, within its limits, a liquor prohibition Act.

Now, it is interesting to observe the distinction which these judgments of the Privy Council draw between those matters which are within the jurisdiction of Canada, under these general introductory words, and those matters which are under the jurisdiction of the Parliament of Canada in respect to the enumerated provisions of section 91. The Parliament of Canada, in the exercise of its authority under the enumerated provisions, can do so to the full extent of the authority so given, and without reference, for the most part, to the provisions of section 92. They may overlap provincial authority. They may seemingly encroach upon it, by legislating in respect to matters, which, from another point of view, might fall under section 92; but when the Parliament of Canada undertakes to legislate under the introductory provisions of section 91, under the general power to legislate for the peace, order and good government of Canada, it has no authority whatever to encroach upon the exclusive powers vested in the provincial legislatures. And so, taking cognizance of the extent of our authority, and our power, seemingly, to encroach upon any of the provisions of section 92, we must consider whether we are exercising the authority bestowed upon us by the introductory portion of section 91, or a power bestowed upon us by its enumerated provisions. Loan companies are, to a limited extent, banking institutions. In so far as the power to receive moneys on deposit, and to deal with them for the purpose of profits, they are banking institutions. It is impossible to point out, under the exclusive powers bestowed upon the provinces, any power whatever to authorize any company to receive money on deposit, and to deal with it in the way that this is usually done. I felt it necessary to go thus fully into the constitutional right of the Parliament to legislate in respect to the incorporation of loan companies on account of the untenable and unsupported contention put forward on behalf of the exclusive authority of the provinces, and on account of the unfair attacks that have been made upon myself in reference to the question. There can be no room for doubt of our right to legislate as I propose by this bill on the part of any one who has taken the trouble to understand the law upon the subject.

Hon. Sir MACKENZIE BOWELL—I do not rise for the purpose of discussing the constitutional point to which my hon. friend has so learnedly and succinctly referred. I

must say that I would rather compliment him on what I conceive to be a reformation, if I may so term it, in the opinions which he formerly held, but which he now repudiates. I told him personally, in conversation, not long ago, that my fears when he accepted the office of Minister of Justice were, that he was so much of a states rights man, that he might be inclined to lean against the Dominion authority in any legislation which might be brought before us. However, that is a mere matter of opinion, and I am very glad that my hon. friend has taken the view of this question that he has expressed, though I know he is combated, and very strongly combated, by the Attorney General of the province of Ontario. What I rose particularly for, was to call attention to clause 23 of the bill—probably the hon. gentleman's attention has been already called to it.

Hon. Mr. MILLS—Yes.

Hon. Sir MACKENZIE BOWELL—It is a very stringent provision which will affect some companies which may desire hereafter to come within the provisions of this law—that is, companies which have never dealt in any other security than real estate. Such companies cannot, by any possibility, come within the provisions of this measure, if I read it correctly, so long as the 23rd clause remains as it is. It reads as follows :—

23. So long as a company which is subject to the provisions of this Act is indebted for money received upon deposit, its total assets over and above the value of its real estate and its mortgages or hypothecs upon freehold or leasehold estate or other immovables shall be equal to at least fifty per cent of its indebtedness in respect of such money.

Now, if a company (I know one such company in one of the smaller towns of Ontario) has a deposit account of between three and four hundred thousand dollars, it has no security and deals in no securities other than real estate, under this provision if that company desires to come within the operation of this Act it cannot do so until it obtains what are termed movable, other than freehold security. If I understand it correctly, it places the company in precisely the same position that it does the merchant or individual who speculates in stocks, who goes to the bank and acquires an advance at a small rate of interest on what they term "call loans." That is, he deposits his securities which are saleable at any time in the market, and by that means obtains a loan at a much less rate than if he borrowed it under the ordinary endorsing process. The hon. Minister of Justice, I am sure, will understand what I mean when I point out the effect which I think this clause has that many companies that are constituted as I have mentioned, having no other securities than freehold, cannot come within the operation of this law. In other words, if they have $400,000 of deposits, the security which a depositor has in that case is the mortgages which the company has upon freehold or leasehold; the company would be obliged, under this law, to have at least $200,000 of a kind of security upon which they could realize at any moment in case of a run or a call by the depositors. I might mention one little company with which I am acquainted. In order to protect the depositors they have a special arrangement with the bank with which they do business that in case of an extraordinary demand by the depositors be made, they will advance, to a certain extent, in order to enable them to pay the depositors when they may require their money. They give the personal security of the directors and also collateral security on the mortgages that they hold.

Hon. Mr. LOUGHEED—The banks cannot take mortgages.

Hon. Sir MACKENZIE BOWELL—No, but that is collateral security to the personal security. The bank will take a mortgage as a collateral security to the personal security which has been given by the directors. If they think the directors have not sufficient personal means within themselves, they will take precious good care not to advance the money. That is the means taken by some companies to protect the depositors in order that there may be no run upon the company or loss to the depositors.

Hon Mr. MILLS—I have had two or three letters on the subject.

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

SECOND READING.

Bill (93) "An Act to incorporate the Edmonton and Saskatchewan Railway Company."—(Mr. Lougheed.)

The Senate adjourned.

THE SENATE.

Ottawa, Friday, 16th June, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

SALE OF RAILWAY PASSENGER TICKETS AMENDMENT BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. BAKER, from the Committee on Railways, Telegraphs and Harbours, reported Bill (32) "An Act to amend the Act respecting the sale of Railway Passenger Tickets," with amendments.

Hon. Mr. McMILLAN moved concurrence in the amendments.

Hon. Mr. AIKENS—I think it would be well to have the amendments explained.

Hon. Mr. McMILLAN—The amendments are simply to make the meaning clearer so that it can be understood. It is simply carrying out the intention of the bill. In line 7 the words "steamboat or ferry," were added after the word "railways," to make it correspond with the amendment in line 1, section 1. Then in line 9 of section 2 words were added in order to explain the object of the bill.

The motion was agreed to.

A PROPOSED ADJOURNMENT.

MOTION REJECTED.

Hon. Mr. POWER moved that when the House adjourns to-day it do stand adjourned until Tuesday the 20th instant at three o'clock in the afternoon. He said:—I do not think it is necessary to make any observations on this motion.

Hon. Mr. MACDONALD (B.C.)—I think it is very necessary.

Hon. Mr. POWER—The Senate adjourned over last Monday, and the public business did not suffer in the slightest degree. I think we shall be able to say the same of the present occasion. I notice that there is not a single order on the paper for Monday.

Hon. Mr. McKAY—The hon. gentleman took good care that there should be none.

Hon. Mr. POWER—And if we came here on Monday we should have nothing to do. I may say that a number of hon. gentlemen who live a little further away than Montreal are very anxious that eight o'clock in the evening should be substituted for three o'clock in the afternoon; and if that change meets the approval of the House, I shall make the motion that when this House adjourns to-day it do stand adjourned until Tuesday the 20th instant at eight o'clock in the evening.

Hon. Mr. FERGUSON—We had, as the hon. gentleman has just remarked, this same question before us a week ago to-day, and the observations and opinions which I expressed then I wish to reiterate now with others and, I think, strong reasons why this motion should not be carried on the present occasion. I notice that the gentlemen who have been conducting the business with regard to bills and making them orders of the day have been preparing for this motion by leaving Monday unoccupied, by making the orders stand for Tuesday and Wednesday and other days next week. I think I am right in inferring that it was for the purpose of presenting a good argument why this House should adjourn that we had no orders set down for Monday. Unless the hon. gentleman who leads this House takes the responsibility of this adjournment and informs us that it is desirable, in the interest of public business, his own convenience as well as every other consideration, that we should adjourn, then we should not agree to this motion. While it is quite true, owing to the forethought of some hon. gentlemen, that we have no orders of the day for Monday next, it is equally true that this House has at this moment a very large amount of important public business before it. I wish to direct attention to the state of public business in the Banking and Commerce Committee in order that the House may see that this adjournment would really retard the work of the session. I notice that there are four measures now before that committee of a controvertible character that have been postponed from former meetings; deputations have been here with regard to some of them, and probably these deputations will come back. Two of them, I think, are set down for Tuesday next and the others for the following Thursday. There are other measures before that committee that have

not yet received consideration, and there is at least one bill on the orders of the day that will be sent to that committee to-day. If we do not meet until Tuesday, there cannot be a meeting of the Banking and Commerce Committee on Tuesday morning. The consequence will be that the measures which should receive consideration then will be deferred until Thursday, for which day there is ample work without the deferring of these bills. Some of the measures that are in this position before the Banking and Commerce Committee are measures that have originated in this House. After being considered in that committee, possibly even if we had a meeting on Tuesday we might not be able to arrive at a final conclusion on them upon that day, and they might be held over to Thursday, and possibly later, and these bills will have to receive consideration in this House afterwards, and they will be delayed probably a couple of weeks before being sent to the other House. One of these is a very important measure in the hands of the hon. gentleman from Montreal (Mr. Dandurand) regarding usury, and there is another bill of considerable importance in the same position. In view of the state of public business, we should pause before we consent to this adjournment, or before we commit ourselves to what is practically making Monday a day on which this House shall not sit. That is the direction in which we are drifting. If we are to have these motions, it is better that we should have the rule changed at once and not meet on Monday at all. When this question was up before I remarked—and I am still of that opinion—that notwithstanding that it has been a practice in this House for private members to make these motions, they really should come from the gentlemen who are responsible for conducting the business of the House. They should emanate from the leader of the House. I think I am right when I say that this is the sixth occasion during this session that we have had motions of this kind submitted to the House, and I think it would be very much better if the leader of the House would take the responsibility. If he has had communications from members, and if he comes to the conclusion that the public business would be promoted or if he puts it on another ground, which I am sure would have weight with every hon. gentleman in this House, that the nature of important public business in his hands, or even his own convenience required it, (knowing as we well know that his hands are very full just at this moment) if the leader of the House initiates a proposition of this kind, I for one—and I am sure every hon. gentleman in this House—will yield to his view and consent to an adjournment of this kind, or any other reasonable proposition of the same nature; but it is time that these constantly recurring motions for an adjournment, coming from private members, and discussions of this kind forced upon the House in this way should cease. The very character of the discussions and the newspaper notices and references to the discussions are not calculated to do this House good in the eyes of the country, and I am quite sure that hon. gentlemen who make these motions have no desire to lessen the importance or lower the character of the House in the estimation of the country. I am quite confident that the constantly recurring motions of this kind, with reports in the newspapers of the discussions on them, are not calculated to strengthen this House in the estimation of the country, particularly at a time like this, when there is ample public business before us and when it is, in the opinion of everybody, highly desirable that every thing should be done to bring the session to an early conclusion. It is three months to-day since Parliament met, and I may say almost for the first time during the session the Senate is full of work. In view of all these facts, I think we should not have this motion for adjournment unless it is supported and fortified by a desire expressed by the hon. leader of the House.

Hon. Mr. ALMON—I think it very unfortunate that this motion is made at the present time. A bill was introduced yesterday, which is of very great importance, and we should have time to make up our minds as to what course we should pursue with respect to it.

Hon. Mr. PERLEY—It is in the memory of every one here that I gave notice of a motion which I proposed to move on Monday. There seems to have been some cooking of the order paper, so that no notice will be on for Monday. Some one has taken improper liberties with it, as it has been fixed on the orders for Tuesday. I object to any official of this Senate dictating on what day

I shall take up the notice. Some person has taken a liberty with my notice of motion in putting it down for Tuesday. I should like to know who has authority to do that.

Hon. Mr. MACDONALD (B.C.)—I think members of this House cannot complain of any want of holidays and adjournments. We have had plenty this session, and I am very much surprised at the hon. gentleman from Halifax bringing up this motion again. A few days ago he gave us a lecture on the dignity of the Senate. These adjournments have reduced the proceedings of this House to a perfect farce. This thing ought to be stopped. There is always work for us to do if we choose to take it up.

Hon. Mr. POWER—I suppose my hon. friend thinks it is more dignified to have the House sit for fifteen minutes and then adjourn.

Hon. Mr. MACDONALD (B.C.)—I do. We come here to attend to the business of the country, and there is nearly always something for us to do. There are times in the early part of the session when there is no work before the Senate, and it is understood that we adjourn then until work comes before us, but these frequent adjournments reduce the thing to a farce, and I do not see how an hon. gentleman can have the face to bring forward a motion of this kind week after week. Who is to benefit by the adjournment?

Hon. Mr. POWER—It will enable the hon. gentleman to study up the Drummond County Railway Bill.

Hon. Mr. OGILVIE—This motion has certainly produced one result that I never knew of in this House before. It has brought out extraordinary speeches from hon. gentlemen who are ordinarily sane and sensible. One says we are making a farce of this by discussing a proposal to adjourn. If we did not discuss it there would not be any farce in the matter. If we come down to the honest fact, it rather annoys some of our friends to see that some of us can get home for a day or two while they cannot because they live too far away from the capital. If the hon. leader of the House states that the business of the country will not suffer by adjourning for a day now, there can be no reason to urge against it. He is the best authority? He will not allow the business of Parliament to suffer, and, as the hon. gentleman from Halifax said just now, to meet for fifteen minutes and then adjourn would not in any way facilitate the public business. I think we are just as far forward now with the business of the session as if we had been sitting last Monday; and this day week we will be just as far forward if we adjourn from to-day until Tuesday next. So far as the dignity of the House is concerned, if there was not so much talk about it amongst ourselves it would not be challenged.

Hon. Mr. ALLAN—I should like to say a word about the business before the Banking Committee. If the House adjourns until Tuesday evening it is not very likely we shall have very many members present in the morning, and undoubtedly there is something of importance to be considered that day. I am afraid the result would be that we would get behind in our business.

Hon. Mr. McDONALD (C.B.)—I wish to protest against these frequent adjournments. If the government want this adjournment for their own convenience, I have no objection, but if it is for the convenience of private members, I am opposed to it. We who live a distance from the seat of government would like to have an adjournment that would be of benefit to us all. We have had four adjournments already this session, one in March and April, lasting for eighteen days, another in May for nineteen days. When the adjournment for the month of May was up, members living in far away provinces wanted the adjournment until after the Queen's birthday, and astonishing to say, the members who get adjournments for their own personal convenience on Fridays and Mondays, were opposed to an adjournment for twenty-four days instead of seventeen. If we are to have adjournments at all, we ought to have them to suit all the members of this House. Those of us who wish to go to Cape Breton, Prince Edward Island or Manitoba, should have the adjournments to suit them as well as to suit members coming from Montreal or Toronto.

Hon. Mr. LOUGHEED—As one of the members living at a distance from the capital, my views entirely coincide with those so aptly expressed by my hon. friend from

Cape Breton. But dealing with this particular adjournment, I must confess that, in view of the present state of the order paper, I can see no impropriety in supporting the motion which has been introduced by the hon. gentleman from Halifax.

Hon. Mr. ALLAN—The amended one?

Hon. Mr. LOUGHEED—Yes, I understand the leader of the House will be absent on Monday. If we meet on Monday, nothing will be done. If there is anything particularly aggravating, it is to have to meet here and at once adjourn after our devotions are over. If we meet on Tuesday at three o'clock in the afternoon, the purpose mentioned by my hon. friend from Toronto will scarcely be effected—the meeting of the Banking Committee. It is quite evident that members living in Montreal and Toronto would scarcely be here until the afternoon.

Hon. Mr. ALLAN—Then we had better not adjourn at all.

Hon. Mr. LOUGHEED—If the House intends to adjourn, I think it should adjourn until Tuesday evening.

Hon. Mr. MILLS—I am rather surprised at my hon. friend opposite (Mr. Ferguson), he having been for some time a member of the government, assuming that the business of the House is absolutely under the control of the ministers who are in a minority in the Senate.

Hon. Mr. McKAY—Not on adjournments.

Hon. Mr. MILLS—He says that I am responsible for the conduct of the public business here, although the hon. gentleman from time to time stands up and says he does not agree with me, and is prepared to vote my propositions down. I understand the practice has always been that the government is in the hands of the House in respect to adjournments, except when the proposed adjournment is going to materially interfere with the public business. I stated, when this question came up once before, that an adjournment for a single day I thought would not interfere with the public business as then proposed, but that a longer adjournment would, and that I was opposed to a longer adjournment on that occasion. I state the same thing to-day. I do not think that an adjournment over Monday is going to lengthen this session for one hour. I looked at the order paper to-day and noticed a number of measures for the consideration of Parliament, the most important of which is still before the House, and, so far as I can understand, there is none of them a subject of controversy. There is not likely, therefore, to be any long discussion upon them, and that being the case, no great amount of time will be required for their necessary consideration. That being so, and there being nothing on the order paper for Monday——

Hon. Mr. McKAY—You took good care there would not be.

Hon. Mr. MILLS—Did the hon. gentleman enter into a conspiracy that there should be none? Did any hon. gentleman in the House conspire that there should be nothing on the order paper for Monday? Is this House composed of conspirators to interfere with public business? That is the position the hon. gentleman takes. As a matter of fact, I suppose every hon. gentleman who has proposed measures for the consideration of the House has consulted his own convenience as to time. I have done so, and I suppose every hon. gentleman in the House has done so. I did not suggest that there should be an adjournment to-morrow. My hon. friend in making that motion did not consult me in regard to the matter. It is not a matter of the slightest consequence to me whether the House adjourns over Monday or not, but, as a minister of the Crown in this House, it is my duty, so far as I can, to treat the members of this House with courtesy. If any hon. gentleman desires an adjournment over Monday, and it is not going to interfere with the public business, as I believe it will not interfere with the public business, then certainly it would be a mere matter of cantankerousness on my part to object to such an adjournment. I should prefer to meet on Tuesday at three o'clock. I understand that some hon. gentlemen who are pretty constant in their attendance prefer that we should meet at eight o'clock in the evening. I am prepared to accept that motion in deference to their convenience and wishes. I do not think it is inconsistent with my duty, as a minister, to do so. We can accept the motion and still keep pace with the other chamber, and if we do so we sufficiently discharge our public duty. The hon. gentleman has spoken

of the small amount of business that has been before the House. We have gone through a considerable amount of business. Perhaps there has never been a session in which there was so little business of a controversial character before the Senate, and consequently there has not been much discussion. Some five weeks were consumed in the other House in discussion on the Address in answer to the speech from the throne. I think it was a misfortune, but it was not our fault, and this House does not control the House of Commons. They have the control of their own convenience. They pursued that course which they thought best in the interest of the public, or the party, as the case may be. I do not think we are likely to have a further adjournment after this, if this House desires this adjournment, because there are important measures before the other House, and I cannot predict when they will come before us. They may be the subject of very considerable discussion, and I cannot even venture upon a prediction as to the probabilities. Looking at the business before the House, if we meet on Tuesday we shall, by Friday, make excellent progress with that business, and therefore when my hon. friend made this motion I did not object; but I do not subscribe to the absurd constitutional doctrine—absurd in my opinion,—which the hon. gentleman opposite has set up, that the ministers shall decide whether hon. members shall sneeze or not. Every member is at liberty to make such proposals as he pleases, and if the government find his proposition is not going to interfere with the public business, I do not think they are called upon to interfere with it. The government is in the hands of the House. That has been the rule always and I am not disposed to make any attempt to alter the rule.

Hon. Sir MACKENZIE BOWELL—I wish to call attention more particularly to the complaint made by the hon. gentleman from Wolseley (Mr. Perley), that is, the tampering with a motion put in the hands of the clerk.

Hon. Mr. MILLS—I do not know anything about that.

Hon. Sir MACKENZIE BOWELL—I did not accuse the hon. gentleman of knowing anything about it, but if the statement made by the hon. gentleman from Wolseley be correct, and we have no doubt it is, then somebody has been tampering with a motion which he placed on the paper, and that is a matter which should be closely scrutinized. His honour the speaker should call the attention of the clerk to the complaint which has been made, and it should be thoroughly investigated. It is intolerable to suppose for a moment that an hon. gentleman should give notice for a motion for a certain day, and then have it changed and altered to meet the opinion, or whim, or desire of anybody, whether it be an official or a senator. I desire to call special attention to that, because if it is tolerated in one case it can be repeated hereafter. I sincerely hope that those who are in authority will make an inquiry as to who it was made the change and why it was made, and if it were not done with the consent of the mover himself, the party should be punished. If a wrong of that kind has been committed, it should not only be investigated, but the party who did it should receive the just condemnation of the House. The hon. Minister of Justice is not strictly correct in stating what the practice has been in the past. When I had the honour of leading the House, when adjournments took place, the motions generally emanated from myself, after consultation with members of this House. I am sure that many hon. gentlemen will remember that when adjournments were proposed by independent members of this House they received my strongest opposition on a number of occasions.

Hon. Mr. POWER—On the ground that the public business would suffer.

Hon. Sir MACKENZIE BOWELL—When the public business did not demand continued sittings of the House, then I took the opinion of the members and acted in accordance with the general opinion. If I thought it would interfere at all with the business, I took strong grounds against adjournments giving my reasons for it. When I assented, I nearly always assumed the responsibility of making the motion myself. I am glad to observe that the hon. gentleman is willing to abide by the decision of the majority of the House. He is as docile as any one could wish. When he said he was willing to acquiesce in any motion that might be made, it was a matter of convenience to himself or the government. The hon. gentleman says that we are not always so ready to acquiesce in what he may pro-

pose. I quite agree with him, but if he is always right we will back him to the full extent of the majority of the House. We must not be expected always to acquiesce in what he proposes, when we think and believe it is not correct. I am sure he would not ask us to do that. The hon. gentleman says also that we have been kept here on account of the protracted debates in the lower House. I call the hon. gentleman's attention to this fact: he himself has submitted a number of very important measures for the consideration of the Senate, but they have only been introduced within the last two or three weeks and consequently those questions which are controversial, and which will require some little time and probably a good deal of time to discuss here, are questions which, if he had been prepared to introduce them at an earlier period, would have occupied our time.

Hon. Mr. MILLS—They belonged to the other House.

Hon. Sir MACKENZIE BOWELL—I am speaking of measures that the hon. gentleman has introduced himself. I do not hold him responsible for not getting the Drummond County Bill or the Grand Trunk Railway scheme here until the other day.

Hon. Mr. FERGUSON—As a member of the government the hon. gentleman is responsible.

Hon. Mr. MILLS—We are not responsible for the delay caused by the opposition in the other House.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is not responsible for not receiving the bills which come from the other House, not on account of the opposition, but on account of the culpable refusal of his colleagues to furnish the House of Commons with information which was absolutely necessary to enable them to come to a correct conclusion as to the measures they produced. That is the reason why the delay has taken place, and not, as the hon. gentleman would insinuate, the obstruction of the opposition. If we had had the measures initiated here, the Companies' Act, the Criminal Code Amendment Bill, and other measures, a month ago, they could have all been disposed of by this time. The result of this mode of conducting business is that within the last week or ten days of the session we will have work enough thrown upon our shoulders, that, if given proper consideration, would take us two or three weeks to attend to it. That is what I complain of, and I do not think the hon. gentleman is justified in the statement that he made in reference to the position taken by my hon. friend in regard to this adjournment. For myself, it is a matter of very little consequence, as it is to him, whether the adjournment takes place until Monday or Tuesday, and if there has been a conspiracy, which the hon. gentleman intimated, there must have been——

Hon. Mr. MILLS—No, I did not intimate that.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman said that if the statements were correct——

Hon. Mr. MILLS—That there was a conspiracy.

Hon. Sir MACKENZIE BOWELL—No, the hon. gentleman mentioned conspiracy. If the hon. gentleman's statement is correct that his motion, and other motions, had been changed from the date that they desired to consider them to another date, then there was a conspiracy, and he did virtually imply that there was a conspiracy in this House. I do not believe for a moment that any member of the House made that change in the motion referred to by the senator for Wolseley.

Hon. Mr. TEMPLE—Some hon. gentlemen have claimed that this adjournment and the former adjournments emanated from the government. Hon. gentlemen are mistaken in one thing, and that is, the mover of the adjournment at present is the power behind the throne.

Hon. Mr. POWER—I wish to say with respect to the notice given by the hon. gentleman for Wolseley, that I knew nothing whatever about his motion, and did not know that any change had been made until I heard the hon. gentleman speak to-day.

Hon. Sir MACKENZIE BOWELL—That I verily believe.

The House divided on the motion, which was rejected on the following division:—

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Vidal,
Yeo.—25.

BILL INTRODUCED.

Bill (3) "An Act respecting the Canada Accident Insurance Company."—(Mr. Allan.)

A QUESTION OF PRIVILEGE.

Hon. Mr. PERLEY—Before the orders of the day are called, I desire to say that the attention of Mr. Young was called to the matter of which I had given notice, and he explained to me that it was entirely a mistake of his.

INTERCOLONIAL RAILWAY MAINTENANCE AND EXPENSES.

Hon. Mr. FERGUSON—Before the orders of the day are called, I wish to call the attention of the hon. leader of the House to the fact that the information I asked for with regard to the proportion paid by the Intercolonial Railway to the Grand Trunk Railway for maintenance with regard to the extension into Montreal, and as submitted to the House the other day, that the proportion is not given with reference to the largest and most important item in that list. I refer to the item of $43,791.71, and I wanted the proportion of operating joint sections. I asked distinctly, in my inquiry, that the basis on which this proportion was ascertained should be given. In all the other small and comparatively unimportant items the percentage is given, but with regard to this, the most important of all of them, the one in fact which I was most anxious to get, the proportion is not given. My hon. friend will see at once that my object in moving in the matter has been altogether frustrated by the failure on the part of the government to give the information sought for.

Hon. Mr. MILLS—The hon. gentleman says it has not been given. I am not sure that it is not given, but I will speak to the Minister of Railways on the subject.

Hon. Sir MACKENZIE BOWELL—I might call the attention of the hon. minister to the fact that the motion I made with reference to this subject is in the same position. The information has not yet been brought down. It is very limited. The same complaint the hon. gentleman is making would apply to the motion which I made, and which I pointed out at the time I thought was absolutely necessary to be in possession of the House when we considered the questions affected by them.

Hon. Mr. SCOTT—What was the date?

Hon. Sir MACKENZIE BOWELL—It appears on the notice paper of the 22nd May, page 232.

Hon. Mr. SCOTT—What part is omitted?

Hon. Sir MACKENZIE BOWELL—The information asked for by paragraphs four and five is not brought down.

Hon. Mr. FERGUSON—Four particularly.

PACIFIC CABLE AND ALASKA BOUNDARY.

Hon. Sir MACKENZIE BOWELL—I would like to call the attention of the leader of the House to the cablegrams which I have seen in the newspapers in reference to the Pacific Cable and the Alaska Boundary question. It has been stated in the newspaper that the Colonial Secretary, of the home government, had intimated their desire that there should be another meeting of commissioners representing the colonies to further consider the question of what should be done relative to the construction of the Pacific Cable. What I should like to ask is, if the hon. ministers are in a position to give the information as to whether that statement is correct and whether the government intend to re-appoint commissioners to consult with the Imperial authorities and also with those who may be sent from other colonies. And, further, whether there is any truth in the statement which has been

made that a *modus vivendi* had been agreed upon between the Imperial Government and the United States in reference to the Alaska Boundary until after the commission shall re-assemble and consider the question in Quebec in August next. These are two very important questions, and I am sure the people of the Dominion would like to know if those statements are correct, and if they are not correct, we would like to be informed what progress has been made in these matters.

Hon. Mr. MILLS—I may say, with regard to the Pacific Cable, that I think the Colonial Secretary has invited a conference with the representatives of the different colonies.

Hon. Sir MACKENZIE BOWELL—In England?

Hon. Mr. MILLS—In England. With regard to a conventional boundary at the point where difficulty is likely to arise, I think a conventional boundary to serve a temporary purpose has been agreed to.

Hon. Sir MACKENZIE BOWELL—Might I ask for how long a period has this agreement for a conventional boundary been made?

Hon. Mr. MILLS—I am not in a position to say.

Hon. Sir MACKENZIE BOWELL—If it is for an indefinite period, there is no telling when the settlement may be arrived at. If it is until the commissioners re-assemble in Quebec then one may expect an early settlement of the question.

Hon. Mr. MILLS—I am unable to answer.

Hon. Sir MACKENZIE BOWELL—Can you tell me whether the government has decided to appoint commissioners in accordance with the request of the Colonial Secretary to consider the cable question.

Hon. Mr. MILLS—The matter is being considered by the Canadian Commissioner in England, Lord Strathcona.

THIRD READINGS.

Bill (100) "An Act respecting the Guarantee and Pension Fund Society of the Dominion Bank, and to change its name to the Pension Fund Society of the Dominion Bank."—(Mr. Power.)

Bill (76) "An Act respecting the Dominion of Canada Guarantee and Accident Insurance Company."—(Mr. Allan.)

Bill (127) "An Act to amend the Bank Act."—(Mr. Mills.)

Bill (131) "An Act respecting the Inspection of Petroleum and Naphtha."—(Mr. Scott.)

QUEBEC HARBOUR COMMISSIONERS' BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (1) "An Act to amend and consolidate the Acts relating to the Quebec Harbour Commissioners."

(In the Committee.)

On clause 3.

Hon. Mr. POWER—I wish to direct the attention of the minister to the wording of a portion of clause three. The clause reads:

> The said repeal shall not in any way affect the corporate existence of the corporation of the Quebec Harbour Commissioners, which together with all such persons as hereafter become members thereof—

Those words "together with all such persons as hereafter become members thereof" I think should not be there, because we do nct know who are the members thereof, and people who afterwards become members are not now members. It is a corporation, and that statement gives it a continued existence. I think those words should be struck out.

Hon. Mr. MILLS—I suppose the words have been suggested by the nature and title of the bill "The Quebec Harbour Commissioners" if the title was "The Quebec Harbour Commission" these words might not be necessary at all.

The clause was adopted.

On clause 5.

Hon. Mr. FERGUSON—This is a bill which hon. members like myself must take entirely on trust. I assure the hon. minister that I do not feel at all able to scrutinize it closely. It purports to be a consolidation, strictly, of existing statutes.

Hon. Mr. MILLS—Yes.

Hon. Mr. FERGUSON—And I suppose my hon. friend the leader of the House, is satisfied that it is such and nothing more.

Hon. Mr. MILLS—I am satisfied that it is a consolidation. There may be, and there are, verbal changes, but the character of the organization is not changed. The bill is intended to give effect to the law as it now stands, and it is scattered through a large number of statutes. It has been carefully considered by the Solicitor General. It has been, in a large measure, made to confirm to the consolidation which took place a few years ago with respect to the Montreal Harbour Commissioners. The bill has been carefully considered by the law clerk of this House as well, so my hon. friend is perfectly safe in taking the bill as a consolidation of the law.

Hon. Sir MACKENZIE BOWELL—I suppose we may take it for granted that the verbal changes have not altered the intention of the law as it stood. A verbal change might make a material difference.

Hon. Mr. MILLS—There might be a difference in the area embraced by the harbour owing to the growth of the city.

Hon. Sir MACKENZIE BOWELL—Could the hon. gentleman tell us how far up the St. Lawrence this area extends? It is important in the carrying out of the Customs Act to know the limits of the harbour.

Hon. Mr. MILLS—It is a clearer definition than is given in the existing section.

The clause was adopted.

On clause 11.

Hon. Mr. MILLS—This clause is pretty sweeping in its disqualification. It is a question in my mind whether this is not broad enough to enable a majority of the corporation, by a proposal to purchase for corporation purposes, to disqualify a party. In the House of Commons we do not disqualify in that way, but the party who has any interest in the question under consideration is debarred from having any vote or voice in the matter. However, I thought, as it seems to have been the law before, that I would not interfere with it.

Hon. Sir MACKENZIE BOWELL—If it be an error at all, does not the hon. gentleman think it is an error in the right direction, in view of past experience?

Hon. Mr. POWER—The word "proposes" is an objectionable word.

Hon. Sir MACKENZIE BOWELL—There is a good deal in what the hon. gentleman for Halifax says. This disqualifies a man who owns property which the commission proposes to purchase or acquire. Will the mere proposal to acquire disqualify him, or would the disqualification be only after the purchase was made?

Hon. Mr. MILLS—It would be too late then. It is necessary, where there is an intention to acquire, if you are to affect a seat at all, that you should affect it before the negotiations are carried on. I think it is better to let it stand as it is.

The clause was adopted.

On clause 35.

Hon. Mr. POWER—This corporation is supposed to borrow money and pay interest. As far as my opinion goes, practically the people of Canada have to pay for all the property which is acquired and to pay the interest on the money that is borrowed, and it strikes me that there should be some check upon this power of expropriating land and borrowing money given in these clauses 33 to 38. There does not appear to be any limitation whatever.

Hon. Mr. MILLS—There never was; there is no change in that regard.

Hon. Mr. SCOTT—There is a limitation in this. It is the first time there has been.

Hon. Mr. MILLS—That is power to use a sum which was placed at their disposal, and which has not yet been exhausted.

The clause was adopted.

Hon. Mr. POIRIER, from the committee, reported the bill with amendments, which were concurred in.

WINDING UP ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. POWER moved the second reading of Bill (31) "An Act to amend the Winding Up Act." He said:—This is a bill introduced in the Commons by the member

from Laval, who also introduced an insolvency bill. It is a very simple one. This bill gives the court power at any time, when found advisable, to appoint one or more inspectors to assist and advise the liquidator in the liquidation of the company, and it provides that the court may determine the remuneration.

Hon. Mr. MILLS—I understand it has been the practice for a long time in Quebec for the court to appoint inspectors. There was some doubt as to whether the court had such power, and one of the objects of the bill was to remove that doubt. Another object, in the case of large estates, is to make provision that the estate is not dissipated before it is finally dealt with.

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

PORTAGE DU FORT AND BRISTOL BRANCH RAILWAY COMPANY.

SECOND READING.

Hon. Mr. CLEMOW moved the second reading of Bill (42) "An Act respecting the Portage du Fort and Bristol Branch Railway Company." He said:—This company propose building a railway from Portage du Fort to the city of Hull, if necessary, to connect with other lines, and to increase the capital.

Hon. Mr. POWER—I do not think the hon. gentleman from Rideau Division has taken the House into his confidence quite as fully as he might. It may be perfectly true that when no railway has been built and no money has been spent in constructing a railway, there is no serious objection to granting an unlimited number of charters over the same ground. But the case is different when, as in this instance, other railways have actually been built, and when it is proposed to grant a charter to a certain number of gentlemen for the purpose of competing with railways which are already in existence. I understand that one of the effects of the granting of this charter may be to very seriously interfere with the Pontiac Pacific Junction Railway Company. That company own a railway which covers very nearly the same ground which is proposed to be covered by this railway. The Pontiac Pacific Junction Railway Company had an arrangement with the Canadian Pacific Railway, under which they operated the section of the Canadian Pacific Railway between Aylmer and Hull. The Canadian Pacific Railway Company transferred their line to the Hull Electric Company, and, as I understand, the Pontiac Pacific Junction Railway Company are now constructing a road from Aylmer to Hull to take the place of the road which was transferred by the Canadian Pacific Railway Company to the Hull Electric Company; and the object of this legislation is to enable another company to come in and practically parallel the line of the Pontiac Pacific Junction Railway Company through its entire length. I understand that the business of that section of the country is not large enough to afford profitable work for two companies, and I trust that when this bill goes before the Railway Committee the hon. gentleman will be in a position to show that it is a perfectly fair and reasonable bill and, if it is not, that the committee will report accordingly.

Hon. Mr. CLEMOW—The hon. gentleman has stated the case exactly as it is, and I will move to refer it to the Committee on Railways, Telegraphs and Harbours. I hardly think it is fair to parallel an existing railway, but it will be inquired into by the committee.

Hon. Mr. MILLS—I have looked at the map and looked at the proposed line, and it seems to me that it would be in the last degree unfair to the road that is now being constructed to grant another charter over almost the same ground. There may be room for a small branch to the existing road extending in the direction of Portage du Fort, but to construct a road extending into Hull on another charter would be in the last degree unfair to those who have already invested their capital in an enterprise that has approached completion.

Hon. Sir MACKENZIE BOWELL—Might I ask the hon. gentleman who has charge of the bill whether it is in the same condition in which it was when originally introduced in the House of Commons?

Hon. Mr. CLEMOW—No.

Hon. Sir MACKENZIE BOWELL—Then it is not a parallel road to the extent that it was intended to be. I understand

this is a bill for a railway to make connection with the road which is now in existence at a place called Quyon, and not at Shawville as was originally intended.

Hon. Mr. CLEMOW—That is the whole point.

Hon. Sir MACKENZIE BOWELL—Then it is not so bad as when originally introduced.

Hon. Mr. SCOTT—No, but it is bad enough.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Monday, 19th June, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

GOVERNMENT CONTRACTS WITHOUT PUBLIC COMPETITION.

MOTION.

Hon. Mr. PERLEY 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 Senate a full and complete return of all contracts entered into by the present government, by private contract, and without public competition by tender or otherwise, since 1896, specifying minutely the goods purchased, the prices paid, and from whom purchased. Also, for a detailed statement of all contracts given for work, the character of the work, with the price paid and to whom paid.

He said :—I might say, in connection with this motion, that whilst I was in the Northwest a few weeks ago I met several persons and in talking with them about the affairs of Parliament and how business was progressing, several of them—and amongst them boasted Reformers—asked me if the reports that the government was in the habit of letting contracts to their friends without complying with the law was correct. I said that I could not give any positive information on the subject. I said that such a statement was published in the newspapers of the country. We saw the charge made almost every day that certain parties were receiving contracts without public tender, and that the prices were exorbitant, but I was not prepared to say what the facts were. I said that they had the same opportunity of getting the information in the newspapers and reading the reports of discussions in the House of Commons as I had. One gentleman said to me that it was a preposterous state of things that the government should do this, that it was not the policy of these men when in opposition. I said, no, it was not their policy in opposition, but these gentlemen in opposition and these gentlemen in power were different individuals altogether. I said, "if you desire, I will put a notice on the paper and call for the returns and we will ascertain officially whether it is so or not." What I have to say is that if this story is not true, and if the government do comply with the law and the regulations in giving contracts to persons who tender at the lowest prices, then there will be no difficulty in bringing down the return to-morrow, because there will be virtually nothing to bring down. But if, on the other hand, they are in the habit of giving contracts at exorbitant prices, in cases beyond enumeration almost, then it will take perhaps till the next day or the day after. I hope that in course of time this motion will be answered, and for the credit of the government, that the report which has been spread broadcast through the country that they have had no regard for the law in the past, is not true.

Hon. Mr. FERGUSON—My hon. friend should have some mercy on the government. If that return is to be brought down in full it will exceed in volume the Auditor General's Report, from what I hear about the number of private contracts let by the government in my own province. They undertook to straighten a curve on a railway and shortened the road one-fifth of a mile, and introduced another curve almost as bad as the one they straightened, and they spent $28,000 in doing this.

Hon. Mr. PRIMROSE—My hon. friend forgets that the mills of the gods grind slowly when he expects these returns down to-morrow or next day.

Hon. Mr. SCOTT—There is no objection to giving the fullest information to the public on the subject proposed in the address that the hon. gentleman has moved. I am

quite sure he spoke very frankly and candidly when he said he hoped, for the honour and credit of the government, that the terrible report he found circulated in the North-west was not true. I presume this government, at certain times and occasions, has been obliged to give out work without tender, but in very rare cases, and I think in very many rarer cases than has been the practice with past governments. I would ask him to amend the motion by having the date run back to 1891, so that we shall be able to form a proper contrast of what has been done in that way by the two governments. The hon. gentleman will quite understand that the latter part of his motion will involve an immense amount of labour. The first part calls for a return of contracts entered into by private contract and without public competition. That could be readily furnished. He also calls for a detailed statement of all contracts, &c. Those details may occupy some considerable time, as the hon. gentleman knows, because they will have to be furnished by all the departments of the government, and I do not know that that could be promised to him at a very early period, but I presume the hon. gentleman has no objection to the return being amended so as to date from 1891.

Hon. Mr. PERLEY—If it does not involve too much labour I have no objection.

Hon. Mr. SCOTT—The hon. gentleman objects to a return of contracts made anterior to 1896? Am I to so understand it?

Hon. Mr. PERLEY—No, I shall move for that after this return is brought down.

Hon. Mr. SCOTT—Of course, I have no control over the acts of the hon. gentleman or the members of the House, but the course that I have suggested has been the usual one when motions of this kind have been made, by way of forming a contrast—for instance there are contracts issued by the Post Office Department which have, from time immemorial, been issued without tender. If my memory serves me, there is a limited amount, under the Post Office Act, within which the Postmaster General exercises discretion. I am not prepared at the moment to say what that is, but the hon. gentleman, if he wishes to be fair, would allow the motion to be amended in the direction that I have indicated.

Hon. Mr. PERLEY—I would not then get the information at all this session.

Hon. Mr. SCOTT—I doubt whether the hon. gentleman will get any of the latter part of it at all this session, because it involves a great deal of labour.

Hon. Mr. PROWSE—I think the hon. Secretary of State is unreasonable. The information is in the hands of the government, and if they wish to bring it down they can do so without the consent of the hon. gentleman from Wolseley (Mr. Perley) or any other gentleman of this House. We are told that it will take a great deal of time and labour to make up the return called for; certainly, if you go back to 1891 it will involve a great deal more labour. I take it this government has been placed in power to carry out its promises, not to follow in the footsteps of the former government. The country decided against the former government and turned them out of power and placed these gentlemen in their position to do better than their predecessors. Supposing the late government did do wrong, that is no justification for the present government doing wrong. No comparison that might be made would justify wrong-doing on their part. A plain statement is asked for in accordance with the promises made by this government prior to the last election. They condemned the late government, and the country believed them and put them in power. Now, we want to know if these gentlemen are following in the footsteps of their predecessors, or are they carrying out the promises they made when in opposition.

Hon. Sir MACKENZIE BOWELL—There is no doubt the remark made by the hon. Secretary of State with reference to postal contracts is quite correct, and it would only swell the return needlessly to include all the contracts which were legally renewed under that law. The law provides that any contract may be made by the Postmaster General for carrying the mails, &c., providing it does not exceed a certain amount. The hon. gentleman from Wolseley, as I understand him, does not ask for information in reference to the giving out of contracts which the law specifically gives the power to the Postmaster General to enter into. What he requires is the contracts which have been entered into for supplies and other matters, which should have been given out by con-

tract under the law. That I take to be the object of the hon. gentleman's motion.

Hon. Mr. SCOTT—There is no objection at all.

Hon. Sir MACKENZIE BOWELL—Take, for instance, the building last year of a fence round this park. The law provides that if the work exceeds a certain amount, then tenders must be asked for. In order to evade the provisions of that law, the Minister of Public Works asked for a sum just under the amount which, had he named it, would have obliged him to call for tenders, but it was subsequently ascertained, when the debate proceeded, that instead of the work costing under $5,000, it was to cost about $14,000, and the object in placing the smaller sum in the estimates was to enable him to give the work to just such persons as he thought proper, and then next year come down for a similar amount and so on until the whole work was completed. There can be no question about that, and any one who turns to the debate of last year will ascertain that this is the fact. This is the kind of contract to which my hon. friend refers. He refers to contracts in which certain merchants have furnished the government with from $20,000 to $30,000 of supplies for the Yukon district and for the mounted police; and there is no evidence that there was any tender for these supplies. There must have been some reason why these favourites were selected. If my hon. friend desires to ask for contracts from 1891 to the present time, I, as a member of the former government for part of the time, would have no objection to it On the contrary, I would perfer to have the comparison made, and I venture the assertion that he will find that no such flagrant transactions occurred during the period to which he referred, while I was a member of the government. After that I do not pretend to speak, but the Auditor General's Report would tell the tale as to whether the system which is practiced now, was practiced in the years from 1891 to 1896. I have never been able to find any such item, nor has the vigilant opposition of that time, who never allowed an opportunity to expose the peccadilloes of the late government to escape their attention. The suggestion made by the hon. Secretary of State, I have no doubt will be acted upon by the hon. member from Wolseley, just as soon as he can get the information he now desires, and which his constituency evidently would like to have also, in order that comparisons may be made and the country may know how the government dispenses the public patronage.

The motion was agreed to.

DRUMMOND COUNTY RAILWAY RETURNS.

Hon. Sir MACKENZIE BOWELL—Before the orders of the day are called, I should like to direct the attention of the hon. Secretary of State to the information I asked for in reference to the income and expenditure of that portion of the Drummond County road which has been under lease. If my hon. friend will look at page 808 of the Senate Debates of 1897 he will find that when I asked the then Minister of Justice for certain information with reference to the earnings of the Drummond County Railway, the hon. Sir Oliver Mowat said in reply "I believe the object is this" that is the object I had in view in asking the question, "that the hon. members having doubt, or more than doubt, whether the business to be done would warrant the expenditure," that is, the expenditure in the purchase of the road, "it was felt desirable that there should be an opportunity to us all to know, by actual experiment how that would be. Then, also, there would be an opportunity of considering whether there could be any modification made in the details,"—that is, the details of the bargain into which the government had entered with the Drummond County Railway people, "such as would make the permanent agreement more satisfactory and suitable to the members who are now opposed to it. The matter will probably be brought up in the House of Commons to-day, and a more full statement of the object of introducing it will be there given." Then he adds, "I did not expect the question would be put to me, consequently I was not in a position to give the answer." Now, we are to be called upon in a day or two to consider this very question on which the late Minister of Justice saw the propriety, when he made those remarks, of having a full statement of the earnings, perhaps I had better say a full statement of the results arising from the purchase of that road and coming to the city of Montreal. I am

sure the hon. Secretary of State will see, also, that it is very important that we should know—having rejected that agreement upon a previous occasion—whether the results of their securing entrance into Montreal for the Intercolonial Railway via the Grand Trunk from St. Rosalie, and the purchase of the Drummond County Railway, have warranted the expenditure. If we are, to use a familiar expression, to go it blind, we will not get the information, but if the government desire to have the agreement ratified, I should suppose that they would readily give all the information possible. In the same debate, on page 812, the Minister of Justice made this statement:

> The item is merely suggestive—that is, the item in the lease. In order to afford an opportunity of making an important experiment in this matter, the government, believing that the profits will be so large as to satisfy this House that the bargain is a very good one, while at present the majority of this House do not take that view of the matter.

If that language means anything, it means that the bargain having been rejected by the Senate, they were desirous, having leased the line, to ascertain whether it would pay, and whether it was advisable to continue that lease or to purchase the road. The presumption is that the earnings are such as to justify the government in making the purchase; and, if so, I hope that before the second reading is moved, or we are asked to approve of it, that information will be given to us.

Hon. Mr. SCOTT—The Senate is entitled to all the information that is available in the possession of the government. I think my hon. friend brought up this question some weeks ago, and, if my recollection serves me, the answer was that the Railway Department did not keep any separate account of the Drummond County Railway, and therefore it was quite impossible to give any estimate of what the earnings of that road were; that the larger portion, of course, was through traffic. I do not know what the local traffic is. Of course, it was never considered in this arrangement. The object in coming to the city of Montreal was to secure a larger amount of traffic over the whole line—not over the section between Lévis and the Grand Trunk Railway. Everybody recognizes that, and the Railway Department gave an answer some time ago, if my recollection is correct, that they were unable to credit the Drummond County Railway with items that specially ought to be credited to that line. I will, however, send a communication to the Railway Department asking them to give us that information. All the information they have available should be laid before the House, and will be laid before the House. There may be some that we cannot succeed in obtaining. If the accounts have always been kept in the way indicated, it may be impossible, but whatever information is available will be brought down.

Hon. Sir MACKENZIE BOWELL—I do not think it impossible. It may not have been done, I really admit, and that may place the Minister of Railways and Canals in a position to say "I have not got it and cannot give it to you," but if the promises made by the then Minister of Justice meant anything at all, they meant that they intended to keep an account to ascertain whether the experiment would justify the purchase of the road or the continuance of the lease. If they have not been kept, the government have been derelict in their duty. If they have kept these accounts and refuse to give them to the public, then the object must be to deceive them.

Hon. Mr. SCOTT—The remarks of the Minister of Justice apply to the whole line. He was not speaking of that particular section of it. He assumed that the acquisition of that line would lead to a large traffic over the whole road.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is entirely mistaken, because my question was in reference to this portion of the road entirely, and not to the whole, and his answer was that it was necessary to lease the road in order that they might experiment to ascertain whether they should purchase it.

Hon. Mr. SCOTT—But it was in regard to the trade from Montreal certainly. There is no use in criticising mere language. We are all capable of drawing the inferences from the language used by Sir Oliver Mowat. Everybody can do that. Sir Oliver Mowat had in his mind the increase in traffic over the whole line by the acquisition of this branch. Unless you acquired that branch you could not get that traffic from Montreal.

Hon. Mr. FERGUSON—I have a further statement made by Sir Oliver Mowat on the 28th June, page 969 of the Debates. After quoting a speech made by the hon. Mr. Blair in another place, he goes on to say:

> Representing the government here, I endorse that statement. I should like to say further, although it is only repeating in substance what I have said a few days ago, with regard to the $157,500 asked for the rental of the two pieces of road belonging respectively to the Grand Trunk Railway Company and the Drummond County Railway Company, that this amount is only wanted for a tentative purpose, to ascertain by experiment the effect of nine months operating the road as part of the Intercolonial Railway and with a view to be in a situation to consider more satisfactorily a permanent connection with Montreal by some means, whether those spoken of heretofore or some others.

I have not the report here but I have seen it before, that the railway authorities, Mr. Schreiber or Mr. Pottinger, one or the other, explained before the Drummond County Railway Committee last year that it would be quite possible to give the information separately as to the earning and working expenses of the Drummond County branch.

SECOND READING.

Bill (74) "An Act respecting the Huron and Erie Loan and Savings Company."—(Mr. Lougheed.)

DELAYED RETURNS.

INQUIRY.

Hon. Mr. FERGUSON—May I ask the hon. Secretary of State when I may expect a return that I have been praying for very long with regard to carrying the mails from Sackville to Cape Tormentine?

Hon. Mr. SCOTT—I think that is the only return moved for by the hon. gentleman which is missing. I will make further inquiry with regard to it.

A QUESTION OF PRIVILEGE.

Hon. Mr. DANDURAND—Before the House adjourns, I wish to say that a few days ago I had occasion to make some remarks on a question of adjournment. After I had resumed my seat, I was called out of the chamber, and returned while the hon. gentleman from Murray Harbour (Mr. Prowse) was on his feet, speaking in answer to the remarks I delivered. I am quite ready to take any kind of chaffing, provided it is done in good humour, and I am not sure that it was not in that spirit that the remarks of the hon. gentleman were delivered. But I have seen them in print. I returned to the Senate just as he was closing, and I observed that the hon. gentleman thought that we should not adjourn so often, as we had important questions to discuss. He spoke of my having retained the services of a man named Parent during provincial elections in Quebec. I then looked up the remarks I had made in a previous debate to see if they were so obscure, or of such a character as to leave me open to a charge, such as the one made by the hon. gentleman. I had then occasion to answer a statement made by a man by the name of Parent, that he had been employed as an organizer by the Liberal party in the province of Quebec, and the hon. gentleman from Belleville read a statement from that individual to that effect. On that occasion I rose to say that I knew that that was not the case; that I had once, at the urgent demand of said Parent, sent him to address one or two meetings in the county of Labelle, but that instead of reaching his destination he had stopped on the way, and had shown himself not to be trust worthy. My hon. friend spoke of some queer or special work for which I would have sent that man in the back counties. I meant to make it very clear that I had sent that individual to make one or two speeches and that he had not delivered them, that that was the extent of the work he had done, and that it would not constitute him an organizer of the Liberal party in Quebec. As it is not four o'clock, if the hon. gentleman from Murray Harbour (Mr. Prowse) has anything specially to discuss or ventilate concerning my own standing in this House, or my conduct previous to my entering this House, I am ready to answer him. I do not want any misunderstanding as to what I did say, or as to how I have acted in my public career. My hon. friend spoke of my boasting of having carried elections before entering this House. I do not remember ever having made such a boast. I know I passed through 17 elections helping friends before I could boast of having been under the flag of victory. I went into politics in 1878. My hon. friends know that the Liberal party did not, for a number of years, see victory perched upon their flag. Therefore, it would have been quite unbecoming to speak of my prowess in political elections.

Hon. Mr. PROWSE—I hope the hon. gentleman who has just resumed his seat does not suppose that I intended any personal reflections upon his honour or character in any way. But as the hon. gentleman took a prominent part in advocating the adjournment, and was very anxious for it, I thought I would give what I considered sufficient reasons why we should not adjourn the House over Monday, and I instanced some matters that might be very interesting for debate. I hope the hon. gentleman is not so thin skinned as to take offence at any allusions I have made to his public career. In a semi-official document I find the hon. gentleman described as the political organizer for the last four general elections himself, not Parent at all, and he volunteered the statement in this House that he employed this man Parent and gave him money to advance the interests of his political party. I do not condemn that course, which the hon. gentleman thinks honourable and creditable, or to his boasting of it in this House. He has a perfect right to do so. He may have his ideas of what is proper and right to do in this regard, and so may I. We may differ in our opinions in reference to this matter, but we have it on his own statement that he gave this man Parent money to go into some back settlement and work for the Liberal party, and it now appears that he was only to make speeches. There is not a great deal of difference between organizing a party and going into a campaign to make political speeches for a party. He appears to have been the deputy of the hon. gentleman opposite. The hon. gentleman was the chief organizer himself, and it is recorded in the semi-official document to which I have referred, but he employed other men to do work in the outlying districts, and this man Parent was employed by him to do such work. The hon. gentleman did not tell us how many more he employed during all those elections in which he took part. It appears that Parent is the only man who failed to do the work he was authorized and instructed to do. It would be a very interesting piece of information for us to know what all the rest of them did, and, as I said on a former occasion, perhaps it was owing to the successful efforts of the hon. gentleman that Quebec to-day is very largely supporting the government. The hon. gentleman has got his reward by being placed in the Senate by the present government. I do not object to that. I might go further and refer to another matter, to a newspaper correspondence, where the hon. gentleman has made a declaration that he thinks the constitution of this body was a great mistake from the very beginning, and that he would be decidedly in favour of a very great reform of the Senate. He has not exactly told us in what way he would reform us, but perhaps he will do so before the close of the session. I have no doubt he has been introduced into the Senate for that very purpose, like some other gentlemen, to reform the Senate. Perhaps he may effect his purpose, as the late Minister of Justice did. He came here to reform us, and instead of condemning the Senate gave us high praise and was awarded by being made Lieutenant Governor of the province of Ontario. I should not be surprised if my hon. friend—and I am sure he would grace the position very well indeed—should yet receive the same reward in the province of Quebec.

Hon. Mr. DANDURAND—Hon. gentlemen (cries of order, order.)

Hon. Mr. MACDONALD (B.C.)—My hon. friend has been allowed to speak once on the motion.

Hon. Mr. ALLAN—This discussion is all out of order.

Hon. Mr. DANDURAND—I want to to say a few words in reply to the speech of the hon. gentlemen? I want to know if, on a motion to adjourn, I cannot speak a second time if I please.

Hon. Mr. McKAY—No, only once.

Hon. Sir MACKENZIE BOWELL—If I am in order, I should like very much to occupy a few minutes to call the attention of the hon. gentleman from Halifax (Mr. Power) to some remarks he made about myself relating to the Minister of Agriculture and the plebiscite vote. I think I can show from documentary evidence that I have in my possession that I was right and he was wrong. I will take the opportunity to do so when I am sure that I am in order.

Hon. Mr. POWER—I think the hon. leader of the opposition would be quite in order to make any statement now he pleases, because there is a motion to adjourn before the House.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman expressed very great surprise that I should have made remarks throwing doubt upon statements made by a minister of the Crown, the hon. Minister of Agriculture. The statement made by him was that he had examined the returns of the vote of the plebiscite, and that all the statements which had been made by the man Parent were untrue. If the hon. gentlemen will refer to the debate they will find that I said that it was impossible for the Minister of Agriculture to make so positive a statement by merely looking at the return; that it might be possible that this man had made improper statements in reference to the returning officer, but that he could not know unless he had examined the returns from every poll, that there was no truth in the statement made by Parent that some of the ballot boxes had been stuffed; or, in other words, that more votes had been cast than were on the rolls. That is the point on which I questioned the statement made by the Minister of Agriculture and for which my hon. friend took me to task, expressing his great surprise that I was so much a partisan that I could not take the word of a minister of the Crown. Since that time these returns have been examined, and I will give the hon gentleman some ten or twelve instances where the vote cast was, to say the least of it, suspicious, and ask him frankly whether it is possible to have such a result from any election.

L'ISLET.

Poll No. 21	Votes on list..	82,	page 173
	Votes polled..	77	" 173

MAISONNEUVE.

Poll No. 35	Votes on list..	141,	page 175
	Votes polled..	139	" 175

MÉGANTIC.

Poll No. 5 (Leeds)	Votes on list..	97,	page 178
	Votes polled..	97	" 178

ST. JAMES WARD, MONTREAL.

Poll No. 16	Votes on list..	92,	page 188
	Votes polled..	88	" 188
Poll No. 56	Votes on list .	101	" 189
	Votes polled..	98	" 189
Poll No. 62	Votes on list..	151	" 189
	Votes polled..	148	" 189

PORTNEUF.

Poll No. 30	Votes on list .	83,	page 197
	Votes polled..	80	" 197

CHICOUTIMI.

Poll No. 28 (Besirmis)	Votes on list..	11,	page 151
	Votes polled..	10	" 151

GASPÉ.

Poll No. 6	Votes on list..	40,	page 157
	Votes polled..	37	" 157

JACQUES CARTIER.

Poll No. 13	Votes on list..	111,	page 163
	Votes polled..	110	" 163

QUEBEC WEST.

Poll No. 2	Votes on list..	114,	page 201
	Votes polled..	112	" 201

BEAUHARNOIS.

Poll No. 17	Votes on list..	118,	page 140
	Votes polled..	119	" 140

QUEBEC CENTRE.

Poll No. 23	Votes on list..	101,	page 201
	Votes polled..	105	" 201

QUEBEC WEST.

Poll No. 1	Votes on list..	115,	page 201
	Votes polled..	116	" 201

14 polling subdivisions—	
Total on rolls	1,357
Total votes	1,330
All voted except	27

Hon. Mr. DANDURAND—Does the hon. gentleman say that these are the polls that the man Parent pretended to have reported upon?

Hon. Sir MACKENZIE BOWELL—I am not arguing that point at all. I am justifying the statement I made here, that it was impossible for any one to take up that return and declare that all that was said by Parent was wrong, unless he had examined the returns from the polls, and one statement made by Parent was that more electors cast their votes, or apparently cast their votes than had gone to the poll. That is my point. I am not justifying Mr. Parent or any one else.

Hon. Mr. POWER—Would the hon. gentleman tell me what authority he has for those figures?

Hon. Sir MACKENZIE BOWELL—I told the hon. gentleman they are from the report which has been laid on the table of the House giving the result of the voting upon the plebiscite, and I also informed the hon. gentleman that I am giving the pages where he can find them. In the fourteen polling subdivisions which I have mentioned, the total votes on the rolls were 1,357; the total votes cast were 1,330, so that in all these fourteen polling subdivisions the total vote was polled less twenty-seven. I give that as evidence to justify the statement I made, that it was impossible for any man to declare that no stuffing of the ballot boxes had taken place, unless he had personally examined all the returns as has been done in this case, by showing the number on the list and the

number polled. I have no desire to cast any reflection on the hon. Minister of Agriculture further than to point out that in making the broad declaration that everything said by this man Parent, even to the stuffing of the ballot boxes, was false, and that he was a skalawag and a scoundrel. He may be that for all I know. I give the facts, which can be verified by the return. If any further evidence were required to prove that the ballot boxes were stuffed, that is quite sufficient in itself.

Hon. Mr. DANDURAND—Can the hon. gentleman tell us whether he has gone through the returns from other provinces and found a similar state of things.

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. DANDURAND—Has the hon. gentleman contented himself with looking through the returns of the province of Quebec?

Hon. Sir MACKENZIE BOWELL—I am not prepared to say that the frauds were not committed in other provinces, but we were dealing with Parent's report. At the time the statement was made with reference to Quebec, and not to other provinces; consequently I did not go beyond that, but I venture the assertion that you will find the same frauds in the other provinces.

Hon. Mr. DANDURAND—In favour of prohibition?

Hon. Sir MACKENZIE BOWELL—I do not know.

An hon. GENTLEMAN—No.

Hon. Mr. DANDURAND—That negative answer needs to be verified.

Hon. Sir MACKENZIE BOWELL—I have no objection to the hon. gentleman verifying his statement. I was not dealing with that question. All I intended doing was to verify the statement that I made on the occasion I now refer to. I have not examined the whole of the returns, I have not time to do so, but there were frauds committed I have not the slightest doubt.

Hon. Mr. DANDURAND—I should like to make one statement in reply to the hon. gentleman from Murray Harbour (Mr. Prowse) who wonders if, as political organizer, I made many payments of such sums as the one made to Parent. I may state that I never have been a political organizer, as is understood in other provinces. When election time comes in the province of Quebec, on both sides committees are formed to help the candidates during the election, and I have taken part with others, in organizing elections. As to what I may have done in elections, I may state that never was I called as a witness in contested elections to give an account of what moneys passed through my hands. If I had been, I would have been ready, as I am to-day, to give full satisfaction.

Hon. Sir MACKENZIE BOWELL—I should like to have the statement as to how the hon. gentleman spent the money.

Hon. Mr. DANDURAND—I may state that it has been my contention for the last 20 years, and my experience, that for every dollar spent by the Liberal party in the province of Quebec, from five to ten dollars have been spent by the Conservative party. That I know to be the fact.

Hon. Mr. LANDRY—Where is the proof?

Hon. Mr. DANDURAND—In that inquiry which was made by three gentlemen where it appeared that over $25,000 were spent by Sir Adolphe Caron.

Hon. Sir MACKENZIE BOWELL—Or the $100,000 spent by Mercier.

Hon. Mr. BOLDUC—The hon. gentleman was not very scrupulous as to the character of men he employed in the elections.

Hon. Mr. DANDURAND—I was mistaken in one instance.

Hon. Mr. POWER—The speech which the hon. leader of the opposition refers to was made on the 20th of April. It happened, unfortunately, the hon. gentleman was not present, and I naturally expected that if he was under the impression that I said anything that was not justified by the fact, he would have referred to it almost immediately after his return to the Senate. Of course, after the lapse of a few months the matter is not fresh in my mind. Referring to the Senate Debates, I find at page 169 the

language which I used, and which, with the permission of the House, I will quote :

The hon. Minister of Agriculture is a gentleman of good character and reputation, and one whose veracity is not questioned by any one, and when he made the statement in the House of Commons that on examining the returns in the office of the Clerk of the Crown in Chancery he found that not a single name of a person named by Parent as acting as deputy returning officer in the polls to which he had referred was the correct name of the person so acting, and when he pointed out that the figures mentioned by Parent showing the number of ballots cast in the different polling places were in no case the figures shown by the returns from the Clerk of the Crown in Chancery, members of that House let the matter drop, and no one has raised any question about it since.

My statement is perfectly justified by the fact and is correct in every respect.

Hon. Sir MACKENZIE BOWELL—That is all right as far as that goes, but the hon. gentleman has not read what he stated with reference to myself, and that is the only part to which I called attention.

Hon. Mr. POWER—What I stated about the hon. gentleman is this :

But here we have the hon. leader of the opposition in the Senate, which is supposed to be a much less partisan body than the other House, deliberately bringing up those charges which he had every reason to believe were unfounded, and asking for a commission to inquire into statements which he has every reason to believe have no foundation whatever in fact and after a committee had been offered in the House of Commons and not accepted.

Hon. Mr. PROWSE—As the hon. gentleman who has addressed the House on more than one occasion on this question gave us some explanation in reference to his position as an organizer, I may just read from MacGurn's Parliamentary Guide what that document says in reference to the hon. gentleman. I take it that if it is not written by himself, but he must have approved of it, and, perhaps, read the proof and corrected it. He is there announced as the chief Liberal organizer in the district of Montreal.

Hon. Mr. POWER—That is an honourable position.

Hon. Mr. PROWSE—Yes ; but he used the money entrusted to him to employ this drunken rascal.

Hon. Mr. DANDURAND—I found that out afterwards.

Hon. Mr. PROWSE—That was not the first time that Parent was drunk. He was just the man for the work he was employed to do. The chief organizer of the party understood his man well. He was the only man employed that did not turn out just as he was expected to turn out. It would be interesting to get a statement of the number of persons employed who carried out their duties as expected. In reference to this man Parent, it often struck me how he came to be appointed as the agent for the Temperance Alliance to find out the corruption that was practiced in the province Quebec. I think if I had been secretary of the Temperance Alliance and been in sympathy with the present government, I would have first ascertained who was the chief organizer of the party in the province of Quebec. I would have been told that it was the hon. senator (Mr. Dandurand) and I would have applied to the hon. gentleman himself to give me the name of some competent person to send through the province of Quebec to ascertain if anything wrong was going on there, and I do not know any one, in the interest of his party, that could have been selected to accomplish the purpose better than Parent. I do not say it was done that way but certainly some one put his finger in the eye of the secretary of the Temperance Alliance in getting this man appointed—a man given to drinking to excess—extremely so, as the hon. gentleman said in his former speech.

The motion was agreed to

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, 20th June, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

CANADIAN INLAND TRANSPORTATION COMPANIES BILL.

REPORTED FROM COMMITTEE.*

Hon. Mr. ALLAN, from the Committee on Banking and Commerce, reported Bill (51) "An Act to incorporate the Canadian Inland Transportation Company" with an amendment. He said :—This amendment is simply striking out the clause on page 3, line

17, because it refers to a bill now before the House of Commons not yet passed, and it was thought proper to strike out that clause.

Hon. Mr. CASGRAIN, moved that the amendment be concurred in.

The motion was agreed to.

COMPANIES ACT AMENDMENT BILL.

THIRD READING.

The order of the day being called:

Third reading, Bill (N) "An Act to amend the Companies Act."

Hon. Mr. MILLS said:—The third reading of this bill was postponed at the instance of the hon. gentleman from Calgary. Instead of moving the third reading at the present time, I move that the House resolve itself into a Committee of the Whole, for the purpose of moving certain amendments.

The motion was agreed to.

(In the Committee.)

Hon. Mr. MILLS—I propose the following amendment to clause 1 in the 9th line: strike out the word "otherwise," and insert "in any other respect," then the bill will read "such preference or priority as respects dividends and in any other respect over ordinary stock as declared by the by-laws." I think that will meet the objection and make it perfectly clear that the by-law must set out the particular respects in which preference is intended to be given.

Hon. Mr. LOUGHEED—I presume my hon. friend, the Minister of Justice, concludes that those words will be sufficiently wide to permit of the preference being a preference upon the capital, in the event of a winding up, as well as a preference upon dividends.

Hon. Mr. MILLS—Yes, if it is so declared by by-law.

The clause as amended was adopted.

On clause 4.

Hon. Mr. MILLS—I would suggest, in clause 4, line 33, that the word "otherwise" should be struck out and the words "in any other respect declared by the by-law as authorized by section 1 of this Act," be inserted.

The clause as amended was adopted.

Hon. Mr. LOUGHEED—Has my hon. friend taken into consideration the propriety of extending the provisions of this bill to companies that may have special charters? There has been an expression of opinion from certain quarters that companies not incorporated under the Companies Act should be permitted to take advantage of those provisions.

Hon. Mr. MILLS—There is another bill before the House providing for the incorporation of existing companies coming under the provisions of this Act, and if they did, the provisions of this Act might be extended to them, but I would not like, without any notice having been given, to extend the provisions of this Act to companies that might now desire it.

Hon. Mr. LOUGHEED—It would be entirely optional. What I had in view was this, that companies now having special charters, desiring to avail themselves of those provisions might, upon the passage of a by-law such as is provided for in section 1, issue preference stock, and as a safeguard to prevent companies of that character exercising those particular provisions it might be done under the assent of the Governor in Council. However, I simply make the suggestion.

Hon. Mr. MILLS—I would not like to touch companies incorporated under special charters, without giving the matter more consideration.

Hon. Mr. LOUGHEED—But your bill would only have reference to loan companies.

Hon. Mr. MILLS—Yes, only the loan companies.

Hon. Mr. McKAY, from the committee, reported the bill with amendments, which were concurred in.

The bill was then read the third time and passed.

THIRD READINGS.

Bill (90) "An Act respecting the Great North-west Central Railway Company."—(Mr. Lougheed.)

Bill (32) "An Act to amend the Act respecting the sale of Railway Passenger Tickets."—(Mr. McMillan.)

Bill (120) "An Act to incorporate the Rutland and Noyan Railway Company."—(Mr. Clemow.)

QUEBEC HARBOUR COMMISSIONERS BILL.

THIRD READING.

The order of the day being called:

Third reading Bill (91) An Act to amend and consolidate the Acts relating to the Quebec Harbour Commissioners, as amended.

Hon. Mr. MILLS said:—I would ask the House to go into Committee of the Whole again to consider an amendment that was omitted from the bill when it was before the House the other day. It was in my hands but I overlooked it. The amendment has been suggested by the Solicitor General.

The House resolved itself into Committee of the Whole on the bill.

(In the Committee.)

Hon. Mr. MILLS—The amendment which I propose is a third subsection to clause 19. The general powers and duties of the corporation with respect to pilotage are contained in that Act and the amendments thereto. I propose as a third subsection to add as follows:—

All things heretofore done by the corporation of pilots for and below the harbour of Quebec, and by the directors of the said corporation, with reference to the distribution of the funds of the said corporation between the members thereof, and the payment out of said funds of sums of money to pilots who act as captains, is hereby declared to be good and valid for all purposes.

It is a validation of the proceedings of the pilotage authorities.

Hon. Mr. LOUGHEED—Is there any conflict?

Hon. Mr. MILLS—I am not aware of it. There is none reported to me, but it is for the purpose of removing any doubt with regard to the proceedings of the pilotage board. There may have been some irregularity when it passed. I do not know of it, but there was no intentional irregularity, and this is to put beyond controversy the proceedings that have been had in past years.

Hon. Mr. POWER—I wish to direct attention of the Minister of Justice to the wording of the second subsection:

2. Under the Pilotage Act, chapter 80 of the Revised Statutes of Canada, the corporation is the pilotage authority of the pilotage district of Quebec. The general powers and duties of the corporation with respect to pilotage are contained in that Act and the amendments thereto.

The latter part of that subsection is not an enactment at all.

Hon. Mr. MILLS—I know it is not.

Hon. Mr. POWER—I think the latter part of the clause ought to be stricken out, because it is simply a recital of information.

Hon. Mr. MILLS—There are several provisions in the Act that are not enacting clauses, but are really recitals. If my hon. friend will look at clause 18, it is open to exactly the same objection, but I suppose that in the consolidation of the Acts—I believe there are ninety-nine statutes embraced in this bill—the existing provisions of them were to remain in force. Although this is, perhaps, not a skilful form of amending, nevertheless, looking at the great variety of sources from which the law is drawn, it will not be without use for those who wish to look further into past legislation on the subject. The hon. gentleman will see that the previous section is exactly the same form. There is very little that is enacting in it; there is a good deal of recital, and as the bill passed through the House of Commons in this form, I did not think it was advisable to disturb it.

Hon. Mr. POWER—I am simply calling attention to it.

Hon. Mr. MACDONALD (C.B.), from the committee, reported the bill with an amendment, which was concurred in.

The bill was then read the third time and passed.

HUDSON BAY AND NORTH-WEST RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. POWER, in the absence of Hon. Mr. Cox, moved:

Second reading of Bill (110) "An Act respecting the Hudson's Bay and Yukon Railways and Navigation Company, and to change its name to the Hudson's Bay and North-west Railways Company."

He said:—This bill is a bill to authorize the Hudson's Bay and Yukon Railway Navigation Company to change its name. It also authorizes the company to maintain telegraphs and telephone lines, and as the com-

pany is to operate between Hudson's Bay and Great Slave Lake and other places in that region, it is not likely that it will interfere with the rights of any existing telegraph company.

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

SECOND READING.

Bill (115) "An Act to incorporate the Sudbury and Wahnapitæ Railway Company."—(Mr. Casgrain.)

CANADA PERMANENT AND WESTERN CANADA MORTGAGE COMPANY INCORPORATION BILL.

SECOND READING.

Hon. Mr. ALLAN moved the second reading of Bill (75) "An Act to incorporate the Canada Permanent and Western Canada Mortgage Company. He said:—This is a bill from the House of Commons to incorporate certain persons named in the first clause of the bill. There are the Canada Permanent and Western Canada Mortgage corporation. The capital stock of the company is $20,000,000, 2,000,000 shares at $10 each. The head office is to be in Toronto, and the bill gives power to the company to purchase the entire assets and to acquire the whole, or any part, of the assets and good will of the Canada Permanent Loan and Savings Company and the Western Canada and Freehold Loan and Savings Company and the London Investment Company, Ltd., or any companies carrying on such business as the company is carrying on. I propose to refer the bill to the Committee on Banking and Commerce and simply move the second reading now.

Hon. Mr. CLEMOW—I would like to know whether this is a new company, or whether it is only proposed to amalgamate other companies which have been in existence some time?

Hon. Mr. ALLAN—It is to amalgamate the companies whose names I have read.

Hon. Mr. CLEMOW—It is an amalgamation company?

Hon. Mr. ALLAN—Yes.

Hon. Mr. CLEMOW—I think the amalgamation of these companies is not going to be for the advantage of this country. We are getting too much in the way of these large concerns that will monopolize the business of the country. Hitherto it has been the idea that the more companies were incorporated, the better it would be for the public in the way of reducing the rate at which money could be obtained. But now it appears these companies are going to form a huge monopoly to make business more paying than it has been in the past. I question very much the policy of establishing these large monopolies for the purpose of conducting business. I think it would be far better if the policy in the past had not been continued to the extent that it was. I do not think we would have had the same number of companies in existence that we have to-day. We are getting into the same condition as exists on the United States side. They do everything there by amalgamation and huge monopolies, and we find powerful trusts, like the oil trust or other great trusts, which I believe ultimately will be anything but an advantage to the country at large. This bill requires a great deal of consideration at the hands of the committee when it comes before them. I am not going to oppose it now, but I object to the principle. As far as I am concerned, I shall be prepared to offer opposition to this bill if it is carried by the Banking Committee, because I believe it would be injurious to the best interests of this country. I merely mention these matters now so that hon. gentlemen will know my opinion with respect to organizing these large associations for the purpose of carrying on business which might better be carried on as it has been in the past.

Hon. Mr. ALLAN—I do not think the hon. gentleman's fears will be realized. However, he will have every opportunity of stating his views before the committee, and I think we will convince him that instead of not being for the benefit of the country, that this bill will strengthen the companies from a financial point of view and will be in no way injurious to the public.

Hon. Mr. CLEMOW—I do not object to that. It is generally supposed that we affirm the principle of the bill when we give it a second reading. I do not affirm the principle of this bill. I think it objectionable in every way. We will have an opportunity of explaining our views more fully in committee, and I think I shall be able to

show that it is not of advantage to incorporate these mammoth establishments. I have objected to giving incorporation to these limited companies, and the argument was that the public would obtain a lower rate of interest. That seems to be all changed, and now they are trying to merge all these companies into one huge monopoly for the purpose of controlling the business and making it more remunerative than it has been in the past.

Hon. Mr. PROWSE—And giving big salaries to a few.

Hon Mr. CLEMOW—I suppose so.

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

CRIMINAL CODE AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (Q) "An Act further to amend the Criminal Code, 1892."

(In the Committee.)

On section 3.

Hon. Sir MACKENZIE BOWELL—Is not this provision 166*a* rather stringent? It says, "Every one is guilty of an indictable offence and liable to one year's imprisonment who, by failing to perform any legal duty, permits a person in his lawful custody on a criminal charge to escape therefrom." He may not know what is his legal duty. Supposing one man sees another man, who is guilty of an indictable offence, running away and has it in his power to stop him and does not do so, would he come under this clause?

Hon. Mr. MILLS—I do not think so.

Hon. Sir MACKENZIE BOWELL—You could put in the word wilfully.

Hon. Mr. MILLS—He might not do it wilfully, but carelessly, and yet he would come under the provisions of this section.

Hon. Sir MACKENZIE BOWELL—If he did it wilfully he would do it knowingly. He might do it carelessly.

Hon. Mr. POWER—Take the case of a jailor who allows a man who is awaiting his trial for murder to escape through his carelessness: he should be punished. I think it is a very desirable clause, because these escapes are of frequent occurrence. I know that in the province to which I belong those escapes happen not infrequently, and I think it is desirable to hold up before those officers some penalty which will induce them to be particular in the discharge of their duty.

Hon. Mr. MILLS—We want to impress them with a high sense of duty.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is quite right when he applies it to an official, whose duty it is, not only to protect, but to secure the criminal and not allow him to escape. But does this clause not go further? It applies to every one.

Hon. Mr. MILLS—But the custody must be lawful.

Hon. Sir MACKENZIE BOWELL—Perhaps it is all right, but I think it is pretty stringent.

The clause was adopted.

On clause 180.

Hon. Mr. POWER—I think there was some discussion over that word "scurrilous" when a similar clause was before this House in 1897. I doubt the wisdom of adding this word "scurrilous" because scurrility is not immorality. I do not think it is a criminal thing. It may be vulgar and objectionable, but it is not criminal, and I doubt the wisdom of trying to make it a crime to publish in a newspaper an article that may be scurrilous in its character. If a person feels himself aggrieved by such an article, very much aggrieved, he can bring an action for libel.

Hon. Sir MACKENZIE BOWELL—And plead that it is true, if it is true.

Hon. Mr. POWER—I do not think we should add this word, because, in the first place, it is not germane to the rest of the enactment. The clause which we have just passed deals altogether with immoral publications, and clause 180 does the same, as it stands now. I do not think it is desirable to bring scurrility, which is a different thing, into this clause.

Hon. Sir MACKENZIE BOWELL—Is it not covered also by section 205 of the

Criminal Code? It would enable a party against whom it is directed to take action for libel. The difficulty would be in the interpretation of the word "scurrilous." One man might call an article scurrilous, and another might not. He might say that it is true, and only portrays a man's character. I think the term is open to a good deal of misconception, and I agree with the hon. gentleman from Halifax that the bill would be just as well without it.

Hon. Mr. MILLS—My impression is that scurrilous writing is not a thing that is desired.

Hon. Sir MACKENZIE BOWELL—I agree with the hon. gentleman.

Hon. Mr. MILLS—In the Post Office Act the word is used, and when the language was transferred to the criminal law, this word was dropped out. Language cannot be scurrilous without being offensive and insolent. We do not permit in either House the use of scurrilous language, and it is a recognized rule, that that which might lead to a breach of the peace is not language lawful in itself, and the use of scurrilous language certainly would point in that direction. You may call a person very bad names without violating the law, if you do not use this word, and I do not know that there is any mistake in restraining a party from the use of violent and abusive language—telling a man through a newspaper, for instance, that he is an idiot.

Hon. Mr. LOUGHEED—It might be in the public interest.

Hon. Mr. MILLS—I do not think it would be in the public interest. It could not be in the interests of the community that a person should be so written of.

Hon. Mr. ALLAN—This House has been described in the *Globe* as a set of tottering old idiots.

Hon. Sir MACKENZIE BOWELL—And a member of the Lower House has been called a slanderous liar. Is that scurrilous?

Hon. Mr. MILLS—I should say it was, and it would be scurrilous to say that the members of this House looked like women, but their beards forbid, to use the words of Macbeth. I do not know that we promote the public well-being, and our legislation points in that direction, by simply allowing persons to use scurrilous language without any restraint and without any control by law. I am not wedded to the section, and if the House is of a different opinion, I am not going to complain, but I think there is more to be gained than lost by including it in the Criminal Code.

Hon. Mr. POWER—If it is intended for the protection of this House we had better let it go.

Hon. Sir MACKENZIE BOWELL—Does it apply to cartoons?

Hon. Mr. MILLS—I do not know that they are to be regarded in that light.

Hon. Sir MACKENZIE BOWELL—In some of the United States, I think in California, they have made it a penal crime to publish a caricature. You are not going as far as that I hope?

Hon. Mr. MILLS—No.

The clause was adopted.

On clause 181.

Hon. Mr. ALMON—I think the Minister of Justice should be consulted before any alteration of the criminal law is made. If I moved the amendment of which I gave notice I would be following in the footsteps of a gentleman in the other House who introduced a bill on this subject, and I do not desire to do that.

Hon. Mr. MILLS—The only change is the omission of the words "of previously chaste character." I think the protection should be absolute. Between 14 and 16 I do not think there is such a maturity of mind and judgment that a girl ought to depend wholly on herself for the protection of her virtue. The protection ought to be absolute, and the intention of this bill is to give her such protection by leaving out the words "of a previously chaste character." It has been suggested to me by my hon. friend for Sarnia that the English law is somewhat different from ours. Hon. gentlemen will see that the words are "who seduces," &c., &c. The words of the English statute are "criminally knows." This matter was very fully discussed by parties who called on Sir Oliver Mowat, who preceded me in office, and he preferred retaining the words we have now,

because they had been for a considerable time used in our statute, and because also, if a girl has become notoriously immoral, although under the age of 16, it is doubtful whether that ought not to be pleaded in the defence of persons who had illicit intercourse with her, and so the words "seduces and has illicit intercourse" are retained, which implies that she was overcome or persuaded to have intercourse, and not that she was herself a party seeking intercourse. Most of the sections are drawn with the word "or," the disjunctive conjunction, instead of the copulative conjunction, and it might be that the words of the English statute would be more satisfactory than those employed; it is for the House to say whether that is so or not. As these words were already in the statute, I did not think it was desirable to change them without the approval of the House.

Hon. Sir MACKENZIE BOWELL—The meaning of the change in this clause, if I understand it, is this: the clause which you are asking us to enact now is as it stands on the statute-book less the word "of previously chaste character."

Hon. Mr. MILLS—Yes.

Hon. Sir MACKENZIE BOWELL—The intention of the hon. member for Sarnia, I understood, was to move that the age of consent be raised to 18?

Hon. Mr. VIDAL—I am waiting the opportunity to do so.

Hon. Sir MACKENZIE BOWELL—In other words, to adopt the Charlton Bill that was passed by the lower House and make it part of the Criminal Code, while the Minister of Justice merely proposes to leave out the words "of previously chaste character." It seems to me you are opening the door to a great deal of abuse that may arise. How would it be in the case of a girl, such as has been instanced by the Minister of Justice himself, one of notoriously bad character? The crime would be just as bad, under this bill if I understand it, to have any illicit intercourse with such a girl even if she were not virtuous, and it seems to me it is exceedingly dangerous legislation to leave out those words.

Hon. Mr. POWER—We passed that before in 1897.

Hon. Sir MACKENZIE BOWELL—We passed it in 1897 with the words "of previously chaste character."

Hon. Mr. POWER—No.

Hon. Mr. MILLS—Hon. gentlemen will see that there is a good deal of force in the view of leaving out those words. You are bound to consider what the effect of the law, as it will stand without them, is. I do not think, where persons are notoriously dissolute, that we ought to furnish facilities for seducing them between the ages of 14 and 16.

Hon. Sir MACKENZIE BOWELL—That would not be seduction.

Hon. Mr. MILLS—There is a want of maturity of judgment which it seems to me ought, in a large measure, to deprive them of the power of consenting. What we have to consider largely is when that period of life arises when a girl ceases to be a child and possesses such maturity of judgment that she ought to be held in a large measure to be relying upon herself. In the section as it stands there are two things necessary in order to constitute the crime of seduction and illicit intercourse. A man who seduces or persuades a girl, is not persuading one who is notoriously an immoral character. That might, to some extent, although not to the same extent, be employed in extenuation of the offence, or justification of the act, as the words "previously chaste character." They are not so strong. I am inclined to think myself that perhaps they might be left out altogether, but certainly the word "seduce" is a word strong enough to give all the protection that a man ought to expect the law to extend to him in the case of his having improper relations with a girl under 16 years of age.

Hon. Mr. VIDAL—I move to amend the clause by striking out "16" and substituting "18." A great deal of the argument which has been adduced by the hon. minister on the point he has been discussing applies with even greater force to the amendment which I propose. I do not offer this amendment from any particular acquaintance with the law or with the practice which is here legislated against. I appear rather as the advocate of a very large number of those members of our community who are best acquainted with this subject, the Women's

Christian Temperance Union and several other organizations similar in their character and object. They have petitioned largely for a change of the statute to raise the age of consent from 16 to 18. That has been the principal argument which has been adduced and had great weight in the other House. There the matter was very fully discussed. Strong objections were taken to the proposed change, but after a full discussion the vote of that House was satisfactory to me, because there the amendment was carried by a very considerable majority of over two to one—a very decisive expression of opinion in that House. I see that it was not considered a party question, because by analyzing the vote, I find that both parties were divided on the subject. I was pleased to see in connection with that vote, that the Premier himself and two of his colleagues supported my view, and are there recorded as voting for this amendment which I now propose. I feel very much to-day the want of the support which I expected to have in this House from my hon. friend who usually sits by me, Judge Gowan, who after 40 years experience as one of our most prominent judges, said that he would very gladly support my motion. He was formerly opposed to the change, but experience had taught him that it was a very desirable one, and he was to have supported me as seconder of this motion had he been present to-day. I attach more value to his views than to those of any one else, because his long experience really gives him a means of forming a judgment that none of us possess, he has had so much to do in adjudicating against offences of this nature. I do not think it is necessary to enter into any argument, because the amendment is a simple one, and it is merely a question whether it should be accepted or not. I do not propose, therefore, to go into any detailed statements by which time would be consumed but simply move that 18 be substituted for 16 in the 181st clause.

Hon. Mr. LOUGHEED—I must confess to a very emphatic feeling of opposition to any amendment of the criminal law where there is not satisfactory evidence before us that, in the interest of the public, such amendments are necessary. The tendency of the present day runs too far in the direction of amending the law from year to year at the instance of various philanthrophic organizations which meet, and without any practical knowledge of the subject with which they undertake to deal, pass a series of resolutions, attacking the morals of the community and suggesting to Parliament radical legislation for the reformation of the public generally. I undertake to say that those amendments are largely proposed at the instance of organizations simply through capriciousness—simply through a sense of busying themselves in respect of public matters regarding which they know very little. I have been engaged for some years in the active practice of law, and I must confess I have never yet seen any abuse of the law as it at present stands upon the statute-book in this regard. I took occasion to ask the Minister of Justice a few days ago if any of such cases had come under his observation, since he has filled his present position, and he could not give me any information of any such cases or abuses. It seems to me, and I say it with a degree of confidence, that if there had been any cases of this nature, such publicity and notoriety would have been given to them as to have directed the attention of the press and of the public to there being necessity for this legislation, but the evidence before us is quite the contrary, and establishes that the law goes sufficiently far to protect young girls. I would have fancied that my hon. friend from Sarnia (Mr. Vidal), who has moved this amendment, and who I know has the good of the public always at heart, would have advanced cases, if he had been in a position to do so, which would warrant us in making the proposed departure. The law as it at present stands, protects girls of previously chaste character up to the age of sixteen. What is now proposed to be done under the bill—I do not refer to the amendment of the hon. member from Sarnia—is to raise the age of consent from fourteen to sixteen. My hon. friend seeks to remove much of the objection by saying that the punishment which we are about to attach to a violation of the law will be only imprisonment for two years. You might as well send a man to penitentiary for five years, almost, as for two years. It is no very great comfort to the man who may find himself convicted on a charge of violating the provisions of this clause, that the punishment for the offence is limited to two years, yet that is what we propose to do. Now we propose to raise the age of consent from fourteen to sixteen.

Hon. Mr. POWER—No.

Hon. Mr. LOUGHEED—I am now dealing with the bill. The hon. gentleman will not confuse the bill as it is introduced, which is a radical departure from the law as it at present stands, with the amendment of my hon. friend from Sarnia, which proposes to raise it still higher.

Hon. Mr. POWER—The age of consent now is sixteen, and has been for some years. There has been no change.

Hon. Mr. LOUGHEED—The law, as it at present stands, makes it an indictable offence for a man to have connection with a girl of or above the age of 14 and under the age of 16, of previously chaste character. That is the law at present, and my hon. friend, the Minister of Justice, proposes to strike out the words "of previously chaste character," which would have the effect of raising the age of consent from 14 to 16. It therefore is immaterial whether the girl of 16 is notoriously unchaste or not. No matter how immoral she may be, any one having immoral connection with her becomes subject to the penalty attached to the bill now before us, namely, two years' imprisonment. Hon. gentlemen will take into consideration that a very large proportion of marriages that take place, particularly in the province of Quebec, and sometimes in the other provinces, are those of girls under the age of 16, and when you take into consideration the number of girls that are upon the street, under that age, of immoral character and the number of women in brothels under that age, and attach a penalty of two years in the penitentiary to any man having illicit connection with such persons, you will readily understand the jeopardy in which the community is to be placed, so far as its liberty is concerned. You will readily appreciate the open door for blackmail——

Hon. Mr. ALMON—Hear, hear.

Hon. Mr. LOUGHEED—Yes; by that class of people with regard to whom the accused man may not at all be guilty, but simply a scapegoat for the sins of other men who may not be good in a court of law for damages, if damages are claimed against them, and who may not be able to satisfy the demands which may be made upon them by way of blackmail on account of the alleged offence. Now, it seems to me—and I say it advisedly—that if there is anything which would place a premium upon blackmail, it is to pass this legislation. But when you come to increase it, in effect, from 16 to 18, then you go immediately into the adult world of females, and you create an offence which I am bound to say, in this country, would have startling results in the way of forced marriages or blackmail. Unless the hon. gentleman places before this House statistics, of which he should be the custodian from the position he occupies, that the Code, as it at present stands upon the statute-book, is not sufficient protection for the morals of the community, then I think we should permit the law to stand as it is. We should in no wise amend it until it is shown to us conclusively, by figures and by facts, that it is not sufficient to protect that class of people.

Hon. Mr. FERGUSON—While I cannot go so far as to support the amendment of the hon. gentleman from Sarnia to extend the age of consent to eighteen years, I am strongly in favour of the amendment as proposed in the bill before the committee, and I think the object of our legislation should be to protect childhood and up to sixteen. I have no doubt whatever that we would be doing right to make this an indictable offence. I think the hon. gentleman from Calgary (Mr. Lougheed) is drawing too strong a case altogether, because the offence must be seduction. There must be an act of seduction, and the cases that he refers to would not be seduction at all, and would not come under the operation of this bill. I think we should give absolute protection up to 16 years, but I would not agree to extend it to 18 years. There is a great deal in the view that, by inserting these words "of previously chaste character," you throw out an inducement to immoral men, who may have seduced girls of this kind to trump up charges against their character, and probably those who would be bad enough to have illicit connection with children, would also be quite bad enough to trump up charges of previous immorality against them to get out of the clutches of the law. I will support the bill as it stands, but I could not extend the age of consent to 18 years.

Hon. Mr. POWER—I suggest that we dispose of the amendment of the hon. gentleman from Sarnia before we go further.

The question of concurrence being put, the amendment was declared lost.

Hon. Mr. POWER—With respect to the clause before the House, I think it must be borne in mind that this House, in 1897, after very serious and prolonged discussion, decided to pass this enactment in the shape in which it is. I quite agree with the hon. gentleman from Marshfield (Mr. Ferguson). The policy of the law is to protect a girl of immature years, until she is old enough to take care of herself. We have protected a girl up to fourteen, under severe penalties, and the present law protects, to a certain extent, a girl between fourteen and sixteen. Practically, the enactment as it stands now puts upon the girl the onus of showing that she was of previously chaste character, and I think that that is a highly objectionable requirement. It seems to me that in these cases we cannot go very far astray—at least we cannot go too far astray—we are not doing anything extreme—if we follow the example of the mother country. This subject has been dealt with there, and every hon. gentleman knows that they are not disposed to go to extremes in the matter of rendering men liable, or treating them as criminals for offences of this kind. The English enactment is as follows:—

> Any person who unlawfully and carnally knows, or attempts to have unlawful or carnal knowledge of any girl, being of or above the age of thirteen, and under the age of sixteen years, &c.

It seems to me that this is the law we should have here.

Hon. Mr. MACDONALD (B.C.)—What is the punishment?

Hon. Mr. POWER—He is liable, at the discretion of the court, to two years with or without hard labour. What we ought to do is to take the English enactment and protect children when they are too young to protect themselves. This requirement, that she shall be of previously chaste character, really removes the greater part of the protection from the girl. Supposing a child has, at some previous time, been led astray, that should be no defence to the man who later on, perhaps, when she is trying to get back to virtue and may perhaps for six months or a year have been conducting herself properly, seduces her. It should be no defence to that man that, at some previous time, this child, perhaps before she was fourteen years of age, had been led astray, and I think we had better adopt the English Act here. The language of this bill, and the language of the bill which passed this House before, is objectionable in this respect, that it practically, as the Minister of Justice intimated—although it does not expressly say so—requires that the girl should have been of previously chaste character. It practically requires that, because it provides that the man must seduce the girl to incur the penalty. Of course, if a girl had been previously seduced, it cannot be that this man has seduced her. Can you seduce a girl over and over again? I think that this section goes too far, and I move that section 181 be striken out and the following substituted:—

> Unlawfully and carnally knows, or attempts to have unlawful and carnal knowledge of any girl, being of or above the age of 14 and under the age of 16.

Hon. Mr. DEBOUCHERVILLE—Supposing she was a prostitute, would you protect her?

Hon. Mr. LOUGHEED—That amendment is more strict than the bill now before us.

Hon. Mr. POWER—Yes. I adopt the English law. I think it is a safe thing to go by.

Hon. Sir MACKENZIE BOWELL—I sent this bill to a lawyer who has had a great deal of experience, and he has placed this memo. on it:

> If you had seen, as I have more than once, the wives of respectable successful farmers suffer over charges of this kind which ultimately proved to be utterly unfounded, you would understand why I advocate protection for both sides.

He has had a great deal of experience, and I find that when this question was discussed before, I quoted from an opinion which I received from a judge of the land to this effect:

> A girl of 16 ought to know enough to take care of herself.

I do not exactly agree in the first sentence, but I agree in the next:

> There is too much opportunity given to abandoned women to levy blackmail. Women of unchaste character will generally swear to anything. Such is my experience.

That is the opinion of a judge of the country, which I quoted at the time the former bill was before us—a judge who had a great deal of experience—and I find that

it is fully concurred in by the memo. from the gentleman in Belleville who has had vast experience in criminal charges. What I fear most is the character of women alluded to by that judge, who care very little for an oath, and if there is an opportunity of fastening the crime upon the head of a respectable family, or in some cases, a young man in better circumstances than the one who actually committed the crime, they swear the illicit intercourse or the seduction upon him, and we should be very careful how far we place it in the power of women of that character to levy blackmail. We know from experience of cases that have come before the courts—and I have no doubt in the practice and reading of law the Minister of Justice has had cases under his observation—where attempts have been made to fasten that class of crime upon a man and thereby ruin the peace of his family.

Hon. Mr. MILLS—The amendment of my hon. friend behind me (Mr. Power), to introduce the precise words of the English statute instead of the words that are here, goes very much further than this. It makes the offence as absolute in the case of girls between 14 and 16, as it is in the case of girls under 14 years. The only difference is in the degree of punishment attached to the Act. The section, as it stands, does not go so far because the offence is, to some extent, conditioned upon the conduct of the girl. You require seduction and illicit intercourse, both—"seduces and has illicit intercourse."

Hon. Sir MACKENZIE BOWELL—There could be no seduction without illicit intercourse.

Hon. Mr. MILLS—Where there is seduction there is persuasion, and where a woman is not of previously chaste character and willingly consents to the act, there cannot be seduction, although there might be illicit intercourse. But there is a difference between the offence, as it is constituted under the section as it stands, and under the section as it will stand if the English law is substituted for the proposed amendment. I do not object to the English law; and I would say, with regard to the amendment which my hon. friend from Lambton (Mr. Vidal) proposed, that I do not object to fixing the age at 18, but I would not put in the same class the offence of seducing girls between 14 and 16 and that of seducing girls between 16 and 18. I think there is a greater chance of maturity of judgment in the latter case. Minds, perhaps, mature sooner here than in England.

Hon. Mr. OGILVIE—Hear, hear.

Hon. Mr. MILLS—And that is a fact that cannot be wholly lost sight of in legislating upon the subject of crime. I, of course, only wish to submit for the consideration of the House that which it is necessary to put upon the statute-book, and which meets with the support of general public opinion. Since this bill has been printed a deputation from Montreal has waited upon me, and I have had communications from other portions of the Dominion in which it is said that there are, in many of our large cities, persons who make it a habitual practice to undertake to seduce girls between 14 and 18 years of age. They wish to avoid the chances of serious disease, and therefore they seek to mislead those who were innocent before they came in contact with them. If that be so, of course it is a very serious offence, and especially serious in the case of girls who know little or nothing about the world, and who are exposed to the arts of designing men——

Hon. Mr. DEBOUCHERVILLE—And women.

Hon. Mr. MILLS—And women.

Hon. Mr. DEBOUCHERVILLE—I think there are women, I have been told so at least, who make a practice of getting young girls into improper houses. This crime is not met by this bill.

Hon. Mr. MILLS—There is another clause further on dealing with that, and it is worthy, I think, of the serious attention of the committee, while this subject is under consideration, if it is disposed to adopt the English law instead of this section, making the offence absolute instead of the conditional offence, whether the House might not advantageously provide also in this section a less degree of punishment for the offence against girls between 16 and 18 years of age. At 18 they might very well rely on themselves, but I think we might go that far; we might provide that every one is guilty of an indictable offence, and liable, say, to one year's imprisonment, who seduces

and has illicit connection with any girl of or above the age of 16 and under the age of 18, of a previously chaste character.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. MILLS—Introducing the English statute, as to the offence between 14 and 16.

Hon. Sir MACKENZIE BOWELL—Yes.

Hon. Mr. MACDONALD (B.C.)—What becomes of those under 14?

Hon. Mr. MILLS—They are absolutely protected. I would substitute the English section that my hon. friend has proposed for the protection of girls between 14 and 16, and as to those between 16 and 18 I would say:

Every one is guilty of an indictable offence and liable to one year's imprisonment who seduces and has illicit connection with any girl of previously chaste character of or above the age of 16 and under the age of 18 years.

Hon. Mr. McMILLAN—Then the previously chaste character only has reference to those between 16 and 18?

Hon. Mr. MILLS—Yes.

Hon. Mr. LOUGHEED—All we desire to do is to pass such legislation as will protect this class of children. Has there come under my hon. friend's observation any abuse of the law as it at present stands? If there is no abuse of the present law, surely we should not amend it. The law is designed to protect a tender class of the community, and surely if there are no abuses in that direction we should not go further.

Hon. Mr. MILLS—I have had no statistics upon the subject, but I have had deputations wait upon me who occupied my attention for about three hours in detailing cases.

Hon. Sir MACKENZIE BOWELL—Were they women?

Hon. Mr. MILLS—No, they were my hon. friend's own sex.

Hon. Mr. LOUGHEED—The criminal statistics of the Dominion are so prepared as to indicate the convictions for all classes of offence. There are two classes of offence, namely the class of offence against girls under 14, and against those between 14 and 16. If the criminal statistics do not indicate that there has been any violation or any abuse of public morals, why should we invade that protection which at the present time is afforded the public against blackmail?

Hon. Mr. VIDAL—The parties to whom I have spoken contend that the amendment which was made some years ago, by which that provisional protection was given up to 16, has been so beneficial that it has very greatly reduced the cases and we hear nothing about them.

Hon. Mr. LOUGHEED—Then why do you wish to amend it?

Hon. Mr. VIDAL—Because they say between 16 and 18 there are many cases that you hear nothing about, because the law does not recognize the offence after the age of 16, as a crime, and it is because of that we seek to extend the protection two years. I agree with what the minister says about the diminution of the penalty.

Hon. Mr. POWER—The matter before the committee now is this amendment to section 181. If the committee should adopt that amendment we could consider the further amendment proposed by the hon. Minister of Justice. I do not think that any one will accuse me of being very much affected by mawkish sentiment, but I do feel that children, up to the age of 16 at any rate, ought to be protected. After all, what is a girl 15 years of age? The idea of people talking about a young man being led from the path of virtue by a girl of 15, is, in 19 cases out of 20, absurd. What we want to do is to try and protect girls while they are unable to protect themselves. Some hon. gentleman made reference to young prostitutes. What we want to do is to prevent children from becoming prostitutes, and if it is made clear to a man who has any disposition to seduce a child that he will be very severely punished if he does seduce her you take the very best means of preventing the making of young prostitutes; and I cannot understand why we should here object to go as far as they have gone in England. There is no mawkish sentiment about English law. It has not been dictated by female organizations or by a desire to get votes. English legislators go on sound common sense and

reason and they go no further than the case requires, and I really cannot see any objection whatever to our adopting here the English law and giving absolute protection to a child up to the age of 16. I think the idea of her consenting up to that age is not to be entertained. After that age it is different.

Hon. Sir MACKENZIE BOWELL—How does the proposed amendment affect a girl under 14?

Hon. Mr. MILLS—That is provided for in another part of the Code. Both of these might be merged in section 191.

Hon. Mr. POWER—One thing at a time.

Hon. Mr. MILLS—You propose to amend this section by striking out what is in it.

The committee divided on the amendment proposed by Hon. Mr. Power, which was carried on the following vote:

Contents 15; non-contents 12.

Hon. Mr. MILLS moved, as subsection *b*:

Every one is guilty of an indictable offence and liable to one year's imprisonment who seduces and has illicit connection with any girl of previously chaste character above the age of 16 years and under the age of 18.

Hon. Mr. LOUGHEED—That goes farther than the Charlton Bill.

Hon. Mr. SCOTT—No; not exactly.

Hon. Mr. MILLS—Hon. gentlemen will see that it is not the Charlton Bill.

Hon. Mr. McMILLAN—Is not one year a little too much punishment?

Hon. Mr. SCOTT—The judge can give one day if he chooses.

Hon. Mr. FERGUSON—The objection that I have already expressed to the clause as it was originally proposed remains as strong as ever with the amendment. It is wrong to give this encouragement to men of loose character, who may seduce girls, to trump up charges against their previous character. A man who has committed such an offence, would not hesitate to assail the character of the girl he has ruined. I think it would be more protection to girls of 16 to 18 to leave the law as it stands. If you extend the age of consent to 18 and bring in this provision, I do not think you are doing them any very great service.

Hon. Mr. LOUGHEED—In my judgment you are passing most vicious legislation. You threaten the liberty of young men, against whom action designed to levy blackmail or a forced marriage may be brought by designing girls with whom they never had anything immoral to do. Now it is a well known fact that where girls of comparatively mature age, such as between 16 and 18, are seduced, it is utterly impossible to prove that they were of previously chaste character. You will have to consider this, that where you put a girl of that age into the witness box she will invariably swear to her chastity. I have scarcely ever seen an immoral woman put into a witness box who would not swear to her chastity. The men who are guilty of such conduct are generally irresponsible people, and a designing girl will swear her seduction upon somebody who will make a desirable match for her. Cases of that kind are constantly arising, in which a boy may be entirely innocent with regard to seducing a girl, but will make an excellent match, and the woman will swear her seduction on the boy or let him go to the penitentiary.

Hon. Mr. POWER—It is not a penitentiary offence.

Hon. Mr. LOUGHEED—What chance is there for a boy who has been a year in the penitentiary?

Hon. Mr. SCOTT—The judge may order only one day's imprisonment. One year is the limit.

Hon. Mr. DEBOUCHERVILLE—I shall vote for the amendment, but I call the attention of the minister to this point, if after the seduction the man consents to marry the young girl, would the young man be sent to jail in that case?

Hon. Mr. MILLS—That is a defence, under the law as it stands.

Hon. Mr. McMILLAN—In my experience, the man is always the aggressor, and for that reason I think that the woman ought to be protected, but, while I admit that, I think the clause is a little strong. I certainly would not support it unless you add the words "of previously chaste character."

Hon. Mr. MILLS—Those words are now in.

Hon. Mr. McMILLAN—When a girl comes to eighteen, she is a woman, and I venture to say that of the marriages that are taking place to-day in Canada, there are more perhaps at the age of eighteen and under than at the age of twenty-five. It is making the law a little too strong to go up to the marriagable age, and though the period is but short between sixteen and seventeen, I would rather say seventeen. I would rather protect them to the marriagable age and not go all the way to eighteen. That is a little too high.

Hon. Mr. FERGUSON—In the case of the young woman it admits of charges being trumped up against her chastity, and there is temptation in the way of her seducer, to get himself out of a scrape in that way, while in the case of a young woman it throws the temptation in the opposite direction.

Hon. Mr. McMILLAN—But it acts as a deterrent after all. She will not be as likely to bring an action against a young man if she has to bring proof against a charge of previously unchaste character.

Hon. Sir MACKENZIE BOWELL—The only protection a man has is the suggestion made by the hon. Minister of Justice. It is between 16 and 18 that seductions, as a rule, take place, and this would make it punishable though not to such an extent as the seduction of a girl under 16. I think it is a good amendment.

Hon. Mr. MILLS—In the case mentioned by my hon. friend opposite (Mr. De Boucherville) if the parties marry that is the end of the prosecution. In the case of persons between the ages of 16 and 18, the punishment is not confinement in the penitentiary, for no one is sent to the penitentiary for a less period than two years. While the judge cannot exceed one year, he can make the punishment for a shorter term. Representations made to me on the subject, point out that it is desirable there should be legislation of this sort. It acts as a deterrent.

Hon. Mr. MACDONALD (B.C.)—This law has been in force five or six years, and I do not know of any convictions under it.

Hon. Mr. MILLS—You cannot have a conviction under a provision that is not law. This is the first time this proposition has received any assent. I think it is a wise provision. It would be most undesirable to go to the extent of making it a penitentiary offence, because the effect in the United States—it is so represented to me by one of the ablest and most experienced judges of the supreme court of the United States—of making seduction a penitentiary offence and giving a party choice between marrying and being prosecuted, is that a marriage generally follows a threatened prosecution, and then the first aim of the party is, if he be a person of good social standing, to secure a dissolution of the marriage bonds. The effect of that has been to make provisions by law for divorce which have no existence in this country. I should be very sorry to see any provision in our penal law the effect of which would be to lead to forcible marriages, to be followed by an extension of the law relating to divorce. The statement made a few years ago by Chief Justice Campbell, of the State of Michigan, was that this had led to a greater number of divorce cases and a greater number of relaxations of the laws on the subject of marriage and divorce than all other causes put together. I should be very sorry to propose any penal legislation which would lead in that direction, and so I propose that the punishment shall be imprisonment for a period not exceeding a year.

Hon. Mr. LOUGHEED—I wish to point out the absence of human calculation when we compare human nature with what my hon. friend has said in the remarks just made. He says that by raising the age of consent to eighteen and attaching to it a small sentence—a year's imprisonment—it will operate as a deterrent and yet relieve the seducer from very serious consequences. Does any hon. gentleman believe for a moment that a man, about to commit such an offence stops to consider whether the punishment is one year or two years or five years? Does my hon. friend think any seducer reasons the matter out in that way? Decidedly not, and that is why I say that legislation of this kind is a curse. It does not protect the class of people you seek to protect. It simply affords machinery for blackmailing those who are innocent of the crime. You propose to raise the age of consent to eighteen. That is what it amounts to and you qualify it in this way; the female from sixteen must be of previously chaste character. As I said before, the onus would fall upon the accused to prove that

the female was not. How is he going to prove that she is of unchaste character? If she is put in the witness box, the experience of all lawyers is that a woman will invariably swear to her chastity no matter how immoral she may be, and it seems to me you surround a woman of eighteen, having a knowledge of the world, being as designing as any man in his twenties or thirties, with a protection of such a character that it will be impossible for a man to maintain his liberty in court as against a designing female. The other amendment was certainly vicious, but this one is surprisingly so.

Hon. Mr. MILLS—My hon. friend asks whether any man stops to consider, when he is on the verge of committing the act. I suppose not, but he stops before he reaches that point.

The committee divided on the amendment, which was adopted on the following division:

Contents, 18; non-contents, 12.

On clause 183, which is as follows:—

183. Every one is guilty of an indictable offence and liable to two years' imprisonment—

(*a.*) Who, being a guardian, seduces or has illicit connection with his ward; or—

(*b.*) Who seduces or has illicit connection with any woman or girl of previously chaste character and under the age of twenty-one years who is in his employment in a factory, mill, workshop, [shop or store, or as a domestic servant,] or who, being in a common employment with him in such factory, mill, workshop, [shop or store, or as a domestic servant,] is, in respect of her employment or work in such factory, mill, workshop, [shop or store, or as a domestic servant,] under or in any way subject to his control or direction, [or receives her wages or salary directly or indirectly from him.]

Hon. Sir MACKENZIE BOWELL said: The second subsection is objectionable. I see no reason why an employee in a shop or store should not be protected as well as others, but it is a different matter with domestic servants, and I move that the words "domestic servants" be struck out.

Hon. Mr. ALMON—I have seen in a newspaper published in the United States that a Sunday school teacher has been seduced by a Sunday school superintendent. Since we are including so many classes of females, we might as well extend the protection of the law to Sunday school teachers. A superintendent of a Sunday school has great influence over a teacher.

Hon. Mr. POWER—This clause was considered at great length in 1897. The committee of that day thought that a proprietor of a shop or store would be rendered very liable to blackmail if a girl in his employ was allowed to come under the Act—that, practically, she was in very nearly the same position as a domestic servant, and I do not see why we should not leave the law in this particular as it now stands.

Hon. Mr. MILLS—I think shop or store should be included. There are many such establishments where a score or more of girls are employed, but I quite admit that a domestic servant stands in a different position, and I did not intend that a domestic servant should be included in the bill.

Hon. Mr. PERLEY—Should you not include the typewriter too?

The clause was amended by striking out the words "or as a domestic servant."

Hon. Mr. POWER—In a shop or store there may be only one or two girls employed, and I do not see why a domestic servant should be in a different position from a girl in a store.

The subsection as amended was adopted.

On section 186*a*.

Hon. Sir MACKENZIE BOWELL—How are you going to punish a society for seduction.

Hon. Mr. MILLS—You cannot punish the society, but you can punish the officers of it. The case intended to be met in this: here is a society that has certain persons acting as its officers. Such a society, or person, so acting, is to be treated as a guardian, and therefore all the penalties that the law attaches to a guardian for a violation towards a child of the duties of guardianship in respect to the provisions of this law would apply to that society.

Hon. Mr. LOUGHEED—A society is only a legal fiction, and you cannot reach a fiction or an impersonal entity.

Hon. Mr. MILLS—We want to reach the person who represents that society, and we want to impress upon them, by virtue of the powers that are conferred upon the societies, the fact of guardianship.

Hon. Mr. MACDONALD (B.C.)—Would it apply to every member of the society?

Hon. Mr. MILLS—It would apply to any member of the society who would become an instrument in the ruin of the child. I quite admit the difficulty, and I propose to allow this clause and the one following it to stand for further consideration.

Hon. Mr. POWER—That was in the bill of 1897 and was passed by this House. I would call the attention of hon. gentlemen to the fact that there is no reason at all, why the society should not be liable under the provisions of clause 186.

The clause was allowed to stand.

On clause 186*b*.

[186*b*. In order to prove the age of a girl or child for the purposes of sections 183, 186, 210, 282, 283 and 284, the following shall be sufficient prima facie evidence:—

(*a*.) Any entry or record by an incorporated society or its officers having had the control or care of the girl at or about the time of the girl being brought to Canada, if such entry or record has been made before the alleged offence was committed.

(*b*.) In the absence of other evidence, or by way of corroboration of other evidence, the judge or jury before whom an indictment for the offence is tried, or the justice before whom a preliminary inquiry thereinto is held, may infer the age from the appearance of the girl.]

Hon. Mr. McMILLAN—I think, before attempting to prove a charge of that kind, they should first ascertain for a certainty the age of the child.

Hon. Mr. POWER—You cannot do so in the case of a child coming from England.

Hon. Mr. McMILLAN—It may be difficult 'out the punishment is very severe, and before punishing a young man you should be in a position to prove the age of a girl to a certainty.

Hon. Mr. SCOTT—I think subsection *b* should be struck out.

Hon. Mr. McMILLAN—I saw a young lady to-day only 14 years of age who looked like one of 18, and I saw one who did not look more than 16 who was 22. You leave too much to the discretion of the judge.

Hon. Mr. MILLS—I discussed this matter a good deal with the officers of the department, and I had some doubt with regard to subsection *b*, but I will let the whole section stand for further consideration.

Hon. Mr. LOUGHEED—I think subsection *a* is objectionable.

Hon. Mr. MILLS—My hon. friend will see the entry must have been made before any offence was committed.

Hon. Mr. LOUGHEED—More care should be taken to prove the age in this case than in a civil case. In a case where the accused is on his trial and may be sent to the penitentiary for many years, surely you should require as strong evidence as in a civil case. I would point out the infirmity of this particular case is this, you leave it in the hands of men—those who act as guardians, who receive a small salary per month to act as secretary for some of those philanthropic societies. They are instructed that they must give the girl the benefit of any doubt that may arise as to her age, and knowing the law which protects those children, it would be the most natural thing in the world to put the ages of those children lower than they would be justified in doing. We know the philanthropic bodies would say to those so-called guardians, "You must give the child the benefit of any doubt as to her age." Under the present law of evidence, no such evidence in a civil or criminal case would be admissible.

The clause was allowed to stand.

Hon. Mr. CLEMOW, from the committee, reported that they had made some progress with the bill and asked leave to sit again.

CANADA ACCIDENT INSURANCE COMPANY BILL.

SECOND READING.

Hon. Mr. ALLAN moved the second reading of Bill (F) "An Act respecting the Canada Accident Insurance Company." He said:—This is a bill from the House of Commons and a very short one. The principal enactment seems to be a clause striking out a provision for two vice-presidents, and providing only for one; to make Montreal headquarters of the company instead of Toronto, and to give them power to insure employers against claims for damages by workmen and employees.

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

BILL INTRODUCED.

Bill (64) "An Act respecting the Quebec, Montmorency and Charlebois Railway Company, and to change its name to the Quebec Railway Light and Power Company."—(Mr. Bolduc.)

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, 21st June, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

EXPERIMENTS IN FRUIT CULTURE IN PRINCE EDWARD ISLAND.

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 Senate, copies of all correspondence between the Department of Agriculture, the Prince Edward Island Fruit Growers' Association and the Provincial Premier, Hon. Mr. Farquharson, with reference to experiments in fruit culture now being carried on in Prince Edward Island; said correspondence to include all instructions to Mr. Kinsman with reference to the nature of the work to be undertaken and the selection of orchards for the purpose of carrying on said experiments.

The motion was agreed to.

SAWDUST IN THE OTTAWA RIVER.

INQUIRY.

Hon. Mr. MACDONALD (B.C.)—Before the orders of the day are called, I should like to ask the hon. gentleman for Rideau Division, the hon. minister of sawdust, if he has seen the Ottawa River lately. I never saw it covered with sawdust as it is now. The sawdust extends right up to the mouth of the canal. It is a disgrace and should be stopped. I hope the hon. gentleman, who has taken a lively interest in this matter hitherto, will not let it drop now.

Hon. Mr. CLEMOW—I do not see what I can do. The Act is passed and has become law, and it must be the duty of some one to enforce it. I have done my duty in the matter. I have brought up the question frequently for the last nine or ten years and succeeded in getting the law enacted, and I call upon the government to enforce it. I presume it is their duty. I do not know that anybody else can interfere with it. They are responsible for the good government of the country, and they certainly should take some means to stop this nuisance. I am glad the hon. gentleman from British Columbia has brought the matter before the Senate. I thought from day to day that some measure would be taken by the government to prevent the continuance of this horrible nuisance. I believe it is as bad as it ever was. Some remedy should be applied immediately. I do not desire to be a public informer, and do not ask any one else to place himself in that position, but some one should be responsible for this continued violation of an Act of Parliament.

BEDLINGTON AND NELSON RAILWAY COMPANY'S BILL.

THIRD READING.

Hon. Mr. CLEMOW moved the third reading of Bill (107) "An Act respecting the Bedlington and Nelson Railway Company," as amended. He said:—The third reading of this bill was postponed on account of an Act of Parliament passed in British Columbia being attached to it. I have ascertained that this is the only Act in the statute-book of British Columbia which applies to this railway. Therefore, there can be no objection on that score. I received a note from Mr. Foster, who introduced the bill in the other House, approving of the provision incorporated in this Act in the bill as it has been passed. He said:

It has been brought to my notice that Senator Power had included in the bill granting the charter to the Bedlington and Nelson Railway Company a Dominion charter. I see no objection to this being done. I think it would very often be an improvement, as settling clearly in one document the powers held by the company. Especially is it so in this case, as this company is only applying for a charter because, the stocks being held in England, the stockholders have more confidence in a Dominion charter than a provincial charter.

Under these circumstances I do not think it objectionable. It will be of easy access to any one who wishes to consult it, and I think it is very desirable that it should be so. I know the other day I desired to find one of the old laws of the province of Can-

ada of 1855-56, and I had the greatest trouble to obtain a copy of the statutes of that year. I sent to the Printing Bureau and they did not have it there. If that is the case with the laws of the old province of Canada, how much more would it be so in dealing with the Acts of a remote province like British Columbia, where the statutes are not distributed as freely as in Ontario. I cannot see what objection there can be to allowing this bill to pass as proposed by the Railway Committee the other day. I have no interest in the matter. I cannot see, for the life of me, what injury it does. On the contrary I think it will be a benefit to all men unacquainted with the law. If they want to refer to this bill they can readily ascertain the facts. I do not see why an objection should be raised because it is an innovation. I hope all our innovations will be in the same direction.

Hon. Mr. MACDONALD (B.C.)—The hon. gentleman from Rideau Division is not to blame in the matter, if blame is attachable to anybody. When the bill was up for second reading, an hon. gentleman expressed a doubt as to the wisdom of cumbering our statutes by introducing provincial Acts. I have no strong feeling myself either way, but I had given notice of a motion that the bill be referred back to committee. If the House wishes to keep the provincial statute in the bill they can do so. I now move :

That the said bill be not now read a third time, but that it be referred back to the House for the reconsideration of the amendment by the Committee on Railways, Telegraphs and Harbours to the said bill, and concurred in by this House on the 15th June.

Hon. Sir MACKENZIE BOWELL—I do not object to the bill that is being considered, but it was distinctly understood, when we adjourned last night, that the first order of the day was to be the continuation of the consideration of the Criminal Code.

Hon. Mr. MILLS—My hon. friend stated that, but I did not state it, nor did I assent to that proposition, because my hon. friend beside me (Mr. Scott) and I were discussing that matter, and we thought we would decide after we came. I have a good many suggestions in my hand here, but have not been able to go over them all, and I would like to do so before going into committee on the Criminal Code again. We have a number of bills that we may bring up. My hon. friend (Mr. Scott) proposes to go on with the Drummond County Railway Bill, if there is no objection, and after that I thought I would take up the Loan Company's Bill, which I thought was one that the House would be prepared to consider.

Hon. Sir MACKENZIE BOWELL—I certainly did make the suggestion last night to take up the Criminal Code Amendment Bill to-day as the first order, and I understood, from the nod of the hon. gentleman's head, that he approved of that suggestion. I may have been in error. I was under the impression that a formal motion was made that the Criminal Code Bill was to be the first order of the day, hence I decidedly object to going on with the Drummond County Railway Bill to-day. I am not in a position to deal with the question, being satisfied that we were going on with the Criminal Code this afternoon. Such a misunderstanding can easily arise from the loose manner in which we are drifting in the conduct of our business. If we were to put our motions in writing so that the Speaker would know exactly what we intend, the clerk would be in a position to make the record so that it would be intelligible to us, and we would not get into such difficulties. I regret that I misunderstood the hon. gentleman, but, for the reasons I have given, I am not in a position to proceed with the discussion of the Drummond County Railway Bill to-day. I know the hon. member from Halifax (Mr. Power), in conversation with me not an hour ago, was under the same impression, because he came to my room and called my attention to the order of the day, and I said that is clearly an error. Probably the clerk did not hear it.

The amendment was declared lost.

The bill was then read the third time and passed.

THIRD READINGS.

Bill (68) "An Act respecting the London Mutual Fire Insurance Company of Canada." —(Mr. Allan.)

Bill (51) "An Act to incorporate the Canadian Inland Transportation Compny." —(Mr. Casgrain.)

CRIMINAL CODE AMENDMENT BILL.

SECOND READING POSTPONED.

The order of the day being called :—

Second reading Bill (2) "An Act to amend the Criminal Code, 1892, so as to make more effectual provision for the punishment of seduction and abduction."

Hon. Mr. VIDAL said :—Although I am in a measure satisfied with the progress which has been made in the direction which I have been advocating, I feel that it is my duty to keep the bill alive and wait and see whether the action we took yesterday meets full conformation in the passage of the bill. I therefore move that the order of the day be discharged and that the bill be placed on the orders for the second reading on Wednesday, the 28th instant.

The motion was agreed to, and the order was discharged.

DRUMMOND COUNTY RAILWAY BILL.

SECOND READING POSTPONED.

The order of the day being called :—

Second reading Bill (133) "An Act to authorize the acquisition by the Dominion of the Drummond County Railway."

Hon. Sir MACKENZIE BOWELL said :—I would ask the Minister of Justice what he proposes to do with this bill under the circumstances? I might point out, also, there is other information which should be laid before the Senate before we proceed with this measure, more particularly the information which I ask for in the motion of which I have given notice.

Hon. Mr. MILLS—That relates to the next bill does it not?

Hon. Sir MACKENZIE BOWELL—It may relate to the next bill, but in discussing this question I think the Minister will readily admit that we cannot very well deal with the one without at the same time discussing the two, and in the discussion before the Senate upon this question, the one being a corollary of the other, it would follow, as a matter of course, in discussing the acquisition of the Drummond County Railway you have to discuss the agreement with the Grand Trunk Railway Company, because the House, I take it for granted, would not confirm one proposition and reject the other; so that I think hon. gentlemen will see at once that we cannot very well deal with this one question alone. Therefore, I ask the hon. minister to delay the measure for two or three days until he ascertains if we can get this information.

Hon. Mr. SCOTT—What information?

Hon. Sir MACKENZIE BOWELL—The information called for by the motion of which I have given notice to-day, all supplemental arrangements between the Railway Department and the Grand Trunk Railway Company regulating traffic. I understand there have been supplemental arrangements. If so the House should be in possession of the details. The agreement itself declares that the traffic arrangements have been entered into, and they will be confirmed by the adoption of the bill by the House. In the first place, we do not know what they are. We presume they are the ordinary arrangements. If it be true that other arrangements have been entered into, since the first traffic arrangement, we should be in possession of them, because they may affect materially our action in this House.

Hon. Mr. MILLS—The hon. gentleman is entitled to every information that can be given on the subject by the Railway Department. Of course, I cannot say what further information there may be, in addition to what has been brought down, but I shall make immediate inquiry, and all the information which the House or any member of the House requires should be before us. In that event I suppose my hon. colleague will not proceed with the bill until the information is brought down.

Hon. Mr. FERGUSON—My hon. friend will also remember that I called his attention to the insufficiency of the answer to an inquiry of mine, and he promised me that he would look into that and the information would be supplied.

Hon. Mr. MILLS—I spoke to the Minister of Railways with regard to what my hon. friend said, and I think his answer was that the $43,000 was all paid by the government—that the various items there given were sums which the government had paid, and that the whole sum was something over $400,000, of which $43,000 was the government portion.

Hon. Mr. FERGUSON—My complaint was that it did not set forth what percentage of the whole this represented. I want to find out how that is ascertained.

Hon. Mr. MILLS—If I give the hon. gentleman the whole sum, the percentage will be obvious, not the percentage in detail, but the percentage collectively of the amount already submitted to the hon. gentleman. There was $43,000, if I remember rightly, and the details show for what purposes that was given. I do not know whether my hon. friend wants a corresponding detail showing the use made by the company of their portion or not, but I would say to my hon. friend that I understand from the Minister of Railways that that $43,000 was the government portion of something over $400,000 of the total cost.

Hon. Mr. FERGUSON—What I want to know is what is the proportion, on what percentage? If it is $43,000 out of $400,000 odd, it would be somewhere about 10 per cent. That is what I want.

Hon. Mr. SCOTT—I have no desire to press the bill on unless the hon. gentlemen are prepared to take it up, and I am prepared to consult the convenience of the House as to when they would be ready to consider the subject. I should like to ask the hon. leader of the opposition whether he has examined the schedule of the Grand Trunk bill. It probably gives the information that he wants.

Hon. Sir MACKENZIE BOWELL—I have read it very carefully. The provision in the bill reads as follows:—

> In consideration of the rents and covenants herein reserved and contained, Her Majesty represented by the General Traffic Manager of the Intercolonial Railway of the one part and the company by its General Traffic Manager of the other part, have entered into a mutual traffic arrangement in writing of even date herewith, which traffic arrangement is hereby declared, covenanted and agreed to be and form a part of and be supplemental to this contract, and shall be read herewith and shall be binding upon all parties hereto during the continuance of this leasing contract, except so far as the same may be altered with the mutual consent of Her Majesty and the company. When and if the tariff arrangement shall be so altered from time to time such amended supplemental contract shall be substituted for the supplemental traffic contract of this date.

What I want to know is, has any supplemental arrangement or contract been entered into at the date, or since the date, of this agreement? This agreement binds us to a contract of even date with this contract, and if that is not too long, we ought to have it. But what I have moved for is, any supplemental arrangements which have been made. There may not have been any made, and if that is the case, all the minister would have to do would be to say that there is none. Again, in this agreement, it declares that we are affirming a map showing the route and its entrance into Montreal, and it purports to be marked in red. There is nothing of that kind attached to this schedule.

Hon. Mr. FERGUSON—I would just add to what my hon. friend has said that this contract refers to a supplemental contract of even date with the main contract. We have not got that. I have never seen it.

Hon. Mr. SCOTT—Nor I either.

Hon. Mr. FERGUSON—It is very important that we should have it, as well as any supplemental ones, which have been made since.

Hon. Mr. SCOTT—I suppose any information they have in the Railway Department can be got in twenty-four hours. They must have copies of any agreements they have made. Perhaps we could proceed with the bill on Friday or Monday.

Hon. Sir MACKENZIE BOWELL—Monday would give plenty of time.

Hon. Mr. SCOTT—Then I move that the order of the day be discharged, and placed on the orders of the day for Monday.

The motion was agreed to.

LOAN COMPANIES BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (P) "An Act respecting Loan Companies."

(In the Committee.)

On clause 9.

Hon. Mr. PRIMROSE—Does this section mean that the name of the company may be altered without the request of the party?

Hon. Mr. SCOTT—Very often names are asked for which are similar to names given to other corporations, and the Governor in

Council has power to change the name at any time.

The clause was adopted.

On clause 14.

Hon. Mr. CLEMOW—Does not the amount of deposit depend on the total capital they intend to employ? This section seems to imply that whatever the capital might be they would have to subscribe $100,000.

Hon. Mr. MILLS—Yes. It is not considered that a loan company would be safe to undertake business with a smaller paid-up capital.

Hon. Mr. CLEMOW—Supposing the capital is $20,000,000, would $100,000 be considered sufficient for them to subscribe?

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. CLEMOW—It may be provided for somewhere else, I do not know.

Hon. Mr. LOUGHEED—What do the government intend doing with the $50,000? Do they intend keeping it on deposit, the same as in the case of insurance companies?

Hon. Mr. MILLS—No.

Hon. Mr. LOUGHEED—Do the government intend allowing interest to the company or do they intend to repay it, or what disposition is to be made of it?

Hon. Mr. SCOTT—The Companies Act would apply to these companies, and a loan company would be subject to the general provisions of the Companies Act, and they should not commence business unless they had 50 per cent of the capital stock subscribed and 10 per cent paid up, and that 10 per cent must be $50,000, under this provision.

Hon. Mr. LOUGHEED—But you require to deposit this with the Minister of Finance and the Receiver General.

Hon. Mr. SCOTT—That is the rule with all companies. All companies obtaining charters from the Dominion must make their deposit with the Receiver General.

Hon. Mr. LOUGHEED—This seems to be a substantive provision and contemplates no repayment.

Hon. Mr. MILLS—Oh, yes. A company incorporated under this Act also comes under chapter 118, in so far as the terms of that Act are applicable.

Hon. Mr. LOUGHEED—That particular clause to which the hon. Secretary of State refers relates to the disposition which shall be made of the $50,000. Then if you pass a substantive clause providing for the payment to the Receiver General, without making any provision for its repayment, it seems to me it must remain there.

Hon. Mr. MILLS—We passed a bill last year providing that it should remain with the Receiver General until the company was organized, and then it goes back to the company.

Hon. Mr. LOUGHEED—But is there such a provision in this Act?

Hon. Mr. MILLS—That is law already. My hon. friend will see it is not necessary to re-enact what is already provided for.

Hon. Mr. LOUGHEED—If you pass a substantive clause and say positively that a certain thing shall be done, without in any way making reference to some general Act, then it seems to me it must be treated as a substantive provision, and in no way contingent upon the operation of some other Act, or, in other words, it is repugnant to the terms of the general Act, because it expressly provides that a specific sum shall be paid in to the credit of the Minister of Finance and Receiver General of Canada.

Hon. Mr. POWER—I should suggest that even though, on careful consideration, a lawyer might come to the conclusion which the minister mentioned, in order to prevent any doubt some words might be inserted that this $50,000 is to be paid in for the purposes mentioned in section so and so of the Companies Act.

Hon. Sir MACKENZIE BOWELL—This is a matter that the lawyers will have to discuss. But the second clause provides that the Companies Act shall apply when not inconsistent with this Act. Then this Act provides that you must have $100,000 subscribed and $50,000 paid to the Receiver General. That is a positive declaration. Would that be inconsistent with the provision of the Consolidated Companies Act,

that after you have deposited this money they shall pay it back after the organization?

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. LOUGHEED—It seems to me the keen appreciation always shown by the Auditor General in reference to the payment out of any money which may be put to the credit of the government would assert itself very strongly on this occasion, and a company coming under this Act would find great difficulty in inducing the powers that be to part with that $50,000. In fact, it might be very well urged that it was intended that that deposit might remain with the government in the case of insurance and other companies. I see now that it is explained in clause 17, but it just bears out my contention that such a provision should be inserted in the bill.

The clause was adopted.

On clause 20.

Hon. Mr. MILLS—I propose an amendment to clause 20 so as to bring it in line with other Acts. I propose to strike out the proviso and to add:

Provided that any company may take personal security as collateral for any advance made or to be made or debt due such company.

That power is given other companies. We have it provided in all companies recently incorporated that the company shall not invest or lend money on the stocks of any other companies. Experience has shown that companies have sometimes purchased the stock of other companies with the view of embarrassing them, and as they might seriously affect the value of the stock and interests of depositors and others besides the shareholders of the company, we thought it safer, not to tempt loan companies in this way by giving power to invest in the stocks of other companies. We give them power to take collateral security of that kind.

Hon. Sir MACKENZIE BOWELL—Have they not that power now?

Hon. Mr. MILLS—No, at least there is some doubt about it. There was a decision on the point some years ago, in the case of Lewis and the Canada Permanent.

Hon. Mr. POWER—Does the minister propose to strike out the present clause?

Hon. Mr. MILLS—No.

Hon. Mr. LOUGHEED—Do you propose to in any way place a limitation upon the amount of collateral security which they shall take, or in what way are you able to satisfy yourself that the companies are really not effecting the loan upon the personal security, that is, the collateral security? It seems to me the company desirous of loaning money upon personal security, and knowing that they have the power to take collateral security, might take a very inferior class of realty for the purpose of obtaining the collateral security. That is, the collateral security might be the paramount security that they had in view at the time of negotiating the transaction. It seems to me there should be some limitation in that direction.

Hon. Mr. MILLS—That power has already been given to companies, and you are obliged to leave that question to the judgment of the directors and those managing the company. They are the parties who have the greatest possible interest in doing business safely, and I do not very well see how you could undertake to restrict them. If they take altogether inadequate security, it might be regarded as a fraudulent proceeding.

Hon. Mr. LOUGHEED—I am not objecting to the principle of it, but it is equivalent to giving companies power to loan on personal security. The collateral security may be very much more valuable than the realty. However, the policy may not be an objectionable one.

Hon. Mr. MILLS—The hon. gentleman will see that it was done last year in the bill which was carried through this House.

Hon. Sir MACKENZIE BOWELL—I think the provision is a good one. I was under the impression before that they had the power to take collateral.

Hon. Mr. MILLS—It simply removes the doubt.

Hon. Sir MACKENZIE BOWELL—I know one small company in which I have a little interest that constantly takes collaterals, but it is not done in the way the hon. gentleman from Calgary says. It is when a man defaults in the payment of interest, then

we ask him to give us collateral security for the payment of that interest. I am very glad the amendment is being made.

Hon. Mr. ALLAN—It has been done in the past by some companies, but I think it is very desirable to remove the doubt. It is not at all likely that the personal security will become the principal security for the loan.

Hon. Mr. MILLS—We carried through a bill, after a good deal of consideration, last year in which we expressly settled this question on the lines that I propose to embrace in this bill. I would ask the committee to let the clause stand for the present.

The clause was allowed to stand.

On clause 21.

Hon. Sir MACKENZIE BOWELL—Has not the suggestion been made by a loan company to the hon. gentleman that one company should not invest in the stock of another company? It might lead to a wealthy corporation ruining a weaker company.

Hon. Mr. MILLS—Nearly all the companies are asking for this power, but I discussed the matter with the Deputy Minister of Finance, and Mr. Fitzgerald, who may be regarded as a specialist in this matter, and we came to the conclusion that the provision was a very wise one. In the bill to incorporate the Canada Permanent Loan and Mortgage Corporation there is the same proviso, that the company shall not invest in or lend money on the security of stocks of any other loan company.

Hon. Mr. SCOTT—That is the law now.

Hon. Mr. LOUGHEED—The law does not go so far now as clause 20 goes. Under the existing law a company could loan on the stock of another company, but could not purchase.

Hon. Mr. MACDONALD (P.E.I.)—Does not clause 21 confer too large powers on a company? Supposing the whole capital stock of the company is paid up, say $100,000, they may borrow $400,000 on that. Have the public sufficient security for the money the company may borrow? I cannot see that they would have sufficient security. Shareholders and banks are liable generally to double the amount which they have paid in. Under this clause it appears to me this corporation has the right to borrow up to four times the amount of its capital stock.

Hon. Mr. SCOTT—They borrow, of course, on securities. There would be the $400,000 securities, and this $100,000 paid-up stock would be a sum in addition to that.

Hon. Sir MACKENZIE BOWELL—The security to the bondholders who had loaned their money would be the fact that that money had been loaned upon mortgaged property, and that the mortgage security would be the security to the parties who loaned the money. That is the only security they would have. If you go into the money market to-day, your stock may be but $100,000, you may however, have $400,000 in mortgage securities. The $400,000 would be composed of the amount of paid-up stock, the deposits paid in the company, and the reserve you might have, and the parties loaning the money would take good care to ascertain what security they had before purchasing the debentures.

Hon. Mr. MILLS—I propose to offer an amendment to provide that under certain circumstances a company may pass a by-law authorizing the directors of the company to extend the business of the company beyond the Dominion.

Hon. Mr. ALLAN—This is giving companies the same power that insurance companies have taken during the last two years of doing business outside of the Dominion.

Hon. Mr. MILLS—Yes.

Hon. Mr. LOUGHEED—Wherein does my hon. friend consider it a wise policy to permit Canadian companies to do business in a foreign country where it is utterly impossible for the machinery of our Act to exercise any inspection of the business of the company? For instance, under the machinery of this bill you have the power to inspect the securities of the company at any time, but if that company is doing a foreign business, how do you expect to exercise any jurisdiction or control, or satisfy yourself that the business is of a safe character?

Hon. Mr. SCOTT—There has been a plethora of money in Canada during the last two years, and they seek investments out-

side. The banks and insurance companies do business outside of the Dominion.

Hon. Mr. LOUGHEED—I am referring to the general policy of the government in permitting financial corporations of this country to do business in foreign countries. It seems to me it is of a very speculative character.

Hon. Mr. SCOTT—Our banks have been doing it for the last quarter of a century.

Hon. Mr. MILLS—My hon. friend knows that, as far as banks are concerned, we have just carried a bill authorizing them to do business outside of Canada.

Hon. Sir MACKENZIE BOWELL—In British colonies. That is a different thing.

Hon. Mr. MILLS—If you trust the loan companies in the management of their affairs, it is a question whether you cannot safely trust them to do business abroad. I assume that the stockholders of the company will exercise careful supervision over their own officers, and see that no by-law is passed permitting such business to be done abroad, if they disapprove of it. But if it is felt undesirable, looking at the condition of these companies, and the difficulty they sometimes find in making investments in this country, to give them this power I shall not press it.

Hon. Mr. LOUGHEED—It seems to me the very fact of giving the power to divert money which presumably should be invested in Canadian channels into a foreign country, is going to create the evil of money being scarce and high within the Dominion of Canada. The object, of course, is to get cheap money, but if you are going to permit companies to conduct operations in a foreign country for the sake of getting very high interest, you place a premium, so to speak, upon a speculative class of business, which will certainly cause a stringency in the home market for that same money which it was intended should be invested in Canadian channels.

Hon Mr. POWER—As the Minister of Justice does not feel strongly on this clause perhaps he will allow it to stand?

Hon. Mr. ALLAN—I confess I do not quite like the provisions of this clause, more upon the ground that it is more difficult for a company to manage safely investments outside of the Dominion than investments within our own territory. I would not say very much against it, because I believe the Minister of Justice has conferred with a number of gentlemen who are thoroughly acquainted with this business, and are best qualified to say what is best. If companies are allowed by this clause to do this, I doubt if they will invest so largely abroad as to raise the rate of interest in Canada.

Hon. Mr. OGILVIE—The trouble that the hon. gentleman for Calgary was speaking of, that it would be impossible to inspect the companies or their business if they were allowed to invest in foreign countries, does present itself. Insurance companies and the insurance department find no trouble of that kind. They inspect our offices just the same, and we are investing in foreign countries all the time and doing business everywhere. If you restrict the loan companies you will restrict the insurance companies, and if you restrict our insurance companies too much you simply do the Canadian companies an injury and help the foreign companies.

Hon. Mr. SCOTT—And you make higher premiums in Canada.

Hon. Mr. OGILVIE—Exactly, because these companies have the opportunity of doing business against us here, and in many cases we can do business against them satisfactorily and successfully abroad. I know that one company with which I am connected has been doing a satisfactory business abroad, fighting such companies as the New York Life, and the Mutual Life, two of the greatest companies in the world, I believe. I do not think there is any more trouble to be anticipated with loan companies than there is with insurance companies, and before you place restrictions on these investments you should carefully consider the effect of it. I know it looks as if a company had no right to invest in foreign countries, because it tends to make money scarce at home, but money goes back and forth like any other commodity, and in the course of time the money that is invested abroad comes back again into the country. From an experience of long standing, I do not approve of placing such restrictions on business between two countries so closely allied.

Hon. Mr. MILLS—I notice that in some of the provincial Acts of incorporation, they

have conferred upon loan companies the right to invest money abroad. Of course that is all we can do. We can clothe a loan company with the capacity to do so, and once we create an artificial person and clothe him with the capacity to do business abroad, he has a legal right to do so, so far as the country of his origin is concerned.

Hon. Sir MACKENZIE BOWELL—The only danger would be in the action of an unscrupulous lot of directors who could give them power to loan in compliance with the laws of a foreign jurisdiction. That would mean, I suppose, that if the law in the state of New York allowed loan companies to invest their money in securities that we would not accept in this country, they would have the power to do so, but that would have to be left to the discretion of the directors. I am informed that it is only legalizing what really has been done by many companies in Canada already.

Hon. Mr. ALLAN—Most of the large insurance companies, now, and for some time past, have been carrying on a large business in the United States. They are obliged by the laws of the United States to make deposits there, and having made those deposits they are allowed to do business. In the present state of the money market it would be almost impossible for them to put their money out if they did not have such power.

Hon. Mr. MILLS—That provision with respect to foreign business is in compliance with the international law that a company can only do business abroad by courtesy and not by right, and so whatever restrictions the foreign country may think fit to impose, the corporation must conform to.

Hon. Mr. LOUGHEED—I do not oppose the clause. I threw out the suggestion more to have a discussion on it.

The clause was allowed to stand.

Hon. Mr. MILLS—I wish to go back to section 20, and propose as section 20*b*, the following amendment :—

A company may lend upon its own capital to an amount not exceeding in the aggregate of all such loans 10 per cent of the company's paid up permanent stock, but no such loan shall exceed 80 per cent of the market price then actually offered for the stock, and no loan company whatever shall, after the passing of this Act, except as in this section provided, make any loan or advance upon the security of any permanent share or shares of permanent stock of the company whatever with or without collateral security; provided, however, that any such loan company may pass a by-law prohibiting absolutely the loaning to shareholders upon the security of their stock, or subject to the limitations contained in this subsection, a by-law limiting the aggregate amount which may be loaned on such stock, and it shall not be lawful for any company to repeal either of such by-laws until the liabilities of the company are discharged.

That is taken from an existing law.

Hon. Mr. SCOTT—One of the loan companies has that already.

Hon. Mr. MILLS—Yes. It was included in a bill of last year.

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

On clause 22.

Hon. Mr. MILLS—The statement was made to me by several managers that in times of stringency they found it easier to dispose of mortgages on real estate than to dispose of what are called liquid securities—that more than 20 per cent would be embarrassing to a company in Toronto and Montreal.

Hon. Sir MACKENZIE BOWELL—Some companies deal only in real estate, and not liquid securities.

Hon. Mr. MILLS—They cannot get them.

Hon. Sir MACKENZIE BOWELL—In order to avail themselves of the provisions of this law, the smaller companies would have to invest at least 20 per cent in these liquid securities?

Hon. Mr. MILLS—Yes.

Hon. Mr. KERR—I have been requested to call the attention of the company to what has been considered the objectionable character of this clause, but it has been very largely relieved of its objectionable character by the modification which is now proposed, reducing the amount from 50 to 20. It is thought by some companies that it should be reduced to 15, but I suppose 20 is considered a fair compromise. Therefore, I suppose it is not unreasonable that it should be left at 20.

Hon. Mr. LOUGHEED—Would you regard collateral securities as liquid securities within the meaning of the Act?

Hon. Mr. MILLS—I suppose that would depend a good deal on their character.

Hon. Mr. LOUGHEED—They are taken as collateral to real estate security.

Hon. Mr. MILLS—That would be personal security.

Hon. Mr. LOUGHEED—I think collateral personal security, the class of security covered by section 23, would not be available for the purpose of meeting those deposits in case a difficulty were to arise or a demand made by the depositors. I think you should go further and exclude any collateral security of a personal nature taken as collateral to the real estate security, because the borrower is entitled to a discharge of the mortgage the moment it is paid off, and consequently the company cannot count on those securities as permanent securities.

Hon. Sir MACKENZIE BOWELL—It does not strike me that the law would cover that in any way. It seems to me the provisions of this clause is to compel companies to hold 20 per cent of a class of securities which they can dispose of at any time.

Hon. Mr. MILLS—And convert into money.

Hon. Sir MACKENZIE BOWELL—Supposing they hold 20 per cent of Bank of Commerce, or Bank of Montreal stock, that is a stock that you could convert into money at once; or suppose you held any other stock, it would be termed a liquid security, because it is of a character that could be put upon the market and sold. Would that be considered a liquid security?

Hon. Mr. MILLS—It might or might not be. Supposing a collateral security were bank stock; if a man could deposit bank stock as a security it ought to count.

Hon. Sir MACKENZIE BOWELL—It could not, for this reason; I might be owing the company $100. I might give them $100 of stock in security which would be called liquid security if you like, but the companies would have no right to dispose of that stock until the time had expired in which I had agreed to pay that debt.

Hon. Mr. MILLS—Quite so, and it could not count until the debt was overdue.

Hon. Mr. LOUGHEED—It certainly should not, but under clause 23 I think it would. A borrower may borrow $20,000 upon real estate and may put in bank stock to the extent of $20,000 as collateral, and yet you have that bank stock over and above your real estate security or hypothec, or other immovables. I think you should add to this clause such language as would exclude in that 20 per cent, collateral security of a personal nature. You have to admit that that security would not be available to realize the 20 per cent upon.

Hon. Mr. MILLS—Nor do I think it would be the total assets of the company. Supposing the company took $10,000 worth of collateral and the debt was $5,000 they could not claim to own the $10,000.

Hon. Mr. LOUGHEED—You count the real estate securities among your assets.

Hon. Mr. MILLS—Yes, and so would the $5,000 indebtedness be an asset, but the amount beyond the $5,000 in your possession would not be an asset. You have an interest in that, and you are entitled to hold it for that security, but you have no proprietory interest until the debt is overdue.

Hon. Mr. LOUGHEED—But some companies, who may not be in a sufficiently strong financial condition to hold what are known as liquid securities to meet that twenty per cent liability, may say, "We have in our bank liquid bank stocks and other securities. True, they are only collateral, but will bring us within the meaning of the clause."

Hon. Mr. MILLS—We might pass the clause as it is, but it will not prevent its reconsideration.

Hon. Mr. LOUGHEED—Yes; that will do. I simply ask the Minister of Justice to consider it. It is susceptible of that construction.

Hon. Mr. MILLS—It certainly requires consideration.

Hon. Sir MACKENZIE BOWELL—If you loaned a man $5,000 and took security on his real estate, and asked him security to the extent of $10,000, and he says, "Very well, I will give you $10,000 in Bank of Montreal stock," that would be a collateral security for the fulfilment of the contract, but would not be available until default in

the payment of the $5,000. How then could it be a liquid asset?

Hon. Mr. MILLS—I do not think it could.

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

On clause 29.

Hon. Mr. MILLS—A clause has been suggested to me in place of the one I have in the bill, and it is perhaps more concise. This is the clause which has been suggested to me by a gentleman in Toronto in place of number 29 in the bill:

The company may have agencies in any places in Great Britain or elsewhere for the registration and transfer of debentures or other stock and for the prosecution of any other business of the company.

Hon. Sir MACKENZIE BOWELL—Is that a substitute for the whole clause.

Hon. Mr. MILLS—Yes. This suggestion of the change in the section has grown out of the proposed changes to permit the companies to do business abroad. If you do not permit them to do business abroad, the clause is better as it is. Therefore, I think I will let that section stand until I decide whether we will adopt this provision or not. If we adopt this provision with regard to loans and the transaction of business abroad, then the proposed clause would be better than the clause in the bill. If we do not confer that power, it is better as it is in the bill.

Hon. Mr. LOUGHEED—It seems to me you should put some limitation on the class of business so as to prevent the transaction of business being transferred from the head office to the agencies.

Hon. Mr. MILLS—I do not think it is intended to give the company another central office.

The clause was allowed to stand.

On clause 30.

Hon. Mr. SCOTT—This is a very broad clause, freeing them from all trusts.

Hon. Mr. MILLS—I think that is proper. I think that is a rule recognized in equity.

Hon. Mr. SCOTT—It frees them from all responsibility. I think it is going very far. Who suggested the clause?

Hon. Mr. MILLS—All the loan companies.

Hon. Sir MACKENZIE BOWELL—The directors of the Farmers' Loan Company.

Hon. Mr. POWER—You might add a clause saying that the company would not be free to disobey any order of the court.

Hon. Mr. MILLS—I think not. They would not accept any trust at all if they are to be responsible for the trustee who has invested the money in this way. He is the the party responsible to the *cestui que* trust, and not the company, and so the company has nothing to do with the matter.

Hon. Mr. SCOTT—Supposing the *cestui que* trust notified the company that they had lost confidence in the trustee, and gave them notice to withdraw the trust, under that clause the *cestui que* trust might loose his money.

The clause was adopted.

On clause 31.

Hon. Sir MACKENZIE BOWELL—Is there any provision now to compel 90 per cent of the capital to be paid up before you could order the issue of additional stock?

Hon. Mr. MILLS—The intention is not to give them the power to issue further stock until they have disposed of what they have.

Hon. Sir MACKENZIE BOWELL—What reason is there, why, if a company exists and has $100,000 of stock subscribed and, we will say $50,000 of that is paid up, the stockholder is liable, in case of a suit, for the balance of the stock—what reason is there for declaring that another $100,000 should not be issued and sold with the understanding that 50 per cent of it should be paid? I know the Manitoba Loan Company issued its stock, but never would permit any of its stockholders to pay over 25 per cent of the amount of stock held in the company. After they had been in business four or five or six years they increased their capital stock and allotted it to the stockholders at a certain premium. Some did not desire to take it, and it was put on the general market, although there was only 25 per cent required to be paid. They could not do that under this law.

Hon. Mr. MILLS—No, and I do not think it is desirable.

Hon. Sir MACKENZIE BOWELL—What reason is there for it?

Hon. Mr. MILLS—There is this reason, that they have power to issue a certain amount of stock and to make a certain amount of capital available, and until they do issue that amount of stock and until they do make that amount of capital available, there can be no valid reason for a further issue. The issue would be a speculative issue, and this proposal is not a proposal to come to Parliament on every occasion that they desire to call into existence a company, but it is a provision to clothe the Governor General in Council with certain powers and to set out in the statute itself, as much as possible, all the franchises which every company is to possess. So that it is set out here that the directors, at any time after 90 per cent of the capital stock of the company has been subscribed, but not sooner, may by by-law provide for an increase of the capital stock of the company. Now, unless you provide some restriction or other, a company might issue ten millions of stock; they might issue an indefinite amount. You place some limitation upon them, and at the same time you give them power to increase the stock under certain conditions, and that condition is that they shall utilize the power, both as to the payment of stock and as to the issue of stock, that they already possess.

Hon. Mr. SCOTT—At present the whole amount of the capital stock must be subscribed before any increase can take place:

> The directors at any time may, after the whole of the capital stock of the company has been taken and 50 per cent paid thereon, make a by-law, &c.

Applying this to loan companies, the provision is more stringent.

Hon. Sir MACKENZIE BOWELL—It may be the fault of my want of comprehension, but I do not understand at all the reason of the hon. Minister of Justice. I know that when companies go into the English market to borrow, one of the first things that the lender will look at is the amount due upon the stock subscribed; and if there is 50 per cent of the stock subscribed unpaid, they consider the 50 per cent unpaid as an additional security to that which they receive from the company. They might take a security upon the mortgages which the company held, and then they reason that if the mortgages will not realize the amount of the debentures which they have purchased, then they resort to the personal liability of each stockholder to the amount of the stock unpaid, and that is one of the principal securities which the lender has. If they consider a company safer, or rather the money they loan safer, when it is loaned to a company that has but 50 per cent paid, why this clause would be a deterrent in the case of borrowing, because they would say, "there is only 10 per cent of personal liability on the part of the stockholders." The moment you have fully paid up your stock you are no longer responsible for debts of the company, unless you have done what they did in the Farmers' Loan Company—that which is unlawful. I do not particularly object to it, however.

Hon. Mr. MILLS—None of the loan companies have taken exception to it, and some thirty odd companies have approved of it.

Hon. Mr. LOUGHEED—I think it is an excellent provision myself.

Hon. Mr. POWER—I should like to see what the exact meaning of this clause is. It reads:

> The directors, at any time after 90 per cent of the capital stock has been subscribed and 90 per cent thereof paid in, &c.

What does "thereof" apply to? Does it apply to the whole or to the 90 per cent? Suppose the stock is $100,000. They would have to subscribe $90,000 of the stock and pay up $81,000. Is that the contention?

Hon. Mr. MILLS—Yes.

Hon. Mr. POWER—Would it not be wiser, in order to remove any doubt, to say 90 per cent of the stock paid in, because "thereof" may be construed to mean 90 per cent of the capital stock.

Hon. Mr. MILLS—I think "thereof" cannot refer to any but the one thing, 90 per cent of the stock subscribed.

Hon. Mr. POWER—Reading it over, I cannot satisfy myself as to which of the two sums is applied, and other people may be in the same position. What is the objection to saying "such subscribed stock"?

Hon. Mr. MILLS—I think the phrase is more concise as it is.

The clause was adopted.

Hon. Mr. PROWSE, from the committee, reported that they had made some progress with the bill and asked leave to sit again.

PENITENTIARY ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (R) "An Act further to amend the Penitentiary Act." He said:—I stated on the introduction of this bill the changes and amendments that were intended to be made by it to the Penitentiary Act. In the first place, there was power to alter the penitentiary districts so as to permit the sending of convicts to a penitentiary that might be nearer to them than the penitentiary in the province to which, under the law as it now stands, they would be obliged to be committed. I also provide in this bill for an amendment as to the salaries of the officers by Governor in Council by clause 2. Then, by clause 3 it is proposed that any convict sentenced to the penitentiary shall be deemed to be in the custody of the warden of the penitentiary immediately upon such sentence, and the sheriff, or other officer in whose custody he then is, shall, upon receiving a receipt therefor, deliver up the said convict together with a copy of the sentence taken from the minutes of the court and certified by a judge, &c. At present these convicts in the North-west are confined in the jails at Prince Albert and Regina, and this bill takes power to commit them to the penitentiary. There is power given in clause 4 to the warden or deputy warden. The deputy shall, ex officio, have the power and authority of a justice of the peace, and every keeper and guard of the penitentiary shall have the authority of a constable. That provision is, I think, desirable. Then section 62 of the Act is hereby repealed altogether. Section 69 is almost the same as section 62. They are duplications. One provides for a penalty of $40, and the other for a penalty of $100, and one or the other should disappear from the Act, as they both undertake to deal in a large measure with this same subject. One or the other is unnecessary, and we thought on the whole it was better that section 62 should disappear.

Hon. Sir MACKENZIE BOWELL—That is the higher penalty.

Hon. Mr. MILLS—No, the lower penalty. Then it deals with the transfer of officers from one penitentiary to another. Section 7, as explained the other day, provides for the removal of insane persons from the penitentiary. Sometimes men are confined for a considerable period in the lunatic asylum, and they are discharged. They commit some offence against the law and advised to plead guilty, and do plead guilty. If their case was contested, the evidence would disclose the fact that they are insane and not responsible for what they have done, but it is not brought out. They are sent to the penitentiary and they are no sooner there than it becomes obvious to the officers of the penitentiary that they are insane. We take power to discharge those persons and to notify the Attorney General of the province within which such insane convict was convicted by warrant under his hand, and direct the removal of such insane convict from the penitentiary to the jail or other place of confinement from which such insane convict came to the penitentiary, and such warrant shall be sufficient authority to the warden or other officer of the penitentiary.

Hon. Mr. ALLAN—Do you propose to send the unfortunate man back to the jail?

Hon. Mr. MILLS—We will send him back to where the local authorities can assume the responsibility of dealing with him. We do not wish that, in any province, the insane shall be unloaded, so to speak, and made a charge upon the Dominion. There are proper institutions in every province where such persons can be cared for, and it is much better they should be under provincial control, and in institutions created specially for the purpose of taking care of them, than that they should be sent to the penitentiary and brought in contact with the most lawless and unscrupulous class of the population.

Hon. Mr. McMILLAN—Why not transfer them to those local institutions at once?

Hon. Mr. MILLS—We have not the power. We cannot, by any measure we pass here, say to the local legislature, or local lunatic asylum, that they must take charge of this particular party. All we can do is to

put him back from where he was taken and placed in our custody, and allow them to do as they please with him.

Hon. Mr. McMILLAN—It is rather cruel to send him back to the jail.

Hon. Mr. MILLS—Better than to let him go at large.

Hon. Mr. McMILLAN—Oh, certainly, but they may be a long time in jail, because very often the asylums are not prepared to take them, for the want of room, and particularly with applicants ot that description it would be difficult to attend to them, and under some circumstances they will have to remain in jail for a long time. I have known of lunatics being in our jail for four or five months.

Hon. Mr. MILLS—I dare say that may be so, and all that is necessary is that the local authorities should make further provision than what they have at the present time, but certainly we cannot be expected to take charge of lunatics, and if a man is a lunatic at the time he has committed an offence, clearly he was not guilty within the meaning of the law, although his liability to commit the offence was not disclosed at the time he was put upon his trial. Clause 8, I also explained when the bill was before the House.

Hon. Sir MACKENZIE BOWELL—I notice that by clause 2 you repeal section 6 of chapter 42 of the Statutes of 1895. That simply means the repeal of the section which regulates the salaries of the different officials in the penitentiary, running from the warden down to the teamster, and giving the power to the Governor in Council to fix all these salaries irrespective of Parliament altogether. The law, as it stands upon the statute-book now, declares what the salary of wardens shall be, and also the salaries of officers in the different departments. You repeal that and leave the question exclusively with the Governor in Council. It seems to me the tendency of our legislation just now—and more particularly by the present government—is to concentrate all the power within themselves, particularly that which affects patronage. This is a matter, however, which we can discuss more freely when we are in Committee of the Whole. At the same time, it is a question for the Senate to consider, and a question for Parliament to consider, whether they should divest themselves of the power which they now have under the statute, and place it all in the hands of the government. I shall not detain the Senate just now, but I shall call attention to clause No. 8, which deals with the retirement of officers. It provides for paying a gratuity to an officer who is entitled to a gratuity before he has become a member of the civil service. If he becomes a member of the civil service, then the minister is enabled under this law to pay him the gratuity to which he would be entitled, and also the amount which he would be entitled to receive under the Superannuation Act. That is open to considerable abuse, as I will point out to my hon. friend. A man might be entitled to a gratuity, and he might be promoted and serve in the position to which he is promoted for a sufficient length of time to enable him to retire under a superannuation. This gives the power to the government, or the minister, to place him on the superannuation list, and give him the sum to which he would be entitled under that law. It also gives him the power, if I understand it, of granting to that officer a gratuity in addition to the superannuation. That might lead to abuse. A man might be entitled to $2,000 gratuity. He might have a salary of $3,000, as the case might be. He might be a deputy head at $3,200, and if he served ten years in that position, he would then be entitled to twenty per cent of his salary as a retiring allowance during his life, in addition to the gratuity. I do not say that the minister would give it, but, as I understand the clause, it would give him the power to do it. However, we can discuss it more fully in committee.

Hon. Mr. MILLS—My hon. friend will see if it only applies to penitentiary officers.

Hon. Sir MACKENZIE BOWELL—That makes no difference. It applies to a penitentiary official who is entitled to a gratuity, and who is promoted to another office. That places him under the provisions of the Civil Service Act, and what I have stated is correct.

Hon. Mr. FERGUSON—I do not understand that my hon. friend, in introducing this bill, has given any reason for the very sweeping change in the second clause of it to which my hon. friend has just referred,

with regard to the power being vested in the government of the day to fix the salaries of officials. I find, by referring to the Act of 1895, which this bill proposes to amend in this respect, that it includes a very long list of important officers where the salaries range at present from $500 to $2,000, including wardens, accountants, surgeons, chaplains, school-masters, hospital overseer, store-keeper, matron, assistant matron, engineer and machinist, fireman, messengers. Then another list of officers under the head of police, police wardens, chief keepers, keepers, guards, temporary police and chief in the industrial department, the chief trade instructor and teamster, all this class of officers in all the penitentiaries.

Hon. Mr. MILLS—That was an innovation at the time that the Act was adopted.

Hon. Mr. FERGUSON—I desire to hear some explanation, because, however, it came to be so, all this has been settled by statute. It is proposed now to take all the fixing of the salaries of all these officials out of the Act and give the power simply to the Governor General in Council to make the change.

Hon. Mr. MILLS—Where it formerly had been and where the hon. gentleman will see it is paid out of the penitentiary appropriation. That has always been the practice, and is the practice still. But the limitation fixed by that statute has been found extremely inconvenient, and in some cases extremely embarrassing. If the hon. gentleman will compare the salary mentioned in the bill with the salary paid before, he will find very many of them are much less. Take chaplains' salaries, they are all below what they were before, and all below what is paid in the United States or in England. I had a deputation from Montreal and elsewhere with regard to that class of officers. Then, with regard to many of the others, we have been unable to keep some of our officers at Kingston, because they said they were unable to pay their household expenses upon the salaries allowed them. Some of them have resigned in consequence, and we must be in a position to employ competent men in an institution where there is great danger to life and very great danger of disorder. If my hon. friend will look at the report I brought down to-day, he will see that the expenses of the penitentiaries are a great deal more than $100,000 less than they were four or five years ago, and as we propose to pay these expenses out of the appropriation made, I do not think that it is an unreasonable discretion, because that discretion is always subject to review by Parliament, and whatever is done may be asked for by Parliament and subject to its scrutiny. Some men are worth more than others, and so it is very important that we should have a freer hand than we have at the present time.

Hon. Sir MACKENZIE BOWELL—That is a good argument to justify the change in the law. Let Parliament know what you are going to do before you do it yourself, but it is understood that this matter will be thoroughly discussed in committee.

Hon. Mr. MILLS—Hear, hear.

Hon. Sir MACKENZIE BOWELL—And that we do not affirm the principle of the bill in adopting the second reading.

Hon. Mr. MILLS—Not of that clause.

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

SECOND READING.

Bill (84) "An Act respecting the Quebec, Montmorency and Charlevoix Railway Company."—(Mr. Landry.)

BILL INTRODUCED.

Bill (4) "An Act to incorporate the Canadian Plate Glass Insurance Company."—(Mr. Ogilvie.)

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, 22nd June, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

CONTRACTS FOR SUPPLIES FOR GOVERNMENT FORCES IN YUKON.

INQUIRY.

Hon. Mr. PERLEY inquired of

The government if they have recently let any contracts for beef or other supplies for the government

forces in the Yukon district? If not, are they now negotiating for such supplies? And if so, are they advertising for public tenders for the same?

Hon. Mr. SCOTT—I am advised by the department that no contracts have recently been let for beef. Tenders were invited in February last for groceries and other provisions. Contracts were awarded upon receipt of the tenders, viz., in April, and the supplies are now on route to the Yukon. The matter of the beef supply is under the consideration of the department.

LA BANQUE DU PEUPLE BILL.

MOTION.

Hon. Mr. McMILLAN moved:

That it be an instruction to the Committee on Banking and Commerce, to which has been referred Bill No. 6, intituled: "An Act respecting La Banque du Peuple," that the said committee, before presenting any report upon said bill, shall require the directors of said bank to furnish for the information of the committee:—

1. A full and clear statement in detail, verified by statutory declaration, accounting for the shrinkage in the assets of the said bank in the period from 1st March, 1895, to the date of the suspension of payment by the bank. And likewise a similar statement, verified by statutory declaration, accounting for the shrinkage in the assets from the date of suspension to the 1st June, 1899.

2. A full and clear statement in detail of the liabilities of the bank as they stood on 1st June last, 1899, made by two disinterested and competent valuators to be appointed by said committee.

3. A statutory declaration by two disinterested and competent valuators to be appointed by the said committee, of the present value of the assets of the bank undisposed of.

He said:—I may say, as hon. gentlemen are aware, that this bill is before the Committee on Banking and Commerce. We heard parties for and against this bill, and deferred consideration of it until a future date. For the information of the committee, I wish to get what I am asking for here, in order that they may be able to come to a proper decision with regard to this bill. As hon. gentlemen are aware, the object of it is to relieve the directors of this bank, by giving them the assets of the bank on their paying in a certain amount, and under taking to pay off the liabilities. What the present assets of the bank are, and what the present liabilities are, we are not in a position to judge, for we have only the statement of these gentlemen, and they are very much interested, from the fact that they are responsible to the creditors of that bank. I think it is in the interests of the public, in the interest of Canada and in the interest of every one—and there are a number of hon. gentlemen in this House who are connected with banks and are interested in the banking institutions of Canada—that nothing improper should be covered over by such legislation as is before us in connection with this bank. It is in the interest of the country that no relief should be given to men who did not discharge the trusts that were given to them. This bank is in a peculiar position. The parties connected with the bank have had no means to reach the directors. They had not the power to bring the directors from year to year to task with regard to the affairs of the bank, and therefore, all these things were kept secret and were beyond the knowledge of parties interested. At the annual meeting, about three months before the suspension of payment by this bank, they issued to the shareholders a report which I will read and which, on the face of it, will satisfy hon. gentlemen that there must be something radically wrong, something beyond the natural amount of stealing—if I may use the expression—that there must have been embezzlement connected with the bank of which the people are not aware. On the first day of March, 1895, the directors issued the following statement to the shareholders. I shall read it, because I want to have it on record:

The directors beg to submit to the shareholders the statement of the affairs of this bank for the year ending, 28th February, 1895.

The net profits of the year after providing for all bad and doubtful debts and deducting cost of management, amount to $114,280.18.

Out of this sum we have paid dividends at the rate of seven per cent per annum amounting to $84,000, and placed to the credit of profit and loss $30,280.18.

The business of the bank, both at the head office and branches, is steadily progressing and the number of current accounts annually increasing.

We find that the convenience afforded to the public by the local branches is appreciated and form a valuable aid in the maintenance of the bank's relations with clients, in the outlying parts of the city.

It is the desire of the directors to employ the bank's resources as fully as possible in the locality whence they are derived, so as to assist in every legitimate way the commercial and agricultural interests of the country.

All our agencies have been thoroughly inspected during the year, and we notice a large increase in the volume of transactions; they are working very satisfactory.

We are happy to bear sincere testimony to the industry and attention displayed by the officers of the general staff and branches, in the conduct of the affairs of this institution, and fully appreciate their efforts in assisting your board to promote the best interests of the bank.

The whole respectfully submitted.

J. GRENIER,
President.

MONTREAL, 1st March, 1895.

In the first or second week of the month of July following, this bank suspended payment—about three and a half months after issuing that statement which showed large earnings for that year. It had a paid-up capital of $1,200,000, a reserve fund of $600,000—50 per cent of the capital—and a profit and loss account of $42,876 beyond those dividends that were paid that year. From the statement which I have read this was one of the best banks, perhaps, in Canada, and from the fact that it was a bank in which the shareholders were not responsible on the double liability clause in the Banking Act, it was sought as a place to invest money safely, particularly by trustees of funds belonging to widows, orphans and such parties. They were all misled by this statement issued by the directors. What are the facts? To-day they come to us and say we can only pay 45 cents on the balance of the 50 cents unpaid to the depositors, but we will undertake to do so upon the condition that we receive the assets of the bank and make up the 45 per cent and pay the balance out of our own pocket. The bill says:

> And whereas the said directors have offered to pay forty-five cents on the dollar upon the balance due at the time of said offer; and whereas it is represented that the said offer is in excess of what could be realized by a liquidation of the assets of the said bank, including therein the securities given by certain of the directors; and whereas, after considering the offer of the said directors.

It was decided that they should apply to Parliament to relieve the directors of their responsibility. Now they come before us and say, And whereas the said directors have offered in consideration of paying off the depositors, &c., only the 45 cents, they want to be relieved with the understanding that they will get the assets. It is only reasonable, just and fair that this House should direct the committee to ascertain what these liabilities and assets are before reporting on this bill. It has been always a principle in this House, as far as such legislation is concerned, that a party coming to seek relief ought to come with clean hands, or to be in a position to show that his record is of such a character as to entitle him to the relief he seeks. In the case before us there is certainly a cloud hanging over the statements furnished by these gentlemen to the House and to the country, sufficient to make one suspicious and to make the country suspicious that things are not all right. I think, in justice to all parties concerned, the directors ought to furnish such a satisfactory statement of the affairs of the bank to the House as would relieve them of the suspicion that there was anything wrong. I could, of course, go into figures to show to hon. gentlemen how suspicious they look —how bad the statement looks, but I will await the receipt of those details from a satisfactory source, and will then take occasion to comment upon them. In the meantime, I want to state this publicly so that it will be known; I have taken occasion to consult a good authority upon the question which came up before the committee. It is generally supposed that the directors are not at all now, through lapse of time, responsible to the shareholders. I have obtained a very good opinion on the subject, and it is to the effect that they are not relieved of their responsibility if they ever were responsible to the shareholders. Of course, they are responsible to the shareholders for any balance that may be in their hands after the depositors are paid that is clear enough, or for anything they have done in the way of misappropriating the funds of the bank; but the position I take is this, that the fact of giving an extension to the directors two years ago to pay the depositors does not count in the time since the bank's suspension, but only to the first of May last, and if the shareholders ever had any claim against the directors it is just as good now as it was a few weeks after the suspension of the bank. I am of the opinion, from the situation of the affair at present, that the shareholders will never get anything; but this law—it does not matter whether they get anything or not—seeks to deprive them of any chance and excludes them from participating in any advantage that the laws of the country may give them with respect to this bill. For these reasons I ask that this House direct the committee to obtain the evidence which is certainly necessary before the committee can come to a proper conclusion with regard to the affairs of this bank.

Hon. Mr. MILLS—This is a reasonable request, so far as the information sought is concerned. I do not know whether there are any parties interested in the bill here to-day, and they might, perhaps if they were present, give some explanation. I do not know whether the hon. senator who has been promoting the bill might be able to point out some objection to the resolution. It is not

an unreasonable proposition if there is adequate time. Whether it might have the effect of throwing the measure over for the session or not, I cannot say. The chairman of the committee might be better able to say. There was a good deal of information given in the committee, and it might be that if they require all that is asked for in this motion, the measure could not be put through this session.

Hon. Mr. ALLAN—It is impossible for me to say what the effect of that resolution might be. The fullest opportunity was given to those who were opposed to the bill and those who were in favour of it at the meetings of the committee, and the matter had been postponed in order to meet the convenience of gentlemen who were interested in the bill from day to day, and it still stands in the way. The feeling of the committee, at the last adjournment, was very strong indeed that they at least required an independent valuation of the assets which the bank was supposed to have, and other information which was not before them at that time.

Hon. Mr. MILLS—And that information I think the parties promised to produce.

Hon. Mr. ALLAN—Yes; there was a sort of half promise, but nothing more.

The motion was agreed to.

TRAFFIC ARRANGEMENTS WITH THE GRAND TRUNK RAILWAY COMPANY.

MOTION.

Hon. Sir MACKENZIE BOWELL 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 Senate, any and all supplemental agreements and traffic arrangements entered into between the Railway Department of Canada and the Grand Trunk Railway Company, in connection with the contract entered into between the aforesaid parties for the extension of the Intercolonial Railway to the city of Montreal.

The motion was agreed to.

A QUESTION OF PRIVILEGE.

Hon. Sir MACKENZIE BOWELL—Before the orders of the day are called, I wish to call attention to a little matter. It is not very important, but being an old newspaper man I am not inclined to find fault with what a newspaper says of me. I find no fault in this case. It is simply the fault of the reporter. The *Globe* of yesterday says:

Sir Mackenzie Bowell said that the *Globe* had denounced a member of the Senate as an unmitigated liar.

In the *Globe* editorial it also says:

Sir Mackenzie Bowell said the *Globe* described a member of the Senate as an unmitigated liar. If this statement was ever made by the *Globe* it must have been a long time ago and the provocation must have been very great.

And then it claims the statute of limitation, if it ever made such a statement. I desire to say that I did not utter that expression. The expression I used was that the *Globe* had denounced a member of the Commons as an unmitigated liar; and I find on looking at the official records by our own reporters that they have reported the exact words I used.

Hon. Mr. ALLAN—If I may trespass on the time of the House I should like to give an explanation with reference to the same article, in which it is stated that I said that the Toronto *Globe* spoke of the Senate as a body of idiots. To the best of my recollection—and I confirmed it by referring to the reporter's notes—what I said was that we had been described in the *Globe* as a body of old idiots! The fact of the matter is, that at one time the *Globe* was in the habit of inserting in its columns almost every week, extracts not very complimentary to the Senate from various local newspapers in the province, and this not very flattering description of members of this body was one of these. I perhaps ought to have been careful to have said that it was not a *Globe* editorial. But the House will remember, the discussion was really scarcely serious at the time. We were half in joke, trying to find a definition for the word "scurrilous" which was in the minister's amendment to the Criminal Code, and that perhaps must be my apology for not being more exact in my language. I did not charge the *Globe* with having so spoken of us themselves, but they certainly republished articles in which we were so described.

Hon. Sir MACKENZIE BOWELL—I had reference to an editorial.

DELAYED RETURNS.

INQUIRY.

Hon. Sir MACKENZIE BOWELL—I should like to ask when I may expect that re-

turn I called for two or three months ago in reference to the correspondence between the local governments and this government in reference to the question of the passage of a law permitting an elector who has been omitted from the voter's list to be placed thereon, and *visa versa*. I may say I am a little more anxious on account of the statements which I have seen in the western papers as to what is going on at the present in Manitoba, in reference to what is familiarly termed stuffing of the voter's list, by adding some of the Galicians who have lately come to this country, and the statement is made publicly in the press giving five or six different divisions in the one constituency in which people have been placed upon the list, without giving their names, who have no right there, and it appears that they complain that they have no right of appeal. I do not desire to occupy the time of the House, but I might also state that I have an extract from the Winnipeg *Free Press*, which every one knows has always been a supporter of the Liberal party, in which it complains very bitterly of the conduct of the officials in connection with the preparation of these lists. I may say, however, that the extract was prior to the assumption to the editorialship of the gentleman who now controls it.

Hon. Mr. MILLS—I may say to the hon. gentleman that perhaps I am at fault in not calling to the attention of my colleagues the statement made by hon. friend a short time ago on this subject. I shall endeavour not to forget it again, and to bring it under the attention of my colleagues, so that whatever correspondence there is may be in the hon gentleman's hands. With regard to Manitoba, I have only to remind my hon. friend that there is a provision for an appeal to the county judge there, and that the rule to which he refers is therefore not a rule which would be specially applicable in the case of Manitoba.

Hon. Sir MACKENZIE BOWELL—I will take this opportunity to bring under the notice of the Senate what the law is at a future time, but I would like to remind my hon. friend that he has made this same speech five or six times.

Hon. Mr. MILLS—Oh, no.

Hon. Sir MACKENZIE BOWELL—We will say four times.

Hon. Mr. MILLS—No.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman promised the House to bring this under the notice of his colleagues three or four times. I do not know when he proposes to do it. If he would permit me to suggest, he should take a note, and if he could not do that, he should tie a little string around his finger, as I used to do when I was a boy.

Hon. Mr. MILLS—I never had any necessity for a string.

Hon. Sir MACKENZIE BOWELL—I am very much inclined to think that it would be an absolute necessity to put a string on every finger, if I am to judge by the results of this motion. I do not desire to discuss this question at any length, but it does seem to me that it must strike hon. gentlemen present as a most extraordinary thing that it should require three or four months to bring down three or four letters. There could not be more than three or four certainly—a simple letter to each of the provincial premiers, recommending them to do what the government promised they would do, and here we are at the end of three months, and the hon. Minister of Justice tells us he will bring the matter to the attention of his colleagues. I will have to submit to that, because I cannot get any more. He will not be annoyed, I am sure, if I jog his memory in reference to this matter.

THE INTERCOLONIAL RAILWAY EXTENSION TO MONTREAL.

Hon. Sir MACKENZIE BOWELL—I should like to ask, also, when we are to have the return to which I called my hon. friend's attention the other day. The hon. gentleman on my right (Mr. Ferguson) intimated to the House that all the information for which we asked had been laid before us, except that called for by the fourth paragraph of the motion I made on the 22nd of May. The hon. gentleman took a note of it before. The information wanted is:

The amount of the earnings and working expenses of the Drummond County Railway from the time of its being first worked in connection with the Intercolonial Railway to the 31st of March, 1899.

I know that the statement was made by the hon. gentleman that that information could not be given.

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—I should like to call the attention of the hon. gentleman to the promises which were made at that time. If he will turn to page 808 of the official reports of this House for 1897, he will find Sir Oliver Mowat used this language——

Hon. Mr. SCOTT—I read the reports over after the hon. gentleman gave me the page. I read over what Sir Oliver Mowat said.

Hon. Sir MACKENZIE BOWELL—What has the hon. gentleman to say about it?

Hon. Mr. SCOTT—Sir Oliver Mowat assumed that they could make up a statement of that kind, and on inquiry from Messrs. Pottinger and Schreiber they said it was absolutely impossible, that they could not do it.

Hon. Mr. MACDONALD (B.C.)—The bill will not pass till it is brought down.

Hon. Mr. SCOTT—The accounts were as they had been in years past. No changes were made.

Hon. Mr. MACDONALD (B.C.)—No Drummond County till that comes down.

Hon. Sir MACKENZIE BOWELL—I would like to call the attention of the hon. gentleman to the evidence which was given by the Deputy Minister of Railways, Mr. Schreiber, before the committee of the House of Commons.

Hon. Mr. SCOTT—I read that to-day.

Hon. Sir MACKENZIE BOWELL—I will read it to the hon. gentleman again, I am afraid it has had very little effect upon him. I want also to lay before the House the telegrams which were sent by Mr. Pottinger. Perhaps the hon. gentleman has read them also.

Hon. Mr. SCOTT—No.

Hon. Sir MACKENZIE BOWELL—Mr. Haggart, when the investigation into the affairs of the Drummond County Railway was proceeding asked if the statement which the deputy minister had made before the committee was a statement of the amount of traffic on the Drummond County Railway from the 1st to the 31st March, 1898, both inclusive. Then he gives the exhibit as follows:—

The through freight	$18,867 39
Local freight	11,963 36
Through passengers	7,371 83
Local passengers	6,513 46
Making a total of	$44,716 04

Then the question was put to him: "You have not got the working expenses?" And he says: "No, I have not." He is asked: "How do you apportion the amount of the Drummond County Railway through rates?" And he says: "That is determined on the mileage basis, I think." He is asked: "The same as for passengers?" And he answers: "It must be so; that is the only way to do it." What we understand by the mileage basis is this: If an arrangement be made between two railway companies for the carrying of frieght from one point of the country to another, say from Chicago to Halifax, a shorter line, assuming the Drummond County Railway is a separate line, being so much shorter in proportion to that portion of the railway between Chicago and Montreal, and Quebec and Montreal, they are allowed an additional mileage, and the arrangement is to pay upon what is termed construction mileage. So that if the short road over which the traffic has to pass is only 100 miles, while the other is 1,000, the shorter line may be allowed in the division of the profits 125 or 150 miles, I do not know the proportion, but I know that is the basis on which it is done. That is what Mr. Schreiber, I have no doubt, meant, when he spoke of a mileage proportion. If you turn to page 154 you will find that Mr. Pottinger telegraphed to Mr. Schreiber on the 13th of May, in reply to an inquiry made by the department. He says:

C. SCHREIBER, Esq.,
Ottawa.

No freight charge for material for Drummond County Railway construction or equipment entered into the earnings of Montreal extension for March as per statement sent you. It covered earnings from freight for the public only.

That was to show exactly what the railway earned without including freight which it carried over it for the construction of its own road. Then, on the same day, he telegraphed to Mr. Schrieber again as follows:—

Information respecting April traffic (I call special attention to this), over Montreal extension cannot be

given until the 2nd or 3rd June, after the April accounts have been made up. Material carried for the railway does not enter into earnings.

Now, there is a positive and distinct admission by Mr. Pottinger to the deputy head of the department that that information can be furnished, only it will take some time to prepare it. The officials of the Railway Department, when the government were asking Parliament to pass the bill authorizing the purchase of the Drummond County Railway, and the entrance into a lease with the Grand Trunk Railway from Ste. Rosalie to Montreal, laid a statement before the House giving an estimate made by the officials of the department of the number of passengers and the freight that they expected would be carried over that road. If they could make an approximate estimate prior to obtaining possession of the railway, surely they ought to be able to tell the House and country what the actual freight and passenger traffic was. The statement laid before the House, as stated by my hon. friend to my right:

When the matter came before the House, my hon. friend, the leader of the House (that is Sir O. Mowat) "submitted a statement signed by both Mr. Schreiber and Mr. Pottinger which differed materially from that"—(that is from the statement which had been made by my hon. friend opposite.) It differed in the matter of carrying passengers, and very much in the freight. In the one the alleged increase in the passengers to be carried was 630,000, while in the other it was 230,000.

Hon. Mr. Scott corrected him by saying 228,000. Here is a statement laid before the House of the approximate business that could be done on the road, and if they could do that before they got control of the line, it is a marvel to me that they could not do it after they got control of it. Then I find that Sir Oliver Mowat, in reference to this very question, in the discussion on the 28th of June, spoke as follows:—

The Minister of Railways yesterday made a statement about another matter as to which this House has taken considerable interest. I daresay hon. gentlemen have seen it, but I read it now for the purpose of endorsing it as government leader of the Senate.

Then I asked him if it was the statement that I had seen in the *Citizen*. He replied:

The statement has reference to the vote for $100,000 for purchasing rolling stock for the Intercolonial Railway.

Then he quotes what Mr. Blair said, as follows:—

Since the item passed the committee he had gone over the matter again, and as the original programme for a 99 years lease had fallen through, and the estimate of $100,000 was leased on that proposal, according to the estimate furnished him by his officers, he had concluded to reduce the vote for additional rolling stock by $50,000, making the vote $50,000. He assured the House that no portion of the money would be used in purchasing the rolling stock of the Drummond County Railway.

It will be in the recollection of members of the Senate, who were present at the time, that I asked that question particularly, whether it was intended to buy that old rolling stock, and the hon. leader of the House at that time, Sir Oliver Mowat, declared it was not the intention and also quoted from the speech made by the Minister of Railways, in conformation of his statement. Then Sir Oliver Mowat proceeds as follows:—

Representing this government here I endorse that statement. I should like to say further, though it is only repeating in substance what I said a few days ago, with regard to the $157,500 asked for the rental of the two pieces of road belonging respectively to the Grand Trunk Railway Company and the Drummond County Railway Company, that this amount is only wanted for a tentative purpose, to ascertain by experiment the effect of nine months operating the road as part of the Intercolonial Railway, and with a view to be in a situation to consider more satisfactorily a permanent connection with Montreal by some other means, whether those spoken of heretofore or some other.

Now I hold, and I think I am right in drawing the deductions from that statement and similar statements which can be found on four other pages of this debate, that the intention as declared by the Minister of Railways, and confirmed by the minister who led this House, the then Minister of Justice, that the government asked for that amount of money for the purpose of enabling them to test the earning capacity of that portion of the road which they were about acquiring; and to ascertain, in addition to that, the expense which would be incurred in running this western section of what was to be, when acquired, the Intercolonial Railway. He uses that expression over and over again, that it was a tentative operation adopted for the purpose, the Senate having rejected the bargain, of ascertaining whether they would be justified in carrying out the policy which the government had laid before Parliament, or, as Sir Oliver Mowat says, adopting "some other means." How did they come to the conclusion that it is impossible to state what they have earned on that section of the road? The Secretary of State says he was informed by Mr. Pottinger and Mr. Schreiber that it was impos-

sible to do it. If it is impossible for them to do it, those gentlemen have probably, under instructions, deliberately kept the books so that it cannot be done.

Hon. Mr. SCOTT—Shame!

Hon. Sir MACKENZIE BOWELL—I say railway men, who have been working railways for years and years, assert that such a statement can be made, and that the books should be kept, and no doubt are kept, in such a way as to judge how much freight has been delivered over the Drummond County section of the Intercolonial Railway at Montreal, and the number of tickets sold to the passengers, even those that come from the west, that have passed over it. I do not say that much of this freight, neither do I say that many passengers would not have gone over the road, but they could have gone on the Canadian Pacific Railway or the Grand Trunk Railway, and taken the Intercolonial at Lévis, opposite Quebec, for the maritime provinces. I do not wish to say anything that might be considered harsh, but I say it is a fraud, if that is not too hard a word, upon the community to say to the people of this country, when they are asked to add to its present indebtedness the sum of about $7,000,000 for all time to come, that they cannot tell us what the earnings of this line have been while they have had the road in their possession. If the government are desirous of having this bill become law, and confirmed by the solemn vote of both branches of Parliament, and believe it is in the interests of the country, they should be prepared to give all the information that can possibly be obtained, even if it takes two months of their employees time to prepare it. That is the view I hold of it, and think it is the opinion that is held by the people of this country. We are incurring, if we put this bill on the statute-books, an additional indebtedness of about $7,000,000, and we are asked to do it without the information which the leader of the government in this House and the head of the department, at the time they were entering into the arrangement, said was only tentative or with a view of ascertaining whether, after a year's experience in running the road, they would be justified in asking Parliament again to confirm the two arrangements they had made, or obtain an entrance into Montreal by some other means. I repeat the language used by Sir Oliver Mowat. I have no desire, speaking personally, and I my quite sure no member of the Senate has any desire, to throw any stumbling block in the way of doing that which they believe to be in the interests of the country.

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman says hear, hear, ironically, I suppose.

Hon. Mr. SCOTT—Yes, ironically.

Hon. Sir MACKENZIE BOWELL—I can tell the hon. gentleman that the member who is speaking and the gentlemen who surround him are just as patriotic and as desirous of enhancing the interests of the country as the hon. gentleman is himself, and much more so. I am speaking from a thorough and full conviction of what I believe to be right, and just so long as the government refuse legitimate information which both Houses of Parliament are entitled to, they must take the responsibility if they do not accomplish what they desire.

Hon. Mr. SCOTT—The hon. gentleman is extremely unfair in misleading the House, as he has been doing during the last half hour. The government have withheld no information that it was possible to lay before Parliament. The hon. gentleman has asked for the particular amount to be credited to the extension of the road to Montreal. His motion was sent to the department, and I gave the hon. gentleman the answer made by the officers in charge. What the Parliament and the people of Canada want to know, is what are the advantages to the Intercolonial Railway of the extension to Montreal. Does any business flow over the extension to Montreal? We did not buy it for the local traffic between Ste. Rosalie and Bonaventure station, we bought it because it was going to give the Intercolonial Railway access to a city of 250,000, the principal market of Canada. We know that all railways seek important centres of traffic. The traffic of this country centres in the city of Montreal. It is the outlet of the canal system—the point where the Canadian Pacific Railway, which traverses the continent, has its headquarters. The Grand Trunk Railway Company also have their headquarters in Montreal. What this

House and the country ought to know is what has been the effect of bringing the Intercolonial Railway into the city of Montreal. When this House is informed that the advantage has been upwards of three or four hundred thousand dollars a year to the Intercolonial Railway over all charges, they should be satisfied. A statement was asked for, of the comparative returns from July to March, or as far as it can be brought down this year, as between the years ending March, 1899, and March, 1898. That statement was laid on the table and showed that while in the former year there was a loss of some $35,000, that loss had been converted into a gain of some sixty odd thousand dollars last year. The gain by the extension to Montreal, after charging up all the interest against it, was a profit of $65,000, a profit larger than the profits of the Intercolonial Railway since the opening of the road in 1878. Is not that a pertinent fact? Are we to be told that the evidence of that, which was laid on the table of this chamber a fortnight ago, is not satisfactory —that the government are withholding information? The government are giving all the information they can, but the hon. gentleman asked for it in such a shape that it is impossible to give it, and if we did give it in that shape it would be minimizing the whole position. We have not assumed that there was any traffic in the country between Ste. Rosalie and Chaudière Junction. That was not the object of extending the Intercolonial Railway. The object was to get into a city of 250,000 people, where the traffic of the whole of Canada is centred, and the figures justify the statement I have made. Since yesterday I sent over, and went over myself to the department, to know whether they could give me the returns for April, May or June. The officials said they were making them up for April and May, and the effect is to show that the increase is enormous. The advantage is on the whole line extending to Montreal, not the portion that can be credited to the line between Ste. Rosalie and Chaudière Junction. That is not an important factor, otherwise than as allowing the Intercolonial Railway to get to Montreal. If the hon. gentleman will take the information in the only shape in which it can be given, and will refer to the tables I laid before the House in answer to an address, he will see that the result is shown as I have stated—that instead of there being a loss, as in the former year, there is a gain of some sixty thousand odd dollars—a gain larger than the aggregate gains since it was opened. I have answered a statement which was most misleading and most unfair. I am surprised the hon. gentleman would put his case as he did, reflecting on the officers of the department. I am quite sure Mr. Pottinger and Mr. Schreiber have no interest in keeping back information. I went out of the way in order to get all the information possible. I not only sent over my secretary, but went over myself and saw Mr. Pottinger and told him I wanted all the information that could be produced, and, so far as we have got the information, it points to the results I have indicated. Hon. gentlemen smile at that. I have just sent for the blue book and I can show what the profits have been over losses, and hon. gentlemen will see that I am borne out there in the statements I have made, that the extension to Montreal has already shown the important results stated. That is what this House has to guide it, and what the House will be governed by, I have no doubt. The House, I presume, desires to see if the Intercolonial Railway can be made, not perhaps a paying concern, but a concern that will pay its way. The expenses of the Intercolonial Railway, over and above its gains, have been, in the last fourteen years, about $15,000,000, between capital account and losses in operating it.

Hon. Sir MACKENZIE BOWELL—That has nothing to do with the question we are discussing.

Hon. Mr. SCOTT—If we can relieve the road from that terrible incubus, I think we will have accomplished something we deserve credit for, and when the hon. gentleman comes to look into the figures, he will not be disposed to minimize it. He has adopted a carping principle, and says, "Tell us what is exactly due to the earnings of the Drummond County Railway." As a railway, it is very little; as a channel to get to Montreal, it is a great deal. There is just the difference. The hon. gentleman will see that he is not putting the case fairly. He is not often so disingenuous. If he would only recognize that the object of getting the Drummond County Railway was not the Drummond County Railway *per se*, but to get into Montreal, and that by it we have

got into Montreal in the cheapest and most advantageous way for the Intercolonial Railway and the country——

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman understand the literal meaning of the word "disingenuous?" If he does, I repudiate it, as applied to me, in the strongest way possible. If there is any member of this House who indulges in discussion of that kind, it is the hon. Secretary of State. It was an exceedingly disingenuous manner in which he referred to my remarks about what could be done by the officers of the department. I never made a reflection on the officers of the department. I did not even insinuate anything of the kind. I said they could procure the information if they were instructed to do it. If the government instructed these gentlemen to do it, they could prepare it and lay it on the table. That is what I said. I did not cast any reflection on either Mr. Pottinger or Mr Schreiber, and it was exceedingly, doubly, superlatively disingenuous for the hon. gentleman to use that expression.

Hon. Mr. SCOTT—I can assure the hon. gentleman the information came directly from Mr. Schreiber.

Hon. Mr. FERGUSON—I think the explanation given by my hon. friend is very unsatisfactory, that it is impossible for the Department of Railways to give this information for which we have been inquiring.

Hon. Mr. SCOTT—I am guided by the practical officers. That is exactly what they told me.

Hon. Mr. FERGUSON—With regard to that, the return does not say in itself that is the verdict of the officers. The answer is this: An account of the working expenses of the Drummond County Railway cannot be prepared, as the accounts of the opening of the railway are kept as a whole.

Hon. Mr. SCOTT—Who signs that.

Hon. Mr. FERGUSON—Mr. Schreiber.

Hon. Mr. SCOTT—Then I am right.

Hon. Mr. FERGUSON—The hon. leader of the opposition has quoted a very different opinion given by Mr. Schreiber before the Committee on the Drummond County Railway. Mr. Schreiber there submitted a statement for the month of March, 1898, that $44,716.04, was the actual earnings of the Montreal extension including the Drummond Railway part of it and the Grand Trund part of it. He is asked:

Q. That is the statement you produced?—A. Yes.
Q. You have not got the working expenses?—A. No, I have not.
Q. How do you apportion the amount of the Drummond County Railway through rates?—A. That is determined on a mileage basis, I think.

There seemed to be no trouble about it. This was for the month of March, 1898. It was only a statement of the earnings. It did not include the expenses, but if hon. gentlemen will look at this very contract itself they will find that the traffic charges, &c., shall every month be interchanged between the company and the government, so that there is a monthly statement of all the charges and expenses incident to running the road as between the Grand Trunk and the Intercolonial Railway to be made up every month and interchanged between the different parties, that is so far as the working expenses are concerned, while as to earnings, there was no difficulty, in 1898, for Mr. Schreiber to go before the committee and give on oath a statement of the exact earnings of the Montreal extension for the month of March. I am reading from page 137 of the Drummond Railway report dated 13th May, 1898, and this had reference to the earnings for the month of March. A few days later a question arose as to whether these earnings had been swollen by charges for carrying material for the Drummond County construction going on at that time, and Mr. Pottinger was telegraphed to and his answer was that no freight on material for Drummond County Railway work entered into the returns. The same day he sent a further telegram—it does not give the telegram that called this forth, but the answer will show the nature of the telegram sent:

Information respecting April traffic over Montreal extension cannot be given until the 2nd or 3rd of June after the April accounts have been made up.

This indicates beyond a doubt that when the April accounts were made up it would be then possible to submit a statement for the April working of the road. Now, as far as Mr. Pottinger and Mr. Schreiber are concerned, here are their opinions when they

were before that committee and under oath. Mr. Schreiber was under oath and Mr. Pottinger gave his answers, which were read as evidence before that committee. I am astonished that my hon. friend the Secretary of State would make such an unqualified statement.

Hon. Mr. SCOTT—I have simply given the statement of the officers of the department. I know nothing personally about it.

Hon. Mr. FERGUSON—Against that I have submitted Mr. Schreiber's evidence before the committee. Mr. Schreiber, in submitting this statement, I have no doubt, did just what his minister told him to do. The minister instructed him to give such and such an answer, and the answer was forthcoming; at all events, it looks very much like that when we have Mr. Schreiber's sworn statement before the Drummond County Committee, which tells altogether a different story, confirmed by Mr. Pottinger's telegram, in which he says that the traffic accounts for the month of April would not be made up, until the 2nd or 3rd of June. As against the opinion of my hon. friend, given so emphatically, that it is absolutely impossible to furnish such information as this with regard to the Drummond County Railway, let me point out to my hon. friend and to this House some evidence given by Mr. Wainwright before the same committee. The first I am going to refer to will be found on page 62 of the report of the evidence of that committee. Information was being elicited with regard to the contracts between the Canadian Pacific Railway and the Grand Trunk Railway with regard to 38 miles of a railway between Hamilton and Toronto, which was in a similar position to the Montreal extension as between the Grand Trunk Railway and the Intercolonial Railway. Questions were raised with regard to that lease and the nature of it. After these had been gone through pretty extensively, Mr. Powell asked Mr. Wainwright this question:

Could you give us the proportion of business, so far as the use of that 38 miles of track is concerned?

"I could get it for you" said Mr. Wainwright. Here is 38 miles of railway, run under a lease between the Grand Trunk and the Canadian Pacific Railway, between Hamilton and Toronto, and there was no hesitation on the part of Mr. Wainright to say that he could get, for the information of that committee, the proportion of the business done by the Grand Trunk and the Canadian Pacific Railway over that 38 miles of road.

Hon. Mr SCOTT—That is on a fixed sum. The Canadian Pacific Railway paid $1,000 a mile.

Hon. Mr. FERGUSON—They did not care what rent they paid, but they wanted to know the proportion of business they did in order to arrive at a fair conclusion as to whether the amount paid for that 38 miles was proportionate to the amount proposed to be paid to the Grand Trunk Railway for this line between St. Lambert and Ste. Rosalie, and the answer was "I could get it for you." I now turn to page 58, and I find Mr. Wainwright was giving evidence with regard to the proportion of business which had been done by the Grand Trunk Railway and Intercolonial Railway lines from Lévis or Chaudière into Montreal before this lease went into operation, and Mr. Powell asked him "Can you conveniently give us the amount of through traffic passenger and freight as relates to the Grand Trunk Railway and Intercolonial?" He answered "Yes, we can give that." Then he is asked "It would not involve much work, would it?" And he answers "Yes, there would be a good deal of clerical work about it." We admit there might be some clerical work about it, but seeing the supreme importance of this information, there should not be a moment's hesitation on the part of the government and the Intercolonial Railway, even if there would be a great deal of clerical work about it, to give it, especially in view of the solemn promises of the Minister of Justice at the time that the vote for $157,000 was sought for, and which was brought down in the Supply Bill after the Senate had rejected the contract, when we were assured that that was only asked for for a tentative purpose, in order to make an experiment of the working of that particular road.

Hon. Mr. SCOTT—Hear, hear!

Hon. Mr. FERGUSON—My hon. friend now turns round and says "we cannot give you that information." As against that statement we have the sworn statement of Mr. Schreiber and the telegrams of Mr. Pot-

tinger, and the testimony of Mr. Wainwright on oath with regard to other similar lines, that it was quite easy to get the information, involving, in one case, some clerical work. My hon. friend turns round and says the Intercolonial Railway is showing a more favourable balance than ever before. He draws a long bow upon that, because he says the balance has been greater this year than in all previous years.

Hon. Mr. SCOTT—Yes, I have the authority for it.

Hon. Mr. FERGUSON—We have the returns supplied up to ten months, but I notice that it is claimed that for that period of ten months there will be a balance of $62,500 in favour of the road. We will have to wait for the complete returns to find whether everything is included, whether the rents paid are included or not.

Hon. Mr. SCOTT—So I am advised.

Hon. Mr. FERGUSON—We want to see whether the statement is a full one or not. However that may be, I take it that it would be the most surprising and inexplicable thing that could occur, that in this year the Intercolonial Railway would not furnish a better record than in previous years. What do we find that the Canadian Pacific Railway is doing? I have not the earnings before me, but I think they have gone up millions above former years. The Grand Trunk Railway, which has been fighting under great difficulties in the past, shows an increased earning of ten per cent during the last year. If the Intercolonial Railway were to do the same as that, we would have a very much larger balance in its favour than $62,000 for the ten months, and I believe it is doing that. From the extraordinary development on the Island of Cape Breton, the roads there are better employed than they were before, and it is but reasonable to assume that the Intercolonial Railway has caught the impetus from the improvement in business all over the country, which has enhanced the earnings of every other railway in Canada. And now my hon. friend comes down and points to some increase on the Intercolonial Railway, and asks this House to credit that to the Drummond County extension. If my hon. friend were to bring down a correct statement as to how the Montreal extension has turned out, as between earnings and expenses upon it, charging the road with all the rents which they are paying and everything else, I am satisfied, on account of the extreme reluctance to give this information to the House, if for no other reason, that it would show that instead of being benefited by this extension, the earnings have been decreased in consequence of it. We say it is perfectly easy to get this information. Mr. Wainwright swore that it was easy to get the information with regard to other partnerships or leasings. Mr. Pottinger actually shows it was possible to get it for the next month, but we would have to wait till the accounts were made up, four or five weeks after the close of the month. All this evidence goes to show that it is possible to get it and the fact that my hon. friend refuses it——

Hon. Mr. SCOTT—No.

Hon. Mr. FERGUSON—My hon. friend's declaration that he cannot furnish it to the House, as he said, is the best possible evidence that this Montreal extension is being run at a loss, and, as was demonstrated beyond a doubt, in another place, every dollar of new business that was got on this new road by reason of the Drummond County extension has cost the government $1.30 to get it. It is quite possible that, notwithstanding a somewhat unfavourable showing with regard to the Montreal extension, that gentlemen in this House might see their way clear to give their support to the contract, considering that very material improvements have been made in it since it was before this House on a former occasion, and I think, therefore, it is a great pity that hon. gentlemen on the other side of the House should present such difficulties in the way of a fair consideration of the bill by withholding this information. I must warn them that I think they will find it utterly impossible to convince this House or the country that they cannot supply the information if they desire it. We all have an idea of how railways keep their accounts and leasings, and all that kind of things, and the matter of ascertaining the exact proportion of business done and money earned is reduced to a perfect science among railroad officials. We all know that is the case, and this is no exception. The information can be got and the hon. Secretary of State

should certainly see that the information is obtained, and he may perhaps find that, notwithstanding it may not have such a good appearance as he thinks it has, that it would not make such a bad impression on hon. gentlemen as he thinks.

Hon. Mr. McDONALD (C.B.)—The claim made by the hon. Secretary of State that the $62,500 of a balance in favour of the Intercolonial Railway this year results from the acquisition by the government of the Drummond County Railway, I cannot agree to. On the contrary, I believe that the acquisition of the Drummond County Railway has been a loss to the Intercolonial Railway for the past year. In addition to what the hon. gentleman from Prince Edward Island has said on the matter, showing the prosperity of the Canadian Pacific Railway, the Grand Trunk Railway, and the Intercolonial Railway, I wish to say to the House that at the eastern extremity of the Intercolonial Railway is the Island of Newfoundland, with a population of 200,000 people. The completion of the Newfoundland Railway with the steamship "Bruce" connecting it with the Intercolonial Railway at North Sydney gives a large amount of traffic to the Intercolonial Railway. Communication has been going on now for the last year and a half between Newfoundland and North Sydney, and twice a week for the whole of that time, winter and summer, a large steamer is running between Newfoundland and North Sydney, Cape Breton, giving to the Intercolonial Railway an enormous amount of passenger traffic and freight, the largest portion of which is from Montreal.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. McDONALD (C.B.)—All this freight and passenger traffic is a profit to the Intercolonial Railway and the Intercolonial Railway is entitled to the credit of that without crediting one single dollar of it to the Drummond County Railway. The Newfoundland Railway gives that traffic, and the Intercolonial Railway would have that traffic if the Drummond County Railway never existed, and I believe the $62,500 profit in favour of the Intercolonial Railway for the last year can be attributed altogether to the immense amount of traffic from Newfoundland. Hon. gentlemen can imagine the amount passenger and freight traffic a population of 200,000 gives to the Intercolonial Railway for 800 miles from North Sydney to Montreal.

Hon. Mr. THIBAUDEAU—Have we not had that traffic every year?

Hon. Mr. McDONALD (C.B.)—No. The steamer "Bruce" only commenced to run in the fall of 1897, so that the immense amount of traffic that that gives to the Intercolonial Railway, in my opinion, accounts for the large balance in favour of that road for the past year.

Hon. Mr. MILLS—I was somewhat surprised, after the very irascible speech made by my hon. friend who leads the opposition, that he should have complained of the use of the word "disingenuous" by the hon. Secretary of State. My hon. friend had spoken about the government as having committed a fraud, and made fraudulent statements, and I thought that those words were pretty harsh expressions, scarcely warranted by the law and usage of Parliament.

Hon. Sir MACKENZIE BOWELL—They were not disingenuous.

Hon. Mr. MILLS—No, I admit that. But my hon. friend had put himself out of court and was not in a position to complain of the word "disingenuous" on account of the very harsh expression he had used himself. Then the hon. gentleman said in a somewhat forcible tone, that he was just as honest and the hon. gentlemen sitting around him were just as patriotic as the government. I am not going to dispute that statement, but when the hon. gentleman charged the government with fraud, he did not give himself a high certificate of character when he said he was just as good as we were, because, according to his own statement, neither of us was very good, and neither of us was fit to represent the people of this country in Parliament. It is a mistake to undertake to anticipate the discussion that may take place on the Drummond County Railway Bill, and the arrangement with the Grand Trunk Railway with reference to traffic over their section of line. The hon. gentleman from Marshfield (Mr. Ferguson), who spoke on this question, I think was undertaking to find some excuse why he should oppose these two measures, just as they had been opposed before; because, first, he was saying that what the Deputy

Minister of Railways said was an impossibility, and then he made the introduction of that impossibility a condition of his support. The hon. gentleman characterized the entrance into Montreal as an incubus—the Montreal section was an incubus on the Intercolonial Railway. If the hon. gentleman thinks it is an incubus, then it is a measure that the hon. gentleman ought not to countenance and support. Let me say that I cannot very well understand on what commercial theory the hon. member can arrive at that conclusion, when Montreal is undoubtedly the commercial metropolis of the Dominion of Canada. How access to that distributing centre can be an incubus to the Intercolonial Railway, the hon. gentleman may be able to satisfy himself upon, but it would be impossible for any hon. gentleman to convince the House.

Hon. Mr. FERGUSON—What I said was that if the earnings and expenses of the Montreal extension were brought down and showed a deficit of $100,000 or something of the kind, then the road must be regarded as an incubus. I think that was my statement.

Hon. Mr. MILLS—No, my hon. friend spoke of the acquisition of this connection, by which access was to be gained to the metropolis of Canada, as an incubus.

Hon. Mr. FERGUSON—Yes; if the return would show it.

Hon. Mr. MILLS—He went further than that, and he showed none of the advantages promised by the government had arisen from this connection, and that while the Canadian Pacific Railway had prospered to the extent of millions, and the Grand Trunk had made progress, the Intercolonial showed scarcely any improvement at all. That was the hon. gentleman's contention, and he showed Mr. Schreiber, in preparing a report which has been laid upon the table of the House, made a dishonest report.

Hon. Sir MACKENZIE BOWELL—He did not say anything of the kind.

Hon. Mr. MILLS—An unworthy report.

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. MILLS—He said it was inspired by the Minister of Railways and was an inaccurate report and untrue statement, and although signed by the Deputy Minister of Railways, had contained a falsehood on its face. It said that it was impossible to give information which the hon. gentleman says it is possible to give, and that it can be given without any trouble. Let me call the attention of the House to the fact that it is not a matter of any consequence what the local traffic on that Drummond County section, or on the section between Ste. Rosalie and St. Lambert, may be, in the settlement of this question. It may be a question of more or less; but it is not a question of yes or no. Let me suppose that you have no local traffic over that road, but that it gave you connection with the west and a large amount of through traffic which, otherwise, you would not get at all, is it not a matter of consequence to obtain that, even although you had no local traffic along the line? The information which the hon. gentleman asks for can be made up, no doubt. It can be shown that from this station and that, between one extremity of the acquired line and the other, a certain amount of traffic has to come, and whether you show that that traffic is much or little, does not affect the real question. The point that you cannot show, by any statistics which you may produce, is the amount of traffic you secure by this connection, which you would not have secured if the terminus had remained at Quebec. And, therefore, it is absurd to say that you can produce evidence here which will be sufficient to show conclusively what additional business the railway has done which it would not have done if this line had not been constructed. You cannot show that at all; but you can show whether the freight on the road has increased. You can show what amount of freight is obtained at the city of Montreal for through traffic, and you can show the number of passengers that pass from Montreal over the line. If that road had not been built a few might have taken the Intercolonial Railway at Quebec, but it is not likely the majority would have done so. The result is that if you look at the general improvement of the receipts of the road you have the best possible evidence you can have of the improved condition arising from this connection with the commercial metropolis of the country. One hon. gentleman has referred to the traffic from Newfoundland. Connection has been established with Newfoundland by the present government.

There is no doubt about that. The government is an enterprising government, and seeks to improve the condition of commerce of the country in every way that suggests itself, and that is one. And the hon. gentleman knows that you have, and are likely to find in the near future, a large amount of trade with that province which we did not possess before. But whether we would have that traffic, if people had not the chance of connection with the city of Montreal, whether the people might not take some other route than the Intercolonial Railway, I think may be fairly open to consideration.

Hon. Sir MACKENZIE BOWELL—Where would they go?

Hon. Mr. MILLS—There is no trouble at all. They could go to Portland or to Boston and they could come from there to Montreal. Some of them do that as it is, and the number who do so would have been very much larger if you had not had a continuous line of railway to the city of Montreal. I do not think it is necessary to enter into a discussion of this subject at the present time. I say the test of advantage from this connection is the improvement of freight and passenger traffic of the railway, and it is upon that rather than upon any local traffic that may be done along the line of road that the wisdom of the course taken by the government in entering into these contracts is to be justified. I am anxious that the hon. gentlemen opposite should have every means of information that it is in the power of the government to give them, but the hon. gentlemen know right well that you cannot take out a section of road fifty or one hundred miles in length and ask for a return of the earnings of that section without a great deal of trouble, and in many cases it would be impossible to give a full and accurate estimate. The hon. gentleman shakes his head. I ask him how does he know whether any one of those passengers who take the railway at Montreal and who seek to go to, say, St. John would have taken the Intercolonial Railway at all if the road had remained with its western terminus at Lévis?

Hon. Mr. FERGUSON — Why would they not?

Hon. Mr. MILLS—Because they could have taken some other road. They would have taken the Canadian Pacific Railway. They would have no difficulty doing that. They may even do that now if they choose, but the fact remains that a certain number have gone to Montreal by the Intercolonial Railway, and what they would have done if that connecting link had not been acquired it is impossible for any one to say.

Hon. Sir MACKENZIE BOWELL—I should like to remind my hon. friend of the fact that the hon. gentleman from Marshfield (Mr. Ferguson) called the attention of the hon. minister to the 20th paragraph of the agreement with the Grand Trunk Railway, in which arrangements are made to keep an exact account of the mileage traffic.

Hon. Mr. MILLS—We can discuss that at the proper time.

Hon. Sir MACKENZIE BOWELL—That is quite correct. I merely wish to add: I am not aware that in my remarks, animated though they may have been, that I discussed the traffic of the road, or the propriety of bringing it into Montreal at all. My whole argument, and all my quotations were to show that the information which I asked for, could be given. My hon. friend, who tried to draw a herring across the trail, began to discuss the policy of extending the road to Montreal. I did not argue that question at all. I am prepared to do that at the proper time. My whole argument was to show that, by the promises of the government, the statements before the committee and the statements of Mr. Pottinger and Mr. Schreiber, this information could be given, and that we wanted it.

Hon. Mr. FERGUSON—In the same way, my reference to an incubus referred to this information. I said if this information could be brought down it would show that the extension was an incubus.

Hon. Mr. PRIMROSE—Hon. gentlemen ——

Hon. Mr. POWER—There is nothing before the House and I raise the question of order.

Hon. Mr. PRIMROSE—I merely want to ask a question.

Hon. Mr. POWER—The hon. gentleman cannot address the House unless there is something before it.

Hon. Mr. MACDONALD (B.C.)—I beg to move that the House adjourn.

Hon. Mr. PRIMROSE—The hon. gentleman from Cape Breton made a statement with reference to the traffic from Cape Breton on the Intercolonial Railway through the establishment of that line with Newfoundland. The hon. minister takes credit for his government for having developed this traffic. I wish to ask the hon. gentleman from Cape Breton what the Federal Government has to do with it; do they supply a subsidy or anything of the kind?

Hon. Mr. McDONALD (C.B.)—I am not aware that the government has given any subsidy at all to this line running to Cape Breton.

Hon. Mr. PERLEY—I will explain how it is; they did not interfere with that National Policy.

Hon. Mr. McMILLAN—It is owing to the completion of the Newfoundland Railway.

Hon. Sir MACKENZIE BOWELL—A subsidy has been granted to a steamer running between Cape Breton or Halifax or some place in the maritime provinces.

Hon. Mr. McDONALD (C.B.)—That is a different thing.

Hon. Sir MACKENZIE BOWELL—That was granted fifteen or twenty years ago by the government of the late Mr. Mackenzie, and was continued by the government that succeeded him. The idea of the present government claiming credit for that is worse than absurd.

Hon. Mr. MACDONALD (B.C.)—I hope the hon. gentleman will understand before the Drummond County Bill is discussed that we should have that information.

Hon. Mr. POWER—I rise to a question of order. The hon. gentleman has already spoken on the motion for adjournment. He cannot speak on that motion now.

The motion to adjourn was withdrawn.

THIRD READINGS.

Bill (110) "An Act respecting the Hudson's Bay and Yukon Railways and Navigation Company, and to change its name to the Hudson's Bay and North-west Railways Company."—(Mr. Power.)

Bill (93) "An Act to incorporate the Edmonton and Saskatchewan Railway Company."—(Mr. Lougheed.)

Bill (103) "An Act to incorporate the Klondike Mines Railway Company."—(Mr. Kirchhoffer.)

SECOND READING.

Bill (4) "An Act to incorporate the Canadian Plate Glass Assurance Company."—(Mr. Ogilvie.)

CRIMINAL CODE AMENDMENT BILL.

IN COMMITTEE.

The House resumed, in Committee of the Whole, consideration of Bill (2) "An Act further to amend the Criminal Code, 1892."

(In the Committee.)

On clause 205.

Hon. Mr. DRUMMOND—I hope this clause will pass as it stands. I had a great deal to do with the introduction into this country of the distribution of works of art. In the mother country it is carried on largely for the benefit of artists. In other works, an exhibition is held of the works of the artists themselves and does good. In this country it does very little good, or any good that it may do is overshadowed by the fact that it is used as a cover for lotteries. I took occasion, as president of the Art Association of Montreal, recently to call attention to the subject and the following resolution was passed by the Art Association of Montreal:

Whereas, chapter 36 of 46 Victoria, Canada, as presently incorporated in the Revised Statutes of Canada, chap. 160, sec. 8 and sec. 205 of the Criminal Code (55 and 56 Victoria) was enacted for the purpose of permitting the introduction into Canada of Art Unions, in character similar to those at that time in operation in Great Britain, and was so enacted with a view of encouraging art and the development of painting, and had, therefore, at the time of its enactment the full approval of the Art Association of Montreal.

And whereas, the law presently existing has been used as a cover for carrying on lotteries having for object financial gain and the acquisition of money

solely by the means of the selling and drawing of tickets and other modes of chance.

And whereas, such lotteries carried on by incorporated companies in the city of Montreal are in no way an advantage but rather a detriment to the cause of art and painting.

Resolved, that this association would approve of such a change in the law as it now stands as will render it impossible that such lotteries and gambling by way of tickets and other modes of chance can be carried on under the cloak and cover of companies or businesses established for the promotion and encouragement of art by means of the distribution by lot amongst the members or ticket holders, of drawings, paintings or other works of art produced by the labours of the members or published by or under the protection of any incorporated society.

The Ontario Society of Artists at Toronto wrote as follows to the Art Association of Montreal:—

TORONTO, 12th April, 1899.

ROBERT LINDSAY, Esq.,
Secretary Art Association of Montreal.

DEAR SIR,—I am requested to send you the following resolution passed at our last monthly meeting.

That the Ontario Society of Artists, learning with pleasure the action of the Art Association desire to approve and express their sympathy with their effort to regulate or abolish the Art Unions at present in operation in Canada, and their readiness to co-operate with them in this desirable effort.

I am, sir,
Yours truly,

(Sgd.) ROBT. F. GAGEN.
Sec. Ontario Society of Artists.

Now, I have no hesitation in saying that, under cover of this art union principle, there are lotteries carried on which are doing a great deal of harm, and I trust that the clauses of this bill which cover this principle shall be carried in their entirety.

Hon. Sir MACKENZIE BOWELL—Do you think this clause will cover it?

Hon. Mr. DRUMMOND—I think so.

The clause was adopted.

On clause 208.

Hon. Mr. MILLS—I might say the practice has grown up in some places of sending all the poor people of the country, who are unable to support themselves, to the jail, and I have inserted this provision to put an end to that practice. The vagrants provisions of our law grew up after the American civil war when a large number of tramps came into the country, and it was desirable to mitigate as far as possible that nuisance, but it was never intended that the inhabitants of the country should make use of it for the purpose of putting every poor and infirm person unable to support himself into jail. I have had brought under my notice one county, in the jail of which, during the past winter, between fifty and sixty poor people were kept, and beds were put up in every part of the prison for the purpose of furnishing accommodation to those who were in danger of perishing. Those people, so far as we know, except the fact that they were poor, had committed no offence against the law. I spoke to the inspector of prisons of Ontario in regard to the matter before I prepared this clause. I think this would to some extent put an end to that evil, for I do regard it as an evil. He called my attention to a case in which a party, who was in good circumstances at one time, but had transferred his property to his son and left himself destitute, was turned out of doors, and being unsupported by his own children was obliged to take refuge in the jail in order to live through the winter. I do not think that it is a desirable condition of things; at all events, this is a step in the direction of putting an end to that, and requiring each county to take some measure for the purpose of taking care of its poor. If they are not residents of the county, if they are ordinary vagrants, the law does not touch them. But it does disqualify them from picking up those who have lived for years in the county and putting them in jail in order to get rid of the expense of making humane provision for their wants.

Hon. Sir MACKENZIE BOWELL—We all know the law has been fearfully abused, but there is this difficulty. Take a city or county where they have no poor-house, and no place to send these people, and the very case to which the hon. gentleman refers, where the son is brutal enough—I think that is not too strong a word—to turn his parent out on the street, and there is no place to put him—what is the corporation to do under those circumstances? The only place they have to send him is the jail. There are plenty of counties in Ontario, and plenty of cities and towns in Ontario where they have no poor-house.

Hon. Mr. MILLS—They must make provision.

Hon. Sir MACKENZIE BOWELL—But what are they to do in the meantime?

I think the clause is in the right direction, but when we come to reduce it to practice. Here is a case to which the hon. member calls the attention of the committee. He says a father had deeded his property to his son; that son was inhuman enough to turn him out and would not support him. There is no place to send him, and the hon. gentleman says the corporation must find a place.

Hon. Mr. MILLS—That is my answer, and they might a good deal better rent a building.

Hon. Sir MACKENZIE BOWELL—Supposing they will not do that. If this would have the tendency of compelling them to do it, I think it would be beneficial.

Hon. Mr. MILLS—I think that is the effect it will have.

Hon. Sir MACKENZIE BOWELL—Is three years not too long? Would two years not be enough?

Hon. Mr. MILLS—I have no objection to inserting two years instead of three years.

Hon. Mr. CLEMOW, from the committee, reported that they had made some progress with the bill, and asked leave to sit again.

The Senate adjourned.

THE SENATE.

Ottawa, Friday, 23rd June, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

CANADA PERMANENT AND WESTERN CANADA INCORPORATION BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. ALLAN, from the Committee on Banking and Commerce, reported Bill (75) "An Act to incorporate the Canada Permanent and Western Canada Mortgage Corporation," with several amendments. He said:—I may explain that these amendments are all applicable to just one clause in the bill, clause 6, where it provides that the company may invest in certain securities and in mortgages upon freehold and leasehold real estate or other immovables, and the committee add "fully paid up." The next amendment is that they may invest in the stock of any chartered bank or incorporated company incorporated in Canada, or in any province forming part of Canada, and the committee add at the end of the clause "provided the loan upon the security or the interest in the debentures, bonds or stock of the company shall not exceed one-fifth of the paid up capital of any such corporation or one-fifth of the paid up stock of the company." The company may take personal security as collateral to any advance made, or contracted to be made, by or for any debt due to the company. I may say that these amendments in the sixth clause were simply made in order to bring the bill into conformity with the Loan Companies Bill which has been before the House for the last day or two, and follow out exactly the lines of the Loan Companies Bill. I, therefore, move concurrence in the amendments.

The motion was agreed.

Hon. Mr. ALLAN—I should like to say to the House that this bill will have now to go back to the Commons, and it is, therefore, of considerable moment that it should be passed as soon as possible, as there are a great many arrangements depending upon its passage, and there is only, as I said before, this one amendment, which, as I explained, was made to conform with the Loan Companies Act. Then there is clause 23, with regard to foreign investments, and the company desire that the bill should not be read a third time until those clauses in the Loan Companies Act relating to the same subject are passed by this House. Therefore, I would ask the indulgence of the House to be permitted to hold the bill and move the third reading before the end of to-day's sitting, if those clauses are passed to-day, in order to allow the bill to go to the House of Commons to-night, and, I might also state, that my hon. friend from Rideau, who is opposed to the whole principle of the bill, desires to make some objections, and, per-

haps, he would be pleased to do so when the third reading is moved.

Hon. Mr. CLEMOW—I intend to move an amendment.

Hon. Mr. MILLS—I might just say that the opportunity will arise when the third reading is moved. I hope to proceed immediately with the Loan Companies Bill, and as soon as the clauses are adopted, I can see no good reason why the hon. gentleman should not be allowed to move the third reading of the bill to-day, if he so desires.

Hon. Mr. CLEMOW—How does that affect the amendment I propose?

Hon. Mr. POWER—Inasmuch as the hon. gentleman in charge of the bill is asking the indulgence of the House to be allowed to read it the third time to-day, he has to obtain the unanimous consent to suspend the rules in order to move the third reading, and he will not object to allowing the hon. member from Rideau (Mr. Clemow) to move the amendment without notice.

Hon. Mr. ALLAN—Not at all.

Hon. Mr. CLEMOW—I want to strike out several clauses

BILL INTRODUCED.

Bill (69) "An Act to incorporate the Niagara, St. Catherines and Toronto Railway Company."—(Mr. McMillan.)

THE EXPORT OF SAW LOGS.

Hon. Sir MACKENZIE BOWELL—Before the orders of the day are called, I should like to direct the attention of the Minister of Justice to a statement which I see in the newspapers, that the Attorney General of Ontario has granted his fiat permitting United States lumbermen, who own limits in that province, to test the right of the local government to compel the manufacture in Canada of saw logs cut upon land which they have leased. Hon. gentlemen may know that the Ontario Government, in leasing limits, have made it a condition that the logs must be manufactured in this country. United States lumbermen who are interested in the matter, have employed Chris. Robinson, Q.C., to test in the courts, the right of the Ontario Government to impose such a restriction. I should like to ask the hon. gentleman whether the Dominion Government is to be made a party to that suit, it being a question affecting the constitution of the country, or whether they intend to be represented in the case in any way. The Dominion Department of Justice, I presume, has come to the conclusion that the province of Ontario has the right to impose such a condition, otherwise they would have disallowed the Act which was passed by the Ontario legislature, confirming such regulation. This being a constitutional question, I felt interested to know whether the Dominion Government is to be a party to the suit.

Hon. Mr. MILLS—Of course I know nothing more about the matter than the hon. gentleman himself does, from what appears in the newspapers. The matter is one entirely within the purview of the local government. Whether it is intra vires or ultra vires, I have not considered the question. It is a matter under the jurisdiction of Ontario. They have their own law officers. They have not had any communication with us, and I see no reason for interfering. If they are ultra vires in their action, of course we could not much help them. If they are ultra vires, I suppose they will employ eminent counsel who will be able to maintain that position, but I have not considered the subject as it is outside of our jurisdiction.

Hon. Sir MACKENZIE BOWELL—It being a constitutional question and an interference with what might be considered the rights of the Dominion on a question of trade and commerce, induced me to ask the question. From the position taken by my hon. friend, I take it the government are quite willing to let the Ontario Government and the United States lumbermen fight it out, and then they will act in accordance with the decision of the courts.

THE USURY BILL.

Hon. Mr. PRIMROSE—Before the orders of the day are called, I wish to direct attention to a paragraph which appeared in this morning's *Citizen* and which, to say the least of it, has a tendency to create a very grave misapprehension on the public mind in regard to the attitude of the Banking

Committee, of which I am a member, with regard to usury. I shall read the paragraph as it appears :

THE BILL THROWN OUT.

SENATE COMMITTEE ON BANKING AND COMMERCE WOULD NOT DISCUSS THE USURY BILL.

The bill to prevent usury was thrown out by the Senate Committee on Commerce yesterday. A number of compromises were suggested, but merely resulted in a deadlock. A vote was taken on the question: "Shall we proceed?" resulting in 6 for going on and 8 against.

Now, the paragraph to which I take exception, and which conveys to the public the idea that the members of the Banking and Commerce Committee regard usury, with all its heinousness as carried out in Canada to-day, as a legitimate business, is as follows :—

It is felt that usury is a legitimate business; that it is entered into by certain parties, who make a specialty of money-lending, because the banks are unwilling to accept stated risks; and that, so long as the rates of interest are not excessive, it should be permitted. Only when the interest becomes excessive should it be stopped.

I maintain that that is an entirely misleading paragraph. The attitude of the committee, in which my fellow members will bear me out, is this, that they have the strongest possible sympathy with the spirit of that bill, but the matter is such an intricate and involved one that they felt, in order to meet those enormities which occur in commercial communities, it would be necessary to have more time at the disposal of the promoter to frame his bill if possible to meet as many of these objectionable things as possible. I think the representatives of the press should be more careful in giving the findings of the committee of the Senate to the public. The whole tendency and trend of that paragraph is to create an impression directly at variance with the finding of the committee.

THE DOMINION ELECTIONS ACT.

Hon. Mr. FERGUSON—Before the orders of the day are called, I wish to direct the attention of the hon. Minister of Justice to the present position of the Dominion Elections Act, with a view to learn from him whether it is the intention of the government to propose an amendment or consolidation of that Act during the present session of Parliament. My immediate reason for calling my hon. friend's attention to the subject at this moment is this: As he will very well remember, a great deal of difficulty was experienced last year in fitting the Dominion Franchise Act, as far as it related to the province of Prince Edward Island, into the Dominion Elections Act. In the province of Prince Edward Island, as my hon. friend will well remember, there were no voters' lists, and open voting prevailed. In consequence of that, the adoption of the Dominion Franchise Act of 1898, and the adoption with it of the provincial laws, opened the door for a great many serious difficulties. We experienced that when we were dealing with the question, and on looking over the matter very carefully since, I find that some points which require attention escaped observation at the time. One of those points, not by any means the most important one, still one which calls for examination is this: it was pointed out here that section 43 of the Dominion Elections Act would raise a difficulty in Prince Edward Island, because every voter offering to enter a polling booth must have his name on the list. My hon. friend went on and moved that section 43 should not be made to apply to Prince Edward Island. That amendment, although all right as far as the question of voters' lists is concerned, makes the whole section not to apply to Prince Edward Island, and the consequence is that, technically, not one voter in Prince Edward Island has the right to enter a polling booth at all, because it happens that it is in connection with that section that the right of access is given to the voter to the polling booth. Of course it might be possible for the voters of the province to find their way into the polling booths even though the law does not provide a way for them to enter. Although that is an objection, it is not so serious as others. My hon. friend will remember that a system of marking objected ballots is provided for, and provision made for the deputy returning officers, at the close of the polls, to proceed to count the ballots, and it is provided that they shall reject any ballots that have any marks upon them excepting the initials, or the marks required to be put on under the section referring to the case of undecided appeals under the Dominion Franchise Act, which has been repealed; but under that section, I think it would probably be held that all those votes so objected to could be rejected by the deputy returning officer at the close of the poll, on the ground that they contained a mark not admitted

under the Dominion Elections Act. Now that is a serious question, because, my hon. friend will see, if the law is allowed to stand unamended, and a large number of votes should be marked that way, the deputy returning officer might be obliged by the law to reject every vote so marked. All those votes might be thrown out and a most serious difficulty would, in consequence, be encountered. In fitting the Dominion Franchise Act into our Provincial Elections Act there is another difficulty. It is very hard to say whether the County Court judge is given the full power we thought he had. We thought he had power as a County Court judge, when he sat at a recount, to adjudicate upon those objected votes. That is very doubtful. On inquiry I find that it is doubtful whether full power is given in section 64, which says he shall verify or correct the ballot paper account and statement of the number of votes given for each candidate. But we go further and find that under the Dominion Elections Act the County Court judge has not the power to summon or examine witnesses, and of course that is a most vital objection, because he could not possibly at the recount enter into an investigation of the merits of the votes objected at the polls unless he had power to call witnesses before him and examine them. I am told there are difficulties elsewhere in the Act with regard to the application of the franchise law. We know at this moment the Dominion Elections Act is in a very bad shape. It has been amended again and again, and the nature of those amendments has been such that the Act has been turned inside out, and the attempt last year to follow the Franchise Acts of the provinces led to so many changes that the Act and its amendments stand in great need of consolidation. Whether the government are prepared at this late period of the session to go on with a measure of consolidation or not is a matter for them to consider, and I wish to call attention to what I have pointed out as very strong reasons why there should be an amendment, not to the Franchise Act, but to the Dominion Elections Act, so as to overcome the difficulties I have referred to.

Hon. Mr. MILLS—I shall give consideration to the statements which the hon. gentleman has made, and see what may be done a little later.

NISBET ACADEMY OF PRINCE ALBERT BILL.

THIRD READING POSTPONED.

Hon. Mr. POWER, in the absence of Mr. Lougheed, rose to move the third reading of Bill (10) "An Act respecting the Nisbet Academy of Prince Albert.

Hon. Mr. MILLS—I suppose hon. gentlemen have considered the bill. It is a matter dealing with education, over which we have given jurisdiction to the government of the North-west Territories. I have not had an opportunity of looking at the bill, but of course, as we have given the North-west Territories jurisdiction over this matter, we do not want to interfere with it.

Hon. Mr. MACDONALD (B.C.)—It is a private college.

Hon. Mr. MILLS—If it is a private college we might have the power to legislate, but it might more properly be incorporated by the authority which has jurisdiction over education.

Hon. Mr. POWER—The object of the bill is to authorize the Presbyterian Synod of the church in Canada to wind up the corporation, and we have jurisdiction over the Presbyterian Synod, which was incorporated by the Dominion Parliament, and I presume upon that ground we have the right to deal with this matter.

Hon. Mr. KIRCHHOFFER—Perhaps it is because it refers to the Nisbet Academy that the hon. gentleman thinks it is called after me, and that I had something to do with it, but it is not so. It was handed to me, and it was afterwards transferred to the Hon. Mr. Lougheed. I do not know anything about it all.

Hon. Sir MACKENZIE BOWELL—Why not let it stand till Monday and have the deputy minister look into it?

Hon. Mr. MILLS—I move that the order of the day be discharged and placed on the orders for Monday next.

The motion was agreed to.

LOAN COMPANIES BILL.

IN THE COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (P) "An Act respecting Loan Companies."

On clause 29.

Hon. Mr. MILLS—The clause suggested to me in place of this one reads as follows:—

The company may have agencies in any places in Great Britain or elsewhere for the registration and transfer of debentures or other stock, and for the transaction of any other business of the company.

That is very much wider than the clause in the bill, The limitations in reference to calling meetings for the purpose disappears, and I suppose we could trust the company to do that.

Hon. Sir MACKENZIE BOWELL—You give the company power to establish agencies in England or elsewhere without any restrictions?

Hon. Mr. MILLS—Yes.

Hon. Sir MACKENZIE BOWELL—I think it is a good provision.

Hon. Mr. MILLS—I move that this clause be substituted in place of clause 29.

The motion was agreed to, and the substituted clause was adopted.

On the last clause.

41. The Companies Act, chapter 119 of the Revised Statutes of Canada, is hereby repealed so far as regards the formation or incorporation hereafter of any loan company or the amalgamation of any two or more loan companies by virtue of any of the provisions thereof; but every such company incorporated or formed by virtue of the said Act shall so remain and no provision of the said Act shall, as touching any such company, be in any wise affected by this Act.

Hon. Mr. MILLS—Certain parties who have, under chapter 119, the power of being amalgamated, with powers that this Act does not confer, have asked that they should have the power of amalgamation, but without abandoning any of the franchises which they now have, and so they propose that the word "confirmation or" should be struck out at the beginning of the third line of this clause and the word "or" at the end of that line, then the whole of the 4th and 5th lines to the words "thereof." I have considered this matter along with the officers of the Finance Department, and they think that it is better that the clause should be carried as it is. If they want to amalgamate with larger powers than this bill confers, then they would require to come to Parliament for amalgamation. I think this is not an unreasonable proposition; at all events, that is as far as I think we ought to go at the present time.

Hon. Sir MACKENZIE BOWELL—The only difficulty there would be in case any two companies should desire to unite, and they have powers other than those which are conferred upon them by this bill. They would have to ask for legislation, and that opens the door for continued legislation, which we are trying to avoid by the passage of a general consolidation Act. I can readily understand the position of the minister.

Hon. Mr. MILLS—It is a choice of evils.

Hon. Sir MACKENZIE BOWELL—That is to give up the powers which they have and become amalgamated, or remaining as they are. If it is thought, by those who have not only taken an interest in but studied this question, that the powers which have been given to these companies and which the amalgamation under this law would deprive them of, should be taken from them, then of course the clause should stand. I am rather inclined to take the other view. Still, if the object is to make them as uniform as possible, perhaps it is better to allow the clause to stand as it is.

Hon. Mr. MILLS—That is the view that is taken. I have no very strong view on the subject. On consideration, I think it on the whole, it is desirable to secure uniformity as far as possible. If we once succeeded in obtaining it, then changes made hereafter must be for the general advantage of all companies alike. This bill goes to the House of Commons, and if there is any very strong feeling in that direction, of course they will amend it and it will be a short undertaking to reconsider it here, I move therefore that clause 41 be adopted as it stands.

The motion was agreed to.

Hon. Mr. PROWSE, from the committee, reported the bill, with amendments, which were concurred in.

CANADA PERMANENT AND WESTERN CANADA MORTGAGE CORPORATION BILL.

THIRD READING.

Hon. Mr. ALLAN—I presume I may now move the third reading of Bill (75) "An Act to incorporate the Canada Permanent and Western Canada Mortgage Corporation."

Hon. Mr. CLEMOW moved, in amendment:

That the said bill, as amended, be not now read a third time, but that it be referred back to the Committee on Banking and Commerce, with instructions to strike out the 25th, 26th, 27th and 28th clauses of the said bill.

He said:—I stated before my objections to amalgamating these companies in the manner proposed by this bill. I do not see why, in view of the bill we have just passed, this legislation is necessary at all. They can take advantage of the bill we have just passed as well as they could by having special legislation. A good deal of discussion occurred to-day in the Committee on Banking and Commerce, and some information was obtained respecting the operations of these companies, but the committee had not the opportunity of examining the various accounts and statements of the companies interested in the amalgamation, in order to show where the deficiencies occurred, as I suppose they have occurred with respect to some companies interested in this matter.

Hon. Mr. ALLAN—No.

Hon. Mr. CLEMOW—I have no doubt the originators and the gentlemen now applying for the Act of incorporation, are perfectly competent to carry out the provisions of this bill. They have the means and ability to do it, and therefore I do not intend to throw any discredit on their ability to carry out the intention of this bill. What I do object to is the principle advocated in this measure, that they can amalgamate these different companies with a huge capital without imparting the necessary information in order to allow the members of the House and the committee to ascertain whether it is necessary and whether it is in the interest of the country or not. Year after year applications have been made for the incorporation of companies. I strongly opposed them, because I think it is not a true principle to allow the incorporation of these companies unless the necessities of the country require it, but I was met with this argument, if people are inclined to invest their money in these companies and thereby reduce the rate of interest, we should not object. We find from what has taken place during the last fourteen or fifteen years that that has not been realized. They now come to us and say, "It is true that we obtained this power in the past, but we found that it has not been profitable, and therefore we require a change and want to amalgamate these concerns in order to reduce expense, and in that way enable the company to modify the rate of interest charged to people requiring money." I do not believe in that principle at all. If the original principle advocated was in the direction of incorporating this company with a view to obtaining money at a cheaper rate, certainly the provisions of the Act will not carry that principle out, because if a company with $7,000,000 of capital cannot pay a reasonable dividend, I do not see how we can expect a company with $20,000,000 will be enabled to accomplish this. We heard to-day that these companies had a capital of $14,000,000, one-half of which has not been paid up. If they required more capital, why did they not call upon the original stockholders to make up the unpaid principal for the purpose of carrying on their business operations? It appears to me that they found it was impossible to pay a dividend on $7,000,000, and instead of increasing their capital, they say now "If you allow us to amalgamate we will save sufficient in the expenses of the company to carry on a profitable business on $20,000,000 stock. The only plea of justification is that there is going to be a decrease in carrying on the business operations. I cannot understand that this can be accomplished to any appreciable extent. I object to these large trusts in Canada. In the United States they are doing everything by trusts, and the effect will be, in place of decreasing the value of the articles, that it will increase them. We know that by experience, We know that the oil trust and the steel trust have resulted in that way. Oil is higher to-day than before the amalgamation. It is a mammoth monopoly of the worst kind. I do not say that this amalgamation will lead to a monopoly, but it looks very much like it. If you pass this measure you will have other companies

coming and asking for similar concessions. The next thing will be that the two great railway corporatious, the Canadian Pacific Railway and the Grand Trunk Railway, will amalgamate. It has been the fear of the country that they might do so, and if they do amalgamate they will increase the cost of freight and traffic, increase the passenger rates to such a degree that it will be a burden on the people. I object to this amalgamation on principle, and because I think it will be injurious to the best interests of the country. I am now justifying the course I have taken in the past. I know the stockholders, bondholders and debenture holders can take care of themselves, but it is the duty of Parliament to see that the interests of the people who cannot protect themselves are looked after. The government may say they have no right to interfere, but I think they ought to intervene to prevent any tendency they have to injure the people. We have already sufficient companies to carry on the business without this amalgamation. Taking the view as a commercial man, I think business can be conducted far more satisfactorily to the country at large without this huge monopoly. They will force people to agree to any terms they may decide to impose. I had hoped that we would have had an opportunity of going into the details of these transactions, so that we could judge from actual knowledge whether this amalgamation was desirable. I do not know what their object is in asking for this legislation. The only plea they put forward is that there would be a reduction in the expenses, which would make up for the deficiencies in the past. However, we have not had an opportunity of going into it. We are simply asked, on the bald application of these gentlemen, to allow them to combine. If we grant their request we have no control over them, and perhaps in the future they may come back and ask us to reduce their capital, and in that way it would probably entail a heavy loss on the stockholders of the company. I suppose the motives of the company are proper, but they consult their own interests and the interests of the bondholders and debenture holders, and I do not think they have taken into consideration the interests of the country generally. I wish to test the feeling of the House, so that we can ascertain in the future whether my fears will be realized. I hope that they will not be. I have very grave doubts on the matter, and I think it right that I should express them in this chamber. I desire to know whether the bill, which has just been passed, would not give these people all the power necessary to carry out the provision contained in this Act. Before granting this bill to any parties, it would have to come under the supervision of the Governor in Council and Finance Minister by the terms of the general measure, and then they would examine into the details and say whether it was in the interest of the country, and if it were not they could refuse it. I know perfectly well that there is a feeling generally expressed that these gentlemen know what they are doing. I do not dispute that at all, and I think they are perfectly honest, but they have only one object in view, and that is to serve themselves and to get out of a bad bargain.

Hon. Mr. SCOTT—I would like to ascertain whether the bondholders, or debenture holders, were represented before the committee, or whether any statement was made that they would acquiesce in this legislation.

Hon. Mr. ALLAN—The bondholders were all consulted in the matter, and this draft was submitted to them when the bill was presented to the House. They were the ones that were considered most.

Hon. Mr. CLEMOW—We had no evidence of that before us.

Hon. Mr. ALLAN—It was stated by the gentleman who was representing those interested in the bill that this scheme had been submitted to the bondholders in England and was thoroughly approved of by them. I have only to mention the names of the deputation which went there—Mr. George Gooderham, Mr. Herbert Mason of the Canadian Permanent and Walter Lee of the Western Canadian, and these gentlemen were all connected with the Loan Company. Mr. Blackstock is their lawyer. The whole matter was thoroughly considered, with the greatest possible care, before this bill was reported. The draft was submitted to them. I desire to correct one statement which was made; I should be very sorry if this House should for a moment believe that any of these companies mentioned in the bill was not thoroughly sound and solvent, and came to the House to ask for powers, because they

were in trouble. There was nothing of the kind. Every one of these companies desiring to federate was was perfectly solvent and sound.

Hon. Mr. CLEMOW—That may be or may not be.

Hon. Mr. ALLAN—I do not think the comparison the hon. gentleman made between these companies and the trusts and monopolies is applicable to this bill in the least degree. I also call the attention of the House to the fact that this amalgamation cannot be carried into effect until all the shareholders in the different companies have met and agreed to carry out this bill. So that every interest is thoroughly guarded in that way. I may say that the object of this amalgamation is not only by the reduction in the expenses of carrying on the business and to make it possible to loan money on better terms to those who wish to borrow, but it is desired in every way to strengthen our credit in Scotland and England, and unquestionably it would have that effect. We all know that some little time ago there was considerable shock caused by the failure of one of the Ontario loan companies, and if a company of this kind had been in existence, with the powers which this bill proposes to give them, they might have taken over the liabilities of that company and prevented its debentures remaining unpaid, and though it might be necessary to liquidate these assets, still it would have saved all the scandal and discredit which occurred to Canadian investment. I cannot see in what way this bill can be considered otherwise than in the interests of either investors and borrowers in the country. On the contrary, I think it is calculated to be of very great advantage to both.

Hon. Mr. POWER—I wish to speak on a question of order. The hon. gentleman from York (Mr. Allan) moved the third reading, under a suspension of the rule, and I rise to make a suggestion that an entry should be made in the minutes that before this third reading takes place, rules 70 and 71 were suspended by unanimous consent. That was the understanding, and it will be better to have it appear in the minutes.

Hon. Mr. ALLAN—Yes.

Hon. Mr. MACDONALD (P.E.I.)—I am fully in accord with the remarks made by the hon. gentleman from Rideau Division. It is very well known that combines of all kinds are against the interests of the country, and against the general interests of trade, and this is a combine of moneyed interests. We believe competition is the life of trade, and this is a bill to do away with competition in lending out money. I think that giving certain people the power of uniting their funds together, to the amount of $20,000,000 is putting a vast power into the hands of a few people. And after a few years they can increase that. It is an immense power to give any company, the control of $20,000,000. We know what good they might do with it, but we know also that they may do harm. I think it is a vicious principle to give power to a number of people to combine in this way and buy up smaller institutions of a similar nature, which are likely to keep down the prices of the commodity in which they are trading. We know that if there is only one institution which has the control of the money market, it has the power in its own hands to charge what it pleases. If there are a number of institutions competing for the lending of money, there is competition, the rate of interest is more likely to be brought to a proper level than when it is in the hands of one large institution such as the one to be created by the bill before us. Some allusion has been made to dividends. Is it at all likely that it is going to be any benefit to the poor people who want money that these people should get all the lending into their own hands, and that they should be enabled to pay larger dividends? That is certainly the object in combining, that they should be able to divide larger profits among themselves, and these profits are to be made out of the power to hire out money. I am opposed to the principle of the bill, not only to the clauses which the hon. gentleman from Rideau attacks, but the whole principle of the bill, because it is giving too much power to one company.

Hon. Mr. MILLS—I do not see the force of the objection made by the hon. members who are opposing this bill. This is just one of the kind of combines that cannot work against the public interest. No matter what rate this company undertakes to fix as the value of money, it cannot put up the price beyond that which other companies

are ready to take. There are a great many loan companies in the country. I daresay they go up to the hundreds, and, that being so, this one organization is no more likely to create a combine for the purpose of oppressing the borrower than any one of the banking institutions of the country. If I thought that was to be the case, I would propose to limit the amount of capital that could be paid into any one organization, but when I remember that in the city of London alone there are nearly a dozen loan companies, and I daresay in the city of Toronto three times that number, or perhaps more, then I do not think there is much danger in the direction which hon. gentlemen have mentioned.

The amendment was declared lost on a division.

The bill was then read the third time, and passed on a division.

CRIMINAL CODE, 1892, AMENDMENT BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (Q) "An Act further to amend the Criminal Code, 1892."

(In the committee.)

On clause 442 A.

442 A. Every one is guilty of an indictable offence and liable to years' imprisonment or to a fine not exceeding dollars, or to both who, having in his possession any plate, roll or die made for the purpose of printing or engraving Dominion notes or any stamps, impressed or adhesive, to be used for revenue purposes by the Post Office Department or any other department of the government of Canada, or made for the purpose of printing or engraving any part of any such Dominion note or stamp, fails, neglects or refuses on demand to deliver the same to the Minister of Finance of Canada for the time being or to any person authorized by the said Minister of Finance to demand and receive the same.

Hon. Mr. MILLS said:—I propose to add to this a provison that the contractor's right to compensation shall not be jeopardized, or lessened, or in any way affected by the delivery of these stamps, plates and dies. As a matter of public policy, the government have over and over again required that these plates and dies be given up, altogether independent of the contractor. We have also forbidden the engraving of bills similar to bank notes. Patent medicine engravings, resembling bank notes, were at one time issued and passed off on careless persons. It cannot be that a person can have any right to retain a bank note plate which is of no possible use to him. They may be of use to the government of the day, but no one could make use of them without committing a fraud and being guilty of a crime against the law. So what has been done in the Post Office Act heretofore, what has been done with regard to the law in other cases, has been made general here. In the vast majority of cases there can be no reason in the world for not giving up the plates, or dies, as the case may be. They can be of no possible use to a party who was formerly a contractor, but has ceased to have a contract with the government. They can only be lawfully in the possession of a person while he is a contractor. When that contractoral relation ceases, then the postage dies, or dies for the printing of Inland Revenue stamps, or dies for the printing of bank notes, ought to pass into the possession of the government. There can be no doubt that that is a sound proposition; but if, under the contract, the party has not been paid, if he can show in a court that he is entitled to compensation, beyond the compensation which he has received under the contract, for the delivery up of these dies, we do not propose by this bill to take that remedy away. We leave him in the possession of that remedy, and that is all that can fairly be claimed; for I do not think any one can contend that such plates and dies should be in the possession of a party having no contractoral relations with the state.

Hon. Sir MACKENZIE BOWELL—The general principle laid down by the hon. gentleman is one in which every one must concur, but does he not think that the amendment to this clause goes too far? You first make a provision for imprisoning a man who has in his possession the articles mentioned in that clause, and you say at the close of the amendment which you propose to add, that that shall not interfere with any claim which he may have against the government for the dies or plates. Supposing a man has, under his contract, a right to engrave the articles which are, by this clause, made to be unlawfully in his possession. You then say that on demand he must deliver those up, and if he does not deliver them up he subjects himself to a penalty. But supposing a man has en-

tered into a contract conditionally that these articles are to be given up on being paid for, and the government refuses to pay for them, under this clause you would nullify that provision in his contract, send him to jail and fine him; and then when he got out he could sue the government for the value of the plates. Would you compel the man to give up the dies before paying him? The principles involved in the bill seem to be very like that in other measures we have had to deal with this session—to be placed on the statute-book for the express purpose of meeting a special case. I find by a document placed in my hands that a difficulty has arisen between the old contractor and the Post Office Department in reference to those plates. He has been deprived—I do not say whether properly or improperly—of his contract. He is not the contractor for the engraving and printing of these articles for the government just now. The Postmaster General demands of the contractor the delivery up of the plates and dies which he has in his possession. The contractor says "Pay me for the value of these dies, &c., and you can have them." The Postmaster General replies "No, you are not entitled to any pay; you were paid for this artistic work which you have performed in the engraving of these plates in the price which was paid to you for the printing of the bills, the postage stamps, and the Inland Revenue stamps." The contractor says "That is not correct; those are not the terms of my contract, nor did I so intend it when I tendered." But the Postmaster General is obdurate and he refuses. He admits an indebtedness for eight or ten thousand dollars, which is also admitted by the department, as I understand it, and I think the correspondence will show that the Minister of Justice himself acknowledged that fact. The Postmaster General says "Well, I will neither pay you the amount which my department has certified is properly, legitimately and legally belonging to you, unless you comply with the demand which I have made and deliver up these stamps." The contractor says "I am quite willing to deliver up these stamps provided you will pay me their value, as is provided in my contract." The question is whether he has the right to retain them, and if he has the right to retain them, is not this clause framed expressly to meet his case? Is it not proposed so that he may be fined and sent to jail in case he refuses, after demand is made, to give up those articles which his contract says he is not compelled to do unless payment has been made for the same, and at the same time the government refuse to pay him? That seems to me to be the case.

Hon. Mr. POWER—If the hon. gentleman will excuse me for interrupting, the amendment which the hon. minister proposes to the clause here, is that the government shall pay.

Hon. Mr. MACDONALD (B.C.)—But first you make him a criminal.

Hon. Sir MACKENZIE BOWELL—You make it a penal offence by fining the person if he refuses; and the minister says "If we owe you anything you shall not be debarred from going into court and collecting it." But that does not relieve him of the penalty of going to jail, whether he is paid or not. I cannot understand why the government should exercise such power, through any head of a department, in a case of this kind, where is involved a very small amount. The fifth clause of the contract reads as follows:—

> That all plates, dies and rolls specially used in connection with the said work, or any part thereof, and which have been paid for by the government of Canada shall be reserved for the exclusive use of the said government of Canada, as well as all plates from which the said work or any part thereof shall be printed, and shall be the property of the said government, and the company shall, on demand, deliver to the Minister of Finance of Canada for the time being, or as he may direct, all such plates, dies and rolls, the company holding them after they have been prepared and paid for as aforesaid.

If English language means anything, it means that if he is holding these dies and plates unlawfully, after having been paid for them, he should be subject to any penalty you can impose upon him, because no one will deny the importance of preventing a contractor, after he ceases to be a contractor, from holding plates and dies of this character, which might be stolen from him and improperly used. Then, as I understand, the Postmaster General contends that the value of these dies, &c., were included in the tender which was sent in, and, consequently, he has no claim for them. On the contrary, the contractor says, they were not. The correspondence upon this subject has been placed in my hands. Mr. Hogg was the solicitor for Mr. Burland, the contractor, and in the correspondence it is

shown that he made a proposition to deliver up all these into court, subject to the decision of the court as to whether he has any right to them or not, and the Postmaster General pointedly and distinctly refuses to pay one dollar of what is due this man under the contract until he complies with the demand to deliver up the plates, &c., and then he goes further, and Mr. Hogg says, writing to his client:

I found him exceedingly bitter in regard to the question altogether, although he maintained an outward appearance of suavity with me. He said he was most desirous of doing what was fair and right; that he looked upon the dies, rolls and plates as worthless, excepting to the extent that there was a danger to the public. He thought that you would be glad to be relieved of the responsibility of keeping them in your possession. He would listen to no suggestion that the account should be paid and that the question of the payment for the dies, rolls and plates should be sent to the court for adjudication. He referred me to a section of the Post Office Act relating to persons holding in their possession dies and plates for postage stamps, making it a criminal offence for any person to have these articles in their possession.

We know that that is a criminal offence under the Post Office Act, and this contractor would be liable to that provision if he refused to give them up, were it not for the clause which is in his contract, and which I have read, that he is not obliged to give them up until after they have been paid for. The letter proceeds:

He referred me to a section of the Post Office Act relating to persons holding in their possession dies and plates for postage stamps, making it a criminal offence for any person to have these articles in their possession. I told him that such section did not apply in your case, and that so far as that was concerned I would not be very much troubled, as your possession was under contract, and although it had expired there was a question outstanding relating to the payment for them. He did not combat my interpretation of that clause, but said if it did not apply, he had already consulted the Minister of Justice with a view to so amending the Post Office Act as to make it apply to your case, and that when that was done he would not be answerable for any steps that might be taken under the amended Act.

There is a clear intimation that this clause is placed in the bill to meet this particular case. It appears that the Postmaster General —who by the way is a lawyer of some standing in his profession in the city of Toronto— did not attempt to combat the reasoning of the solicitor for the contractor upon this point, but he said "I will use the power of Parliament to compel you to do that which you contend is contrary to the provisions of your contract, and if you do not do it, I will punish you and send you to jail." The Minister of Justice now says "I propose to place that law upon the statute-book, but I will make a provision that even if the contractor does go to jail and pay a heavy penalty, he shall not be deprived of his recourse in court for the amount due him." The letter also says that the Minister of Justice thought that this proposition made by Mr. Hogg to him was a reasonable one, and he recommended him to consult the Postmaster General—a very reasonable course. Mr. Hogg says to the minister "I have consulted him and can do nothing with him. You ought to grant me a fiat in order that I might collect this amount due to my client, and you can take whatever course you think proper in order to secure these dies. We are prepared to place these dies in a court of adjudication awaiting the result and abiding by the issue, but pay me what you owe me." The Postmaster General says "No I will not pay you, nor will the Minister of Justice give him a fiat." I am only speaking now of what this correspondence says. He has applied for a fiat, has he not?

Hon. Mr. MILLS—Yes.

Hon. Sir MACKENZIE BOWELL—It has been refused.

Hon. Mr. MILLS—No.

Hon. Sir MACKENZIE BOWELL—Then it is in abeyance?

Hon. Mr. MILLS—Yes.

Hon. Sir MACKENZIE BOWELL—Then it is not quite so bad as I thought it was.

Hon. Mr. PROWSE—But he has not got his fiat?

Hon, Sir MACKENZIE BOWELL—This correspondence says that he applied for a fiat and it was refused, and the reason was that the Minister of Justice did not like to act in direct opposition to his colleague. The Minister of Justice says now, that the fiat was not refused but held in abeyance, which amounts to the same thing, and with the principle laid down by the government; that a man is not to have interest on his claim, a contractor can be kept out of his money for a year or two before he can get any fiat. I ask any reasonable man whether that is fair or honourable on the part of the government. No private gentleman would do that. If a man conducting a private business were to acknowledge an

honest indebtedness to another man he might say "I cannot pay you at present," but he could not deprive him of his right to go to court. The government are not in that position. The government are in a position to pay this claim whenever they like, but through obduracy and stubborness, if I may use that expression, and it appears to me, if there is any truth in the correspondence which I hold in my hand, vindictiveness on the part of the Postmaster General, they punish this man because he stood in his way in a good many matters connected with the renewal and the issuance of this contract. I am not defending Mr. Burland for what he may have done in the past. I am merely taking this as an illustration of the viciousness of attempting to place upon the statute-book any clause, particularly when it affects the liberty of the subject, in order to carry out an idea that any minister of the Crown may have. If Mr. Burland has no right to hold these dies, all the Postmaster General would have to do would be to say to the Minister of Justice "Let him have a fiat and then we will test the question." Mr. Hogg further says:

While Mr. Mills is inclined, I tkink, to be fair, I do not suppose he would undertake to go directly against the wishes of one of his colleagues. On the contrary, the whole correspondence shows that the Minister of Justice acted fairly and with a good deal of consideration in the discussion of the matter with the contractor's solicitors, but unfortunately he is overruled by his colleague, or does not like to act in direct opposition to him.

I think the attempt to put this clause upon the statute-book, unless it specially exempts this case, is not right and I would be one to vote for obliterating it from the Criminal Code altogether. At the same time, I say—and I say it distinctly—that I think the provision is a good one, and all I would ask the Minister of Justice to consider is this: that he would make a special exemption in this case. This man says he has a claim under his contract, which the Postmaster General does not deny, but he threatens to pass a special Act of Parliament and then punish Mr. Burland under its provisions, for he says, "I will not be responsible for what will follow." It seems to me the moment this becomes law a warrant would issue for the arrest of this contractor, and he would either have to pay the penalty or be deprived of his liberty. I ask hon. gentlemen whether any deliberative body should place themselves in a position to assist in carrying out the determination—I will say a spiteful determination—of any minister of the government. I mistake very much the character of the members of this House, and also of the House of Commons, when the facts are known, if they would place a clause of that kind upon the statute-book without the reservation to which I have referred.

Hon. Mr. MILLS—I confess I am greatly astonished at the line of argument which the leader of the opposition has adopted. In nine cases out of ten, changes in the criminal law are suggested by individual cases as they arise, but I never heard of a proposition with regard to a case where no crime has been committed in which an hon. gentleman has admitted the propriety of the law and at the same time declared that the particular case in which this law would be applicable ought to be exempted from its operation. There is one important matter which the hon. gentleman has entirely lost sight of, and that is the public interest and the propriety of the proceeding itself. It is not necessary, if Mr. Burland comes under this provision, that he should go to jail There is no proposition to send Mr. Burland to jail. But there is a dispute as to the interpretation of the contract, and there is also a condition of things existing which threatens the public interest. There would be nothing in the world to prevent Mr. Burland using these plates which he possesses to the detriment of the public treasury to an unlimited extent, and yet the hon. gentleman says that because Mr. Burland differs from the Post Office Department with regard to the interpretation of an Act, therefore, Mr. Burland ought not to give up these stamps under the law, even though the law is a proper one, until you first decide the question as to his rights. I do not admit that at all. I say no department or government ever acted on that theory. The hon. gentleman held office in the government for nearly twenty years, and in no case did he act on that theory.

Hon. Sir MACKENZIE BOWELL—No minister took the position which the present Postmaster General does.

Hon. Mr. MILLS—No gentleman sets up the right of an individual against the rights of the Crown. I know, myself, a man not

very well informed who had a contract for carrying the mail from a particular station to a post office miles away, and he says: "There is not included in my contract the delivery of the mail from the station to the post office, and I will go to the post office, and wait till the mail is brought there. I will not go to the station for the mail." Did the Post Office Department undertake to interpret the law in accordance with the view of that man and allow him to have his way until, by some process or litigation, it could be decided whether the Postmaster General or the contractor was right in the view of the law? The rule is that you obey the law and act in conformity with its demands and your rights shall be preserved to you, and if you are right you should have redress.

Hon. Mr. PERLEY—He would not be required to give up the horse and wagon. He would only be required to give up the mail. That is a parallel case.

Hon. Mr. MILLS—No one said he would be compelled to give up his horse and wagon, but the question was whether he should take the mail from the station or the post office, and the Postmaster General said it was from the station, and he did not allow the individual to override him in the interpretation of the contract for the time being. Here are plates which may be used to the detriment of the government to the extent of tens of thousands of dollars. Are they to be allowed to remain in the hands of a party who is no longer a contractor of the government, and no longer can use them without a breach of trust? It would be a crime in him to print postage stamps or bank notes. It would be a crime in him to print stamps for the purpose of being used on cigar boxes. Why should he have the plates and dies? They were useful to him as a contractor of the government, but if he should attempt to use them afterwards he would be committing an offence against the criminal law. He stands in the same position as a man who has dies for the coining of money in his possession, and he is not authorized to have them. Morally that is his position. What ground does the hon. gentleman assign for allowing the man to retain them in his possession? Why should he be put above the law if this is a proper provision?

Hon Mr. PRIMROSE—Read the sixth clause of the contract.

Hon. Mr. MILLS—But the Post Office Department has interpreted that contract differently, and it is open to them to go into court and obtain a proper interpretation of that contract. But the dies should be given up in the meantime. They have no right to be in his possession. No other country in the world would permit it. Where else would such a thing be allowed? And yet the hon. gentleman opposite pretends that because this man had these dies in his possession a decision as to the interpretation of the contract must be had before he will give them up.

Hon. Sir MACKENZIE BOWELL—No, I said nothing of the kind.

Hon. Mr. MILLS—The hon. gentleman said "No, he shall not give them up."

Hon. Sir MACKENZIE BOWELL—No, I did not put it as the hon. minister states.

Hon. Mr. MILLS—Then the hon. gentleman does not object to this provision. I am putting it precisely as the hon. gentleman's whole line of argument points out. I say that the retention of those dies is an improper act. It is an act contrary to the settled policy of the government in every other case. In the case of the postage stamps it was forbidden. The hon. gentleman says that Mr. Burland has not received compensation. The Postmaster General says "You were compensated under your contract." This is in dispute. The hon. gentleman has referred to a conversation that has taken place between myself and Mr. Hogg, who called upon me. Mr. Hogg himself admitted to me that the interpretation of that contract is doubtful. Then it should go to the court, but the dies should be in the possession of the government in the meantime. The dies ought to be in the possession of the government as much as any other engravings from which may be printed paper that is binding upon the state, and occasion perhaps a loss of revenue. I may say no such dies should be in the possession of private parties, unless under special arrangement with the government that paper may be printed for the use of the government. There is no contractorial

relation between Mr. Burland and the government any longer. The hon. gentleman has referred to payment. There are other matters of difference between Mr. Burland and the government besides this particular item. The contract was entered into with Mr. Burland, when the hon. leader of the opposition was in office, for the printing of certain revenue stamps and other stamps from steel engraved plates. It turned out that those engravings were lithographed. They were not from steel plates. They could be done for a small percentage of the actual cost. A fraud had been committed for a series of years that may affect the public revenues to the extent of hundreds of thousands of dollars, for all I know. That is a matter for inquiry along with every other in dispute between the government and Mr. Burland. I say now I believe there are 70,000 of these stamps still unusued in the Inland Revenue Department, lithographed and not steel engraved, and the hon. gentleman knows what the difference in the value is. The one is not worth more than 25 per cent of the other, and all those matters, of course, will have to be dealt with between Mr. Burland and the different departments of the government, and it will be an adjustment of account; but that adjustment has nothing whatever to do with the question whether it is proper, or not proper, that these rolls, dies and plates should be in the hands of a private individual who is no longer a contractor with the government. Supposing a man had been employed by the government to run a mint, and that he had all the necessary machinery and appliances for milling money in the interests of the state, does the hon. gentleman suppose, after the contract between that individual and the state has come to an end, that he ought to be allowed to keep that machinery? And yet there would be far less danger, because the money milled and stamped would have an intrinsic value if it were made from gold and silver of a proper quality, but that would not apply to paper printed bank notes, postage stamps and stamps for the use of the Inland Revenue Department. All these are matters which affect the public revenue, and the dies cannot be of the slightest value to the individual who holds them. Now, if he were not compensated for them in the contract, no matter how that question stands, whether in his favour or against him, when he is required to deliver them up for the purpose of protecting the public revenue, the Crown has a right to the possession of them. It is required for the public interest, and I do all that is absolutely necessary in this bill, when I provide that nothing in this section contained shall prejudice or affect any claim to compensation which such person may have against Her Majesty for deprivation of such plates, rolls, or dies. If Mr. Burland is called upon by the Postmaster General and the Minister of Inland Revenue to deliver those up, and by the Finance Minister to deliver up plates for the printing of government notes, that is what he should do; he should conform to the law. It is a question wholly apart from what may be his right or interest in the question of compensation. If he has not been compensated—if that was not taken into consideration in the contract—of course he will establish that fact in the interpretation of the contract in the Exchequer Court, but what he gets, whether the government owe him or do not owe him, is a matter wholly apart and distinct from the question as to whether it is right to protect the public revenue by requiring that these engraved rolls and plates be handed in to the Finance Minister for the proper protection of the public revenue. I say that the clause is a proper one. The hon. gentleman admits it is a proper one, but he seems to think—I do not know by what process of reasoning he arrives at that conclusion—that if Mr. Burland was not paid, he has a right to hold on to those dies and plates until he is paid. I say no; they should be positively given up for the protection of the public revenue, and that if he has not been compensated he is entitled to compensation. But that question of compensation to him is a very subordinate question indeed compared to the important one of protecting the public revenue. It may be that Mr. Burland would never think of using those plates or dies and stamps. That may be all very true, and it may be true that many a man, who is in possession of a dangerous instrument, might not be disposed to use it offensively, but if you find that its possession is dangerous to the public, you do not presume to legislate in a way to except A, B, or C. The hon. gentleman said that this particular case had suggested this amendment. I do not think it did, although it is a case in point, and it is an important matter, undoubtedly an important matter, that

an individual case may suggest, and one, when suggested, ought to be made general in its operation, and a case that shows that the law was necessary to be put upon the statute-book is not one to exempt from the operation of that law which you declare to be necessary. In this case Mr. Burland would stand in no worse position to-day than any individual might stand to-morrow under another contract. Supposing the American Bank Note Company, that is doing this work under contract at the present time, had their contract cancelled; supposing they failed, or for any other reason the contract came to an end; or that we did not think the work was satisfactorily done and terminated the contract, would it be for a moment pretended that there could be any reason for demanding the delivery up of the plates, stamps and dies in their case which would not equally apply to the case of Mr. Burland?

Hon. Mr. MACDONALD (B.C.)—It depends upon their contract.

Hon. Mr. MILLS—There is where the hon. gentleman is mistaken. The government cannot contract away its responsibility if it were so disposed, and, so far as I know, no government has undertaken to do that. All these contracts imply that the delivering up is to take place when the contract has come to an end. All imply that. Now, if the American Bank Note Company, with whom a contract exists at the present time, were to have their contract brought to an end, and some matter in dispute—supposing this clause were enacted—arises between the Inland Revenue Department, or the Post Office Department, or the Finance Department, and these engravers and contractors, does the hon. gentleman pretend to say that you must settle everything in conformity with their interpretation of the contract, even though it be the right interpretation, before you can demand the delivering up of those things, their possession of which, when the contract has come to an end, is dangerous to the public revenue?

Hon. Mr. MACDONALD (B.C.)—It depends altogether on the contract.

Hon. Mr. MILLS—That is a preposterous statement. It depends on the question whether this is a danger to the public revenue. In this case a difference of opinion has arisen between the Postmaster General and Mr. Burland as to the interpretation of the contract, does the hon. gentleman pretend to say Mr. Burland has a right to hold on to all those plates and dies until a court of law decides what the true interpretation of that contract is?

Hon. Mr. MACDONALD (B.C.)—That puts him in court. He wants to go into the court, and you will not let him. Put him in the court and you will find who is right and who is wrong.

Hon. Mr. MILLS—The right and wrong of it has nothing to do with the case. The interpretation of the contract has nothing to do with whether those things are wrongfully in his possession. In no other country in the world do I think such an argument would be seriously put forward. Take the case of the telegraph, the telephone and other companies in England that have been taken possession of by the government. Did the government undertake to settle the precise amount to which the companies were entitled before taking them over? Certainly not, and this is a matter of much greater urgency, which may affect the public revenue, while the other does not. Supposing the court were to hold to-morrow that Mr. Burland is entitled to five or ten thousand dollars for these stamps—suppose the court were to hold that the Postmaster General's interpretation of the contract is wrong—what has that to do with the case as to whether Mr. Burland is entitled to retain possession of these stamps? The possession does not depend upon whether he is paid or whether he is not paid. The possession depends upon the propriety of protecting the public revenue. If he is entitled to compensation—if his interpretation of the contract is right—he will be paid. Does the hon. gentleman think that the government of this country are bankrupt—that they are not to be trusted with an indebtedness of $4,000 or $5,000 to Mr. Burland, and that he must hold on to those things by which the public revenue is endangered in order that he may be paid. He may go into the court—he may obtain judgment.

Hon. Sir MACKENZIE BOWELL—How is he to get there?

Hon. Mr. MILLS—He can go there without any trouble.

Hon. Mr. FERGUSON—No; a fiat must be issued.

Hon. Mr. MILLS—And there is no trouble in getting a fiat if he delivers up those things; but, as I said before, there are other things in dispute, and in those matters the government have taken the initiative and Mr. Burland will have, under that initiative, all the right of defence which he would have under a fiat.

Hon. Mr. PRIMROSE—Was Mr. Burland not refused a fiat?

Hon. Mr. MILLS—No; Mr. Burland has never been refused a fiat. His agent will not say so. But supposing he was, that is beside this question. When Mr. Burland applied for a fiat I wrote to the Postmaster General, as the universal practice of the Department of Justice always has been, for a statement of any reasons why a fiat should not issue, and the Postmaster General sent me a letter and asked that further communication should be had before the fiat was issued. Some matters were under inquiry by him, which inquiry was not completed at the time. When Mr. Hogg called on me, I told him that. I asked him why these plates should not be delivered up as the Postmaster General desired, and if the Postmaster General did not agree with him—and he claimed that Mr. Burland was already compensated for these things—that a fiat would be issued for the purpose of having a petition of right filed by him. There was no difficulty in getting a fiat, but he had no right to attach to that a condition that unless a fiat was issued at once, and until it was decided whether he was entitled to compensation or not, he would not give up possession. I will say this, and I wish to impress it on the House, and I cannot impress it to strongly, that the right of the possession of dies and stamps, by which a fraud might be committed upon the public revenue, is not dependent upon the question as to whether Mr. Burland is compensated under that contract or whether he is not. That is a matter in controversy. That controversy can go on. It does not in the least jeopardize his claim to compensation to give up these stamps. Will any hon. gentleman say how Mr. Burland's chances of obtaining right to compensation or obtaining judgment, if there is any merit in his claim, could be in the least degree jeopardized or lessened or in any way affected by the delivery of these stamps and plates.

Hon. Mr. MACDONALD (B.C.)—If Mr. Burland holds these things unlawfully, what process can the government take to get possession of them? Surely there must be some means.

Hon. Mr. FERGUSON—Under civil proceedings.

Hon. Mr. MILLS—No, certainly not. The hon. gentleman knows, as a matter of civil law, that if Mr. Burland is the proprietor of these things he has a right to their possession. Let me put this case to the hon. gentleman; supposing we had no legislation on the subject of counterfeiting, does he pretend to say that if we were to find dies of a costly character in the possession of a counterfeiter, by which he could coin counterfeit money and scatter it through the country?

Hon. Mr. FERGUSON—The cases are not parallel.

Hon. Mr. MILLS—I say they are. Does the hon. gentleman say that a man, under such circumstances, should before giving them up receive compensation?

Hon. Mr. MACDONALD (B.C.)—That is not a fair comparison.

Hon. Mr. MILLS—Does the hon. gentleman say he should have compensation?

Hon. Mr. MACDONALD (B.C.)—Mr. Burland lawfully possesses certain articles; the other man does not.

Hon. Mr. MILLS—I am putting a hypothetical case. Supposing he were in the possession of costly dies and there were no law against him?

Hon. Mr. MACDONALD (B.C.)—He could not break the law then.

Hon. Mr. MILLS—The hon. gentleman should not hello until he is out of the woods. I say if that were the case does any one in his senses pretend that a man in the possession of those dies should be compensated before you would put on the statute-book a measure making the possession of them illegal? Now, that is the point. Everybody will admit that the public would be endangered by the possession of these dies. Every

person would admit that the legislation forbidding their possession is proper, whether the possessor receives compensation or not. Now, I say Mr. Burland had a contract with the government. The use of those dies was subordinate to the fulfilment of that contract. The contract is at an end. The possession by him of the dies and plates endangers the public revenue. It is a possession thereof that ought not to be continued. The Postmaster General says "You are compensated for these dies under the contract for the printing of those stamps. That printing is now over. You were compensated at that time." Mr. Burland says "No, I was not." That is a fair subject for a suit, but that does not in any way affect the right of the government to the instantaneous possession of these things which threaten to injuriously affect the public revenue. That is the position which I take. It is perfectly clear. Let no hon. gentleman think that he can defend a dishonest possession of things dangerous to the public revenue by pretending to say Mr. Burland has not been compensated. The Postmaster General says Mr. Burland was compensated, but, whether that be so or not, we are ready to give Mr. Burland the fullest opportunity he requires to settle that dispute in the courts, but that is wholly independent of the question whether he should retain possession of those dies until that matter is settled. It is perfectly absurd to argue to the contrary, and I say we do all that ought to be done when we say to him, and say to anybody else who may be in the same position hereafter, "Whatever you may require for the purpose of getting compensation for what is justly due to you under the law, shall be given to you. But the instantaneous possession of these articles belongs to us." It was treason at common law to coin genuine money, because it affected the royal prerogative. Are the public interests of the whole country not as important, and do they not stand in the same position as the prerogative of the Crown? There can be no doubt with regard to the matter. When the hon. gentleman opposite said that he admitted that the principle of the bill as it stands is right and proper, then I say it is right and proper absolutely. The moment you give protection to the interests of the party—if Mr. Burland can claim for these stamps and dies $40,000 or $50,000, and show that he is justly entitled to that amount, the court will award it to him, whether those dies are in his possession or whether they are in the possession of the Crown. It is wholly independent of the right of compensation, and to say that he is not to give up possession is to say that this measure is not necessary, because if he is at liberty to retain possession, it must be because the public interests are in no way affected.

Hon. Mr. FERGUSON—Before the committee rises I want to ask the hon. gentleman a question, just to bring out some information which we can digest before taking up this matter again. The hon. gentleman says there is another question besides the balance of account which Mr. Burland claims as between him and the government with regard to lithographs being supplied in place of prints from steel engravings. When was this claim made against Mr. Burland by the government.

Hon. Mr. MILLS—I cannot tell the hon. gentleman precisely when it was made. I daresay the information can be given by the Postmaster General or the Minister of Inland Revenue. All I can tell the hon. gentleman is the matter has been under consideration for some considerable time.

Hon. Mr. FERGUSON—I think the dates will be very important, to show where this legislation originated and for what purpose this clause has been placed in the bill before us. Therefore, I hope the hon. gentleman will be able to tell us when we resume consideration of this measure, at what time the government made this claim against Mr. Burland for defective work supplied by him during the many years he was contractor.

Hon. Mr. MILLS—I cannot answer the hon. gentleman's question, but I tell him this, that no matter whether the claim was made early or late—made last year or this year—that while that is a reason for withholding a fiat until the facts could be ascertained, it is no reason whatever for withholding dies by which the public revenue is threatened, and it is wholly beside the question.

Hon. Sir MACKENZIE BOWELL—Why did you introduce that argument if it is not relevant.

Hon. Mr. MILLS—It was the hon. gentleman introduced that argument.

Hon. Sir MACKENZIE BOWELL—No, I did not say anything about that.

Hon. Mr. MILLS—The hon. gentleman spoke of withholding the plates.

Hon. Sir MACKENZIE BOWELL—A difficulty arose about an account for certain stamps while I was in the government, and Mr. Burland was refused payment. Whether that is the case to which the hon. gentleman refers or not, I do not know.

Hon. Mr. MILLS—No, it is not.

Hon. Mr. WOOD—May I ask the hon. minister whether this amendment will be printed, or placed in such form that members can have an opportunity of looking it over? I think myself a great deal depends on the wording of this amendment. It struck me that it did not go quite far enough, but I could not say by just hearing it read.

Hon. Sir MACKENZIE BOWELL—I would suggest that the amendment be printed in the minutes of to-day's proceedings.

Hon. Mr. CLEMOW, from the committee, reported that they had made progress with the bill, and asked leave to sit again.

DELAYED RETURNS.

Hon. Sir MACKENZIE BOWELL—Has the Minister of Justice consulted his colleagues about the correspondence I asked for?

Hon. Mr. MILLS—I handed my colleagues a written memo. on the subject.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman, I hope, will not feel offended if I repeat this question on Monday.

Hon. Mr. MILLS—No, nor on Tuesday.

Hon. Sir MACKENZIE BOWELL—I shall ask the hon. gentleman for the correspondence every day until I get it.

The Senate adjourned.

THE SENATE.

Ottawa, Monday, 26th June, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

THIRD READINGS.

Bill (5) "An Act respecting the Canada Accident Assurance Company."—(Mr. McKay in absence of Mr. Allan.)

Bill (74) "An Act respecting the Huron and Erie Loan and Savings Company."—(Mr. Macdonald, B.C., in absence of Mr. Allan.)

Bill (10) "An Act respecting the Nisbet Academy of Prince Albert."—(Mr. Ogilvie in absence of Mr. Lougheed.)

Bill (P) "An Act respecting Loan Companies."—(Mr. Mills.)

A QUESTION OF PRIVILEGE.

Hon. Sir MACKENZIE BOWELL—Before the House goes into committee on the Criminal Code Amendment Bill, I would ask the indulgence of the House, as I was not present when the orders of the day were called, to make a correction in the report which appeared in some of the newspapers as to what I said in reference to the granting of the fiat by the Attorney General of the province of Ontario. I find in a number of papers that I am reported to have used this language:

> Sir Mackenzie Bowell called the attention of the Minister of Justice to newspaper reports that the Attorney General of Ontario had granted a fiat to American lumbermen holding timber limits in Ontario, with a view of testing the constitutionality of the law imposing an export duty, on logs cut on those limits.

I scarcely think any hon. gentleman who heard what I said, will attribute such a gross piece of ignorance to myself as would be shown by such a statement. I find in the Toronto *Globe*—which is the only paper that contains anything like a correct report of what I did say—the following:—

> Great interest has been aroused in parliamentary circles by the statement published in the *Globe* of yesterday to the effect that the Hon. A. S. Hardy has granted a fiat to American lumbermen, permitting them to test the constitutionality of the Ontario Government's legislation, inserting a provincial manufacture clause in all leases of Crown timber limits in Ontario. Sir Mackenzie Bowell this afternoon asked

Hon. David Mills whether the government were possessed of any information on the point. Sir Mackenzie pointed out that the Federal Government had not disallowed the provincial legislation, and desired to know whether the Dominion administration were party to the suit.

That is the gist of what I really said; I think I may take credit to myself for knowing that the Ontario Government has no power to impose an export duty. What I inferentially said was, that the United States lumbermen have two grievences, as I understood it from reading the public press. First, that they purchased limits from the Ontario Government without any regulation as to the disposition of the product of their limits, but since then they have altered the regulations preventing them from sending out of the country the product of their limits, unless it has been manufactured in the country: Second, they take the ground that as the adoption of a regulation of that kind is a direct infringement of the constitutional Act relegating to the Dominion Government all matters affecting trade and commerce, therefore it would be unconstitutional. That was the principal reason why I asked the Minister of Justice whether the Dominion Government were a party to the suit. I desire to set myself right in the matter, although the report is so ridiculously absurd that I scarcely think any one would believe I would make such a blunder. I find, also, in the reports of the discussion on the Criminal Code, when the Minister of Justice called attention to the fact that there was a dispute between the contractor and the government as to work which had been done in the past, I asked the question whether that was the same dispute that arose under the government of which I was a member. The hon. Minister of Justice stated that while the date of the claim might be a reason for withholding the fiat, it was no justification for Mr. Burland refusing to give up the dies, rolls and plates. Then I am made to say that the difficulty arose when I was Premier, and that Mr. Burland was refused payment. I never made any such statement as that. What I did say is correctly reported by our official reporters. Their report reads:

> A difficulty arose about an account for certain stamps while I was in the government and Mr. Burland was refused payment. Whether that was the case to which the hon. gentleman refers I do not know.

Then the hon. minister says "No, it is not." I may add to what I have already said, that at that time Mr. Burland was granted a fiat and he went into the Exchequer Court and obtained a verdict of $3,000 against the government, which was not, however, as large an amount as he claimed.

Hon. Mr. MILLS—I beg to remark, in regard to what the hon. gentleman has said, that where newspaper reports are very much abridged, mistakes are always likely to occur, and especially where the subject is one with which perhaps the reporter is himself not very familiar, and where necessarily there is greater difficulty in making condensation. The hon. gentleman has spoken about the regulations of the province of Ontario being practically an export duty.

Hon. Sir MACKENZIE BOWELL—That is what they contend.

Hon. Mr. MILLS—Yes, what the other party contend. I daresay that is their position. As I understand, the position taken by the Ontario Government is that they are proprietors, and have the same rights as any other proprietors. They have a right to attach to the continuance of an arrangement for cutting logs that they shall be manufactured upon the property or they shall not be cut, and these are the respective positions of the two parties. I have no doubt, upon the fiat that has been issued by the Attorney General, if one has been issued, the matter will be argued and determined by the courts.

CRIMINAL CODE, 1892, AMENDMENT BILL.

IN COMMITTEE.

The House resumed, in Committee of the Whole, consideration of Bill (Q) "An Act further to amend the Criminal Code, 1892."

(In the Committee.)

On clause 442.

Hon. Mr. FERGUSON—When the committee rose my hon. friend the Minister of Justice had offered some explanation in defence of this clause and submitted an amendment to it. To my mind the clause is, in itself, a very extraordinary one. The amendment is rather an extraordinary amendment and the speech which my hon. friend made in support of both was still more

extraordinary. Throughout the whole of my hon. friend's remarks on this clause there seemed to be an idea in his mind that the public interest was in great danger because Mr. Burland, or the British American Bank Note Company, had retained possession of certain rolls, dies and plates from which printing had been done for the government during the time their contract remained in force. My hon. friend wished to justify this clause, which he has asked this honourable House to place in the Criminal Code to meet this particular case —he did not deny that it was to meet this particular case,—on the ground that great danger existed in allowing Mr. Burland to retain these dies, rolls and plates. One would think, if my hon. friend had so great an appreciation of this danger, that he would have realized it long ago, and it does seem remarkable that, though the contract expired nearly two years ago with ample power in his hand to get possession of these dies and plates, he has not yet taken any steps to get possession of them. The Exchequer Court Act was passed and the appointment of a judge of that court was made for the very purpose of meeting such cases as this, where a dispute arises between any contractor and the government of Canada. Why did not my hon. friend, feeling this great regard for the public interest, and realizing the very great danger which existed from the dies and plates remaining in Mr. Burland's hands why did he not take some action long ago to recover them? Instead of that, he comes, after a lapse of nearly two years, asking us to amend the Criminal Code so as to enable him to send Mr. Burland to the penitentiary, or have some such sentence passed upon him. We find there have been a good many serious contentions between Mr. Burland and members of the present administration. They evidently began over the awarding of the existing contract. We will not go into that now, but we know a sharp quarrel started between Mr. Burland and the present government of Canada in the matter of awarding that contract. Then we know that a quarrel started between Mr. Burland and Mr. Mulock with regard to the printing of the Jubilee stamps, and Mr. Burland committed, in the eyes of the Postmaster General, the unpardonable crime of going to the newspapers and presenting his case on that matter to the public of Canada; and it was seen from the history, as we are able to gather it, of this affair from that time up to the present, that the Postmaster General has been nursing his wrath to keep it warm against Mr. Burland. There is also a difference, it appears, between the Postmaster General's department and Mr. Burland with regard to an item of account of $9,800 for work which Mr. Burland performed for the Post Office Department, the correctness of which has not been disputed. The correspondence fully shows that the amount was certified by the officials of the department, and found to be the correct amount due. Mr. Burland presented his account for that work, (and I have a copy of it in my hand), a very considerable time ago to the department. It was presented on the 1st of June, 1898, more than a year ago. I am advised, on what I know to be the very best authority, that up to the time of the presentation of that account, Mr. Burland never heard one word from the government with regard to the non-delivery of those dies and plates. From the time of the expiration of his contract, nearly a year before that, up to the 1st June, 1898, when his account was presented, this question with regard to the rolls, plates and dies never came up between Mr. Burland and the government at all. It was in connection with the non-payment of that account that this bone of contention arose between them. A short time afterwards Mr. Burland, finding they were not disposed to pay him for his account, presented a petition for a fiat in order to obtain payment of the amount of his account. He presented his petition, a copy of which I have in my possession, more than a year ago, and to the present time he has understood, and the public have understood, that that fiat was refused. The Minister of Justice has told the committee that a fiat has not been refused, that it has only been held in abeyance, and he sought to create an impression in this House that there was no disposition on the part of the government to refuse a fiat. I ask why has this fiat not been given? Why is it that a full year has been allowed to intervene and no fiat granted.

Hon. Mr. MILLS—Because it has never been contested.

Hon. Mr. FERGUSON—Because the government have raised a contention, which

they had not raised before, with Mr. Burland with reference to the possession of these dies, plates and rolls. The dispute with regard to these is that Mr. Burland claims that, in compliance with the terms of his contract with the government, these dies, rolls and plates were his property, and that he was not called upon to give them up until the government should pay for them, and as a layman, reading that contract, it appears to sustain Mr. Burland's contention. I am aware that the Postmaster General puts a different construction upon it. He contends that these dies, rolls and plates were paid for in the work which was executed from them, and with the payment of the work from time to time the government had paid for the dies, rolls and plates themselves. Mr. Burland takes a different view. Hon. gentlemen will see here is a matter for a bona fide contention between the parties. Throughout the whole of this contention, Mr. Burland, through his attorney, Mr. Hogg, has asked again and again to allow the dispute as to compensation for the dies, rolls and plates to be placed before the Exchequer Court, and has expressed his willingness to abide by the decision of that court. If he is right, he looks for a very considerable compensation for the delivery of these rolls, dies and plates. If he is wrong, he will be mulct in costs. That is the whole case. The Minister of Justice knows that, in going to law with Mr. Burland, he is not going to law with an irresponsible man. Mr. Burland, through his solicitor, has not been unwilling that the government should retain that money, legitimately due him, pending the decision of that suit, and if the suit goes against him, the government can indemnify themselves for the costs out of that $9,800. He thinks a less sum would be sufficient, but it cannot be disputed that that amount is sufficient, and it cannot be disputed either that, in dealing with a man of Mr. Burland's well known standing and means in this community, there is no risk as to the costs, even though they had not that $9,800. Why not agree to Mr. Burland's contention. Why not agree to allow that matter of the dies and plates to go to the Exchequer Court? The government had power in their own hands to go there at any moment. Mr. Burland could not get there without their consent. My hon. friend rather led the House to understand that the government were willing and desirous of issuing a fiat, a desire which certainly was very new to them if we judge by the correspondence and their past action. It was a sudden impulse which seemed to seize my hon. friend between four and five o'clock on Friday afternoon, when he rose to defend this extraordinary clause now before the committee. The application for the fiat could only refer to the $9,800. No application has been made for a fiat with regard to the value of the dies, plates and rolls. The government, however, were asked by Mr. Burland and his lawyer to put that before the Exchequer Court, and they would be bound by the results, but that has never been done. The government had power, at any moment, under the law which they had passed themselves, and before a judge appointed by the government of Canada, to place that question as to these rolls, plates and dies before the Exchequer Court and have it settled long ago; and I submit that my hon. friend the Minister of Justice has been guilty of a very grave dereliction of duty. If what he has told us in this House is correct, that a grave injury and danger to the public exists in the fact that these dies, rolls and plates remain in the hands of Mr. Burland, I say he has been guilty of a grave dereliction of duty, inasmuch as he has not long before this taken the proceedings at his hand to get possession of them. It is, however, too late in the day for my hon. friend to come before this House and the people of Canada and tell us that he is animated by an extreme sense of danger to the public interest, when he has slept with regard to that interest for nearly two years, and only now perceives it when he is endeavouring to get a clause placed in the Criminal Code which will compel Mr. Burland to defend himself against a criminal action in the place of a purely civil proceeding, as it would be in having this matter settled, as it ought to be settled, in the Exchequer Court as a civil suit. So much with regard to these bones of contention between Mr. Burland and the government of Canada. All this has been going on until within about one month ago. The counsel for Mr. Burland has had many interviews it appears from the correspondence which has been placed in my hands, with the Postmaster General, and some with the Minister of Justice, with regard to this question.

The Postmaster General, so long ago as the 28th of November, 1898, eight or nine months ago, was candid enough to tell Mr. Hogg that he would take good care that there should be a clause placed in the Criminal Code which would compel Mr. Burland to come to terms. This threat was held out to Mr. Hogg. I have it over the signature of Mr. Hogg. I ask once more, why should such an extreme course be resorted to—why should such a threat be made when the Postmaster General had it within his own power and the power of the government to submit a case long before that to the Exchequer Court, and have the matter settled as a civil proceeding? No other explanation can possibly be given of it than that the Postmaster General was animated by a deep feeling of antipathy to Mr. Burland, and that it was his desire to trample upon Mr. Burland in this matter more than that the ends of justice should be served. I am told by excellent authority, the language which was used by the Postmaster General was much more forcible than elegant, and showed a most intense desire on the part of the Postmaster General that he should punish Mr. Burland in some way or another, a feeling which was well understood to have grown out of Mr. Burland's publication of a letter showing a great deal of mismanagement and inefficiency on the part of the Postmaster General in reference to the getting out of the Jubilee stamps in 1897. The history of the transaction does not redound much to the credit of the Postmaster General. From that time we can trace vindictiveness on his part towards Mr. Burland, and we can see constantly that he was not animated by an extreme desire in the public interest to get these dies, rolls and plates out of the possession of the contractor who held them. Otherwise a different course would have been pursued. A month ago, notwithstanding the threat and the intention to amend the Criminal Code to meet Mr. Burland's case and punish him, the matter assumed a new phase by the institution of a suit against Mr. Burland for alleged inefficiency, as a contractor, in the performance of his duty during the last 29 years. On the 20th May last Mr. Burland was served with an information, emanating from the Minister of Justice, laying the foundation for a suit for $300,000 for alleged inefficiency in the work done by him as contractor for the government during that long period. No person can follow the history of these transactions and this dispute between Mr. Burland and the Postmaster General without seeing that there has been a great deal of bad blood between them. I am not going to say that Mr. Burland did everything that was right. I am not going to say that he did not return cuff for cuff, and that he was not sometimes stubborn. It would not be in human nature for a man to be otherwise under the circumstances. It is not at all unlikely that he was stubborn, and perhaps justly stubborn. I am not going to pass an opinion on that subject; but I say that it is a most extraordinary thing, after this dispute has been going on in this shape and form, the government of the day having a remedy to get possession of these dies and plates—the government acknowledged all this, that they owed Mr. Burland $9,800, which they did not pay him—that the government all this time declined or withheld a fiat which he had asked for to secure justice in the courts of the country for this $9,800. Instead of allowing the question as to the possession of these plates to go, as it ought to go, to the Exchequer Court for settlement, the government have taken it up as a quarrel and made it a cause for an amendment to the criminal law of the country. My hon. friend, in his speech on Friday evening, accused Mr. Burland of fraud in his transaction with the government with regard to supplying litographs for engravings.

Hon Mr. MILLS—I made no accusation.

Hon. Mr. FERGUSON—I hope my hon. friend feels a little better to-day. He certainly used the word fraud.

Hon. Mr. MILLS—Yes, I said there was a charge of fraud.

Hon. Mr. FERGUSON—Well, we will put it that way. My hon. friend says he is charged with fraud; and my hon. friend as Minister of Justice, has officially charged him with fraud, and in this House he has repeated the substance of the official charge which he has made in the Exchequer Court against Mr. Burland, with regard to the difference in the execution of work done by Mr. Burland at various times during these twenty-nine years. And what does this amount to? I do not think that it properly comes within the scope of this committee to

try any of these cases, but this clause in the Criminal Code bill having been put there, as we all see and know, and which is not denied, for the purpose of meeting this special case, and my hon. friend having introduced into this debate this question against Mr. Burland with regard to the matter of the performance of his duty as a contractor during the whole of that period, and having charged him with fraud in the information laid against him in the Exchequer Court, we cannot refrain from looking curiously into it. It appears that the charge is that some work called for under the contract to be done by steel engraving was lithographed. That is the extent of the charge, and this extraordinary claim of $300,000 is arrived at by calculating the difference that would arise between the one way of doing the work and the way the work was actually done. I have no doubt this sum of $300,000 has been put forward for a purpose, as also has this clause been put in the Criminal Code for a purpose. That purpose was to appall this House and country with the magnitude of the wrong which Mr. Burland has done the government of Canada in supplying lithographs instead of steel engravings in the performance of work for the different departments of the government. Certainly the amount is to most of us rather appalling. It is a very large sum. I am told, however, that the amount which would really arise from a close calculation would be only a bagatelle compared with the amount claimed. I am further informed that whatever difference may have occurred between the work supplied, was done from time to time with the consent and knowledge of the government or its officers, and that there were abatements and reductions in the accounts furnished by Mr. Burland from time to time that covered the difference, and that Mr. Burland in every account where any difference owing to the press of time or the government itself requiring the work to be done faster than it could be done where the steel engravings were in use and where lithograph engravings were accepted and answered the purpose as well—that wherever such a difference occurred it was done with the knowledge and consent of the government or its officers, and Mr. Burland presented accounts which made ample and complete allowance for the difference. This is what I am informed. My hon. friend, in the information which he laid before the courts, creates a very different impression. His is the extreme statement for the government. Perhaps I have been stating the extreme contention on the other side of the question. At all events I have given information which I am told on good authority is correct.

Hon. Mr. MILLS—What is my hon. friend's authority?

Hon. Mr. FERGUSON—My authority is Mr. Hogg, Mr. Burland's counsel. The case is one which, when hon. gentleman look into it, is really amusing, that the government of Canada representing the people of this country—having all the powers of government behind them, should be so unjust and so small as to trump up this account and deal with Mr. Burland as they have been dealing with him. Supposing that their assertion is true, and that lithographs were used. These accounts have been running over 29 years and have involved a great many million dollars. Mr. Burland is one of the oldest and largest contractors the government have had since confederation. He has performed work running up into the millions of dollars for the government of Canada, and the government are now going back over all this work, which has been performed by Mr. Burland, who has the reputation of being an excellent contractor and doing the work well. He does work for the banks and does it well, and has a reputation all over the country as an efficient contractor, but now the government propose to go back over 29 years to find whether in any way there have been discrepancies in the account, and they have come to the House with the exaggerated statements of this alleged wrong, which they say Mr. Burland has done, and endeavour to induce the committee to consent to a clause in the bill which will put Mr. Burland in the position of a criminal. Let us take an illustration. Supposing any hon. gentleman engages a tailor to manufacture a suit of clothes for him. For the last 25 or 30 years one of us has had a contract with a tailor, and one of the provisions is that the suits must be sewn with silk thread. We are in a hurry, and there may be difficulty in getting silk thread at once, and we consent to the use of ordinary thread. We accept the suit with a deduction on

account of the cheaper material. We wear it out, and it goes to the rag man, and years and years after that these suits have gone to the rag man and formed part of the paper we are writing with, we come back and charge this tailor, and say to him, "Oh, you have been tricking me all this time. It is true I knew something of it as it was going along, but I am going to hold you to your contract. You contracted to use silk thread, and you have used common thread, and now I am going to make you pay for the difference." The one case is as reasonable as the other. My hon. friend did a wrong in introducing this provision in the clause before us. The dispute between Mr. Burland and the government is a simple one. Mr. Burland has the dies and rolls and plates in his possession. They were prepared and provided for by him to do government work. He contends that the government, by the terms of their agreement, agreed to pay him for these before he would hand them over. The government assume a very different position. But why does my hon. friend not send that matter at once to the court for adjudication? I cannot see why he has not done so. I think that this matter should have been settled, long ago between the government and Mr. Burland, and I think my hon. friend, by the course he has pursued, has not raised the government in the estimation of independent members of this House or the public generally. I think hon. gentlemen will come to the conclusion that my hon. friend has placed himself and his government in a perfectly indefensible position at this moment. If it is dangerous now that Mr Burland should hold these dies and plates, it has been equally dangerous for the last year and a half. My hon. friend has had an opportunity of securing possession of them through the Exchequer Court, and he has failed to do his duty. When my hon. friend came to the House, he had made up his mind that the clause, as it stands, would be a pretty hard one to get hon. gentlemen in this House to accept, and he comes to the House and suggests an amendment before discussion starts at all. The amendment is a most remarkable one.

Hon. Mr. MILLS—Very.

Hon. Mr. FERGUSON—If we read this amendment in connection with the course which my hon. friend and the Postmaster General have pursued, I think we will all subscribe to the view that it is a remarkable amendment. It will not take away any legal rights which Mr. Burland has. Will the hon. gentleman tell me what legal right Mr. Burland has had during the last year, when he was seeking for a settlement? If the hon. gentleman will kindly tell that I will be obliged to him. Where lay that claim for the last year? My hon. friend is silent. Mr. Burland could not establish a claim because my hon. friend would not allow him to go before a court, and therefore he thinks this House should be perfectly satisfied to leave the matter where it was, leave the Postmaster General with his foot on Mr. Burland's throat, saying to him: "You have a legal claim when I allow you to exercise it, but I will take great care"—I was going to quote a strong expletive, but I will not—"that you shall not get an opportunity to exercise it." My hon. friend says that Mr. Burland will have his legal claim just as before, notwithstanding that he puts this clause in the Code. He says he has his legal claim for compensation, which he could not use in the past and cannot use in the future, so long as the sweet will of the Postmaster General, supported by the hon. Minister of Justice, thinks it is right to keep their feet on Mr. Burland's throat and not allow him to go into court and settle it. That would be the position he would be in with this nice little innocent amendment. I think that there is a far more reasonable way of settling this question than by putting this clause in the Criminal Code and allow Mr. Burland to retain the remedy that he has had in the past, which we all know is no remedy at all. There is a much easier and fairer way of settling it than that. It is very well for my hon. friend to say and repeat about the public interests being endangered by having those dies and plates held by Burland or any one else. He compared this to a counterfeiter having some of these things in his possession.

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. FERGUSON—I was surprised to hear the comparison. Here was a highly respectable contractor, who had a contract under the government and who had a bona fide contention that these plates were his till he was paid for them, and on that contention he holds these rolls and plates. No one knows better than my hon. friend,

with these things in the hands of Mr. Burland, the country was perfectly safe. The government of Canada has trusted this man for 29 years and he has taken the responsibility for his servants and premises, and not another man in Canada carried on his shoulders a greater responsibility than Mr. Burland did with regard to the uttering of these postage and Inland Revenue stamps and bank notes. He has been doing similar work for the banking institutions of Canada from one end to the other and not a breath of suspicion has ever been raised against him that he has done anything wrong or that the interests of any government or person have suffered in his hands, and yet my hon. friend says there is great danger to the public interests, and on account of that danger he asks this House to put this clause in the Criminal Code. Now, I propose to submit an amendment. It is not the extreme contention probably that Mr. Burland would hold, but I think the hon. gentlemen will agree that it is a reasonable contention. I move the following amendment, to be substituted for the one proposed by the hon. Minister of Justice :

Provided, however, that in the case of any person who is or has been a contractor with the said government for the engraving and printing of such Dominion notes and stamps, and who has in his possession any such plate, roll or die, for which he claims to be paid by the government under his contract, the demand of the Minister of Finance shall only be made after the payment of the contractor's claim, or in case the claim is disputed, after reference to the Exchequer Court of Canada.

Under this amendment my hon. friend will have an immediate remedy, and as soon as he enters this case in the Exchequer Court, Mr. Burland has to deliver up the dies and plates or to submit to all the perils of the criminal enactment. There is a perfect statement of the matter. I think there is a great deal of force in the argument that the government should be in possession of the dies and plates.

Hon. Mr. MILLS—Is that so.

Hon. Sir MACKENZIE BOWELL—Yes.

Hon. Mr. MILLS—The hon. gentleman has been arguing against it.

Hon. Mr. FERGUSON—No, I said nothing of the kind. I was dealing with the extreme position taken by my hon. friend. He said it was so important that the government should have them that there was great danger to the public, and believing as he did that there was such great danger, why he should, as Minister of Justice in Canada, sleep on his rights for a long time and never take one step to get possession of the dies and plates? I admit that it is desirable that the government should have them, but I do not think there is any danger about it. If there is danger, so much the worse for the Minister of Justice, as he did not take steps to recover them. I think the amendment will meet the views of fair-minded men in the House. There is no reason why there should be party feeling. It appears that the Minister of Justice has allowed himself to be led by one of his colleagues to come to this House with a clause which is levelled directly at Mr. Burland.

Hon. Mr. MILLS—And, what is yours levelled at?

Hon. Mr. PROWSE—Justice.

Hon. Mr. FERGUSON—I suppose it would be crime on my part, or on the part of the House, to step in and stop the hon. gentleman from committing a great wrong, and because he is doing a great wrong in introducing the substance of a quarrel, which his government or colleague has had with Mr. Burland, therefore, we are equally and doubly in the wrong because we prevent him from doing it. I do not think my hon. friend will press that.

Hon. Mr. POWER—Does my hon. friend wish that amendment to be substituted for the one proposed by the Minister of Justice?

Hon. Mr. FERGUSON—Yes.

Hon. Mr. MILLS—I have listened to the very extraordinary speech made by the hon. gentleman who seemed to think that this is the Exchequer Court, and that he is here for the purpose of defending Mr. Burland's conduct. The hon. gentleman has not taken the trouble to understand the character of the dispute between the government and Mr. Burland. Mr. Burland has a claim of $9,000 or $10,000, I forget the precise amount, about which there is no dispute. As I understand, the Postmaster General admitted that Mr. Burland was entitled to that sum.

Hon. Mr. FERGUSON—Why has he not been paid?

Hon. Mr. MILLS—I thought the hon. gentleman had just completed his speech? The claim was admitted by the Postmaster General, but the Postmaster General said to Mr. Burland, "You have rolls, plates, dies and stamps in your possession for the purpose of engraving Dominion notes, postage stamps and other stamps relating to the public revenue in your possession, and I desire that you should hand these over in order to protect the public revenue." Mr. Burland said, "I have not been paid for those stamps, and I decline to hand them over until I am paid." Now Mr. Burland's demand for a fiat from me, as Attorney General, related not to any disputable contract at all. It did not relate to the dies and postage stamps. It related solely to this sum of money about which there was no dispute, and if there had been a fiat issued and judgment given by the Court of Exchequer, Mr. Burland would have been just in exactly the same position that he occupied at the start, that he had a claim of nine or ten thousand dollars against the Crown which the Crown did not contest, so that that matter may be left aside altogether. It is not a question whether Mr. Burland ought to have been paid that sum or not. The Postmaster General said, "You have dies for printing postage stamps in your possession, by which you might affect the revenue to the extent to which postage stamps are required, and I ask, before I pay over this sum of money, that these should be given up." Then, supposing Mr. Burland had complied with the request of the Postmaster General, what would have been his position? He says: "I am not paid for those stamps." The Postmaster General is of opinion that in the construction or interpretation of that contract he was paid. It was included in the price he was given for the printing of the stamps, the engraving was a part of the expense which he incurred and which he was compensated for in his contract with the government for the printing of those stamps. That is the position taken by the Postmaster General. If Mr. Burland had handed over the dies, the Postmaster General would have handed to him the sum of money that was claimed; then there would have been, if he desired it, issued to him a fiat, for which he has never asked up to this hour, for the purpose of ascertaining whether, under the terms of that contract relating to the engraving of those dies, stamps and plates, he was or was not already compensated. That can be tried. There is no dispute about that. He may have that fiat at any time, or could have had it at any time before the suit was brought against him, and for all I know it may be a part of his defence in the suit. I have not looked at the papers and I cannot say. If it is not, his case is already before the court, and if it is not, it is open to him to obtain what he has not asked for up to this hour, a fiat to ascertain the true construction of the contract as to the dies or stamps.

Hon. Sir MACKENZIE BOWELL—What is the case before the court.

Hon. Mr. MILLS—With regard to the printing.

Hon. Sir MACKENZIE BOWELL—Not the dies.

Hon. Mr. MILLS—No. I do not know what the defence may be. I do not know what his cross account may be. The papers are not before me. I desire, before going further, to make an observation in reference to what the hon. gentleman from Marshfield (Mr. Ferguson) has said in reference to the supply for a number of years furnished by Mr. Burland—the supply of lithographs instead of steel engraved stamps for the Inland Revenue and for the Postal Department. The hon. gentleman says the government knew it. If it did, it was the government of which he was a member. Does the hon. gentleman say to this House that this matter was brought before his government, that Mr. Burland said: "I contracted with you for steel engraved stamps, I furnished you with lithographs, and I am prepared to make a reduction in proportion and on the terms of that understanding," and that a settlement of that kind was had. That is what the hon. gentleman said. Will he rise in this House and repeat that? Is he prepared now to affirm just what he said?

Hon. Mr. FERGUSON—I am told the accounts in each case showed the difference, and that a reduction was made in the account each time.

Hon. Mr. MILLS—The hon. gentleman was a minister of the Crown, and when he

comes here to speak he is not entitled to come here and speak on behalf of the party whom the Crown has prosecuted for fraud.

Hon. Sir MACKENZIE BOWELL—I thought you did not accuse him of fraud?

Hon. Mr. MILLS—He is prosecuted for that, and that is so. When the deputy minister was examined in that department he did not admit that he knew anything about the matter. On the contrary, he says that it was never brought to his attention that the stamps were lithographed and not steel engraved.

Hon. Mr. FERGUSON—I was repeating to this House what Mr. Burland's contention was, in reply to the hon. gentleman.

Hon. Mr. MILLS—And the hon. gentleman accepted that statement.

Hon. Mr. FERGUSON—My hon. friend is not correct when he says that. I said "I am giving Mr. Burland's contention, and it may be an extreme one."

Hon. Mr. MILLS—The hon. gentleman was anxious to give Mr. Burland's contention, but I say this, and I wish the point to be impressed upon the attention of the House—that even although Mr. Burland were entirely right with regard to that, and even though the government might fail in any prosecution of Mr. Burland for having furnished the departments for a series of years with lithographs instead of steel engraved stamps, if Mr. Burland were wholly right with regard to that, it would not affect the question that we have to consider here.

Hon. Mr. FERGUSON—Then why did you bring it up?

Hon. Mr. MILLS—I did not bring it up.

Hon. Mr. FERGUSON—You did.

Hon. Mr. MILLS—The hon. gentleman who leads him, in a speech, which was temperate and fair, I admit, but mistaken in the conclusion which he drew, discussed the question of the application of Mr. Burland for a fiat. The matter was stated by me in this way: I pointed out how it was that it was possible that what could have been done a few months ago, might not be done now, because all these questions might be involved in a suit that was pending. That was the reason I mentioned it, and I mentioned it in reply to a question as to what the government were prepared to do. Now, I say this, that the Postmaster General admitted that he owed Mr. Burland the sum of $9,800. The Postmaster General is prepared to pay that sum. There was no reason in the world why I should issue a fiat when the matter was undisputed, because if the Exchequer Court found for Mr. Burland, Mr. Burland would stand in exactly the same position, in his relation to the Crown, that he was standing in before there was a fiat at all. The Postmaster General was not refusing payment because the sum was not due to Mr. Burland, but he was refusing it because Mr. Burland had in his possession stamps which could be of no use to anybody except to the government, and which it was dangerous to the public revenue should remain in the hands of a private party. The hon. gentleman has taken the extraordinary position of undertaking to subordinate the Crown and the rights of the Crown to Mr. Burland. The hon. gentleman does not say that that is an improper clause in this bill. He does not make a motion to strike it out. Not at all. He does not say that the course which he proposes shall be taken toward Mr. Burland shall be taken hereafter as soon as that clause is upon the statute-book, and that every other man shall be protected against the Crown until the Crown is compelled to make payment to him whether he has now any such interest or whether he has not. I say that all this House has to consider is not Mr. Burland's case, or anybody else's case, but whether it is right, where a party has a contract with the government for printing Dominion notes, for printing stamps for the use of the Inland Revenue Department and postage stamps, that after his contract has expired he should continue to hold those stamps which would put it in his power to issue stamps, Dominion notes and postage stamps to an enormous extent. There is no one here who will venture to say that these dies should continue in the hands of a private party after his contract has expired. The only question as between the Postmaster General and Mr. Burland is with regard to the stamps under this clause, is whether he has already been paid or not. The Postmaster General says: "You were paid under the terms of your contract."

Hon. Mr. MACDONALD (B.C.)—That is only a supposition. It is imaginary, not a reality.

Hon. Mr. MILLS—The hon. gentleman says it is imaginary. I fancy that if a man were making a contract with the government, he would consider what it would cost to engrave the plates from which that printing was to be done, and the more the cost was, the higher would be his charges. If he were printing from steel engravings, the price would be a good deal higher than if he were printing from stone. The difference in price is, I am told, about seventy-five per cent—what is worth 25 cents printed on stone, will cost $1 when printed from steel engraved plates, and that being so, hon. gentlemen will understand, in the other case, if lithographs were furnished instead of steel engravings, the extent of the fraud which was committed on the government, unless there was an understanding with the government, which would be a fraud on every other contractor who had tendered in the case. Let me say this with regard to the matter: If Mr. Burland has not been paid, assuming that the Postmaster General is mistaken in the view that he takes, that the value of the engraving is a part of the cost which was estimated for when tenders were made—supposing he is mistaken in that, we do not take away the right of Mr. Burland under this bill, without that amendment which I put there, at all. The amendment was simply to satisfy the consciences of hon. members, if they had any doubt, that there was no intention to take away any right. Without that amendment, this would take away no right. Mr. Burland would be compelled to deliver up those dies, plates and stamps, and after they are in the possession of the Finance Minister, he is as free to sue for their value and receive payment, if he was not paid, as he would be if he retained them in his possession until after that question was disposed of. Now, the whole point is this: is it consistent with the dignity of the Crown that these stamps and plates should remain in the hands of a private party, and that the Crown should take the risk of having frauds committed on it for a long period of time until that question can be disposed of? I say that such a proposition was never made to a deliberative body before—such a proposition is inconsistent with the rights and dignity of the Crown, and one of the last things that this House, or any other House within Her Majesty's dominions, should do, is to set up Mr. Burland before Her Majesty and insist that his wishes shall be met and not those of the Crown. Is the Crown a bankrupt concern that it cannot be trusted? Have we reached that humiliating point of degradation that if Mr. Burland were to hand over these dies and plates he would have no remedy against us, and that a fraud would be committed on him and that he would be deprived of any right he might have? I say the statement is a preposterous one. The fact is this, that the clause, without the amendment which I propose, is all right. It touches no right which Mr. Burland now has under the law, and I offer it merely for the purpose of making it perfectly obvious that there was no intention to take away any right from Mr. Burland. The hon. gentleman opposite talks about Mr. Burland being treated as a criminal. If that clause becomes law, every hon. gentleman knows that any man who disputes it and has in his possession dies, plates or stamps, which he refuses to give up would be a criminal in point of law. He would stand exactly in the same position as any other offender against the law would stand. What harm—what wrong—what injury is done to Mr. Burland in asking him to hand over to the Minister of Finance of this Dominion notes, plates and postage stamps and the other dies and stamps which he has in his possession? Nobody is going to cheat him. Nobody is going to deprive him of a farthing. If he has not been paid, he will be given a fiat to go into the Exchequer Court to determine whether he was or was not paid under the contract. All he has to do is to hand over the dies, plates and stamps, and if he was not compensated in the price he received under his contract, he will have an opportunity of being compensated by the decision which the Exchequer Court will award. The whole statement is perfectly clear. There is no necessary connection between the demand for a fiat to be paid the $9,800 and the demand made by Mr. Burland for the delivery up of these stamps. If the clause is wrong in principle, then reject it; if it is right in principle, do not let this House tack on to it the proposed amendment for the purpose of singling out an individual and saying that we will place him above the ordinary rule of law applica-

ble to other parties. That is what the hon. gentleman proposes by his amendment and that is an amendment that never can be accepted.

Hon. Mr. PRIMROSE—It is perfectly patent to the members of this House, and has become a matter of history, that Mr. Burland has been persistently refused a fiat in order that this matter might be put to the arbitrament of the courts.

Hon. Mr. MILLS—Not at all. The fiat for which Mr. Burland asked the department I say was a fiat for the payment of $9,800 which the Postmaster General withheld under the circumstances I have mentioned.

Hon. Mr. PRIMROSE—The information in my hands leads to a different conclusion. I ask this: Supposing Mr. Burland were to give up the possession of these dies and stamps under a promise from the Postmaster General that a fiat would be given to him in order that the matter might be tried out in court, what really would be the value of his security in the light of the way in which the promises of the present government and individual members of it have been kept?

Hon. Mr. MILLS—Hear, hear!

Hon. Mr. MACDONALD (B.C.)—I do not know anything about Mr. Burland himself, or his contract, or business. It is enough for me to know that this legislation is retroactive, and after the experience the hon. gentleman has had in this House this session, I am surprised that he should bring in such a clause. It is class legislation, intended to touch a certain individual, as the hon. gentleman has admitted in his argument. Mr. Burland has in black and white his contract which stipulates that he is to give up these dies and plates when he is paid for them. The Postmaster General says he has been paid for them in the contract. That is imaginary and would be settled in a court of law. To pay the price of the contract would not be sufficient to pay him for the tools of his trade. Legislation of that kind is enough for me to vote against it, and I should prefer to reject the whole amendment to the Criminal Code rather than accept the amendment of my hon. friend the Minister of Justice. I would like the hon. gentleman to change sides for half an hour in treating this question. If he did so I feel sure he would denounce such legislation as this, as tyrannical, and subversive of right, and sound principles. This is a case of hanging a man first, and trying him afterward. Can the minister point to similar legislation enacted by the Parliament of the Dominion during the thirty years of its existence? I think not. The Department of Justice has been looked to over the whole Dominion with confidence, by the guilty, as well as by the innocent, with a feeling that a calm review would be taken and an impartial opinion given on all questions brought before it. And it would be most unfortunate if Parliament, by any act, should destroy that confidence. The hon. minister seems to forget the high and honourable title of his office in allowing his department to become an instrument of oppression. The minister is not justified in yielding to the caprice, or vindictive feeling of any of his colleagues to coerce and intimidate any one. And in the Burland case the Postmaster General made threats of intimidation. It could never have been the intention of Parliament to make the Department of Justice a machine for taking snap shots at defenceless contractors under cover of a parliamentary enactment. One of the functions of the Minister of Justice is to advise his colleagues, and he should have the courage to advise against class legislation of a retroactive nature and to restrain impulsive ministers. This House should mark its disapproval of such legislation as this in the strongest terms, and to mark my opinion if I moved an amendment it would be as follows:—

Any one who, in a ministerial capacity or otherwise, introduces or causes to be introduced in the Parliament of the Dominion special or class legislation intended (1.) To have a retroactive effect whereby private rights are invaded. (2.) To coerce or intimidate. (3.) To place any person at a disadvantage in the law courts of the country by class legislation. (4.) To direct judicial decisions in certain special cases. (5.) To curtail in any way the inalienable private rights of free subjects. (6.) To lessen confidence in, or detract from, the highly prized integrity of the courts of justice of the Dominion, shall be liable to——

Hon. Mr. MILLS—Will the hon. gentleman state a single right or interest of Mr. Burland that is affected by this bill? Of course if this becomes law, he would be required to give up these plates and dies, but his right of compensation is not in the least degree affected by it.

Hon. Mr. MACDONALD (B.C.)—I cannot see the use of any agreement at all if the terms of that agreement are not carried out, and the minister will not say that the contract does not specify clearly that the contractor is to be paid for these articles.

Hon. Mr. MILLS—That is to be decided by the court.

Hon. Mr. MACDONALD (B.C.)—The Postmaster General asserts that they have been paid for. That may or may not be accepted by a court of justice. It would be a most unfortunate day for this country if Parliament should give power at any time with regard to any special or class case, and I hope Parliament will never agree to anything of the kind. It was never intended that the Department of Justice should be an instrument of tyranny. It is supposed to take a fair, calm view of all questions brought before it. One of the chief functions of the department is to advise members of the government on points of law, and not to yield to them where it is proposed to do injustice. It is really unbecoming that the minister should forget the title of his department and that his duty is to do justice. The amendment proposed by the hon. minister shows that there is a prejudice against Mr. Burland, because his amendment is to stay prejudice in certain cases. The logical conclusion is that there is a prejudice sought.

Hon. Mr. MILLS—The only thing the clause does is to impose upon him the duty of giving up to the Department of Finance those engravings.

Hon. Mr. MACDONALD (B.C.)—There is a prejudice if the clause passes as it appears in the bill. I hope the House will reject the whole thing.

Hon. Mr. PERLEY—I should like to ask the hon. minister what kind of demand has been made on Mr. Burland for these stamps? When was the demand first made?

Hon. Mr. MILLS—I am unable to answer that question. It is some time ago—some time last year, and it may have been earlier, for aught I know, but it came under my attention some time last fall.

Hon. Mr. PERLEY—When was this $9,800 due?

Hon. Mr. MILLS—I cannot say that?

Hon. Mr. FERGUSON—On the 1st of June, 1898.

Hon. Mr. PERLEY—You say if Mr. Burland would hand over these dies and plates he would then have an action against the government. Could he have that action without the department issuing a fiat?

Hon. Mr. MILLS—He cannot without a fiat. I may say this, that the Postmaster General offered him his money, but said to him, "You give up these dies in your possession," and he refused to give up the dies and the Postmaster General refused to pay that particular sum of money. With that we have nothing to do. Then a fiat was asked for to enforce the payment of that money, not for compensation for the dies. As it was an acknowledged debt, there was no object in getting the fiat, because he would be in no better position after that than he was before.

Hon. Mr. PERLEY—When the government admitted they owed the man they should have paid him.

Hon. Mr. MILLS—What I am saying to my hon. friend is, if Mr. Burland had given over the dies he would have received the money, and if he thought he was entitled to payment for the dies in addition to the payment on the contract for stamps printed from the dies, he undoubtedly would have had the right to a fiat for that if he chose to ask for it.

Hon. Sir MACKENZIE BOWELL—That is what the amendment asks for?

Hon. Mr. MILLS—Not at all.

Hon. Sir MACKENZIE BOWELL—Yes.

Hon. Mr. MILLS—In the amendment which I propose here, his rights are reserved. He does not require to have an express provision of law to bestow the right upon him. He has that right now.

Hon. Mr. KIRCHHOFFER—I do not wish to prolong this discussion, but I have tried very hard to find out for myself, from the argument of the hon. leader of the government in this House, what is the actual point at issue between Mr. Burland and the government. In the wealth of verbiage with

which the hon. leader has clothed his remarks, I see in his argument something of the action of the cuttle fish which, when closely pursued by his opponents, surrounds himself with an inky cloud, in which he is lost sight of. I have tried, through the inky cloud of verbiage with which the hon. leader of the government has surrounded this question to get at the facts, and I cannot. It seems to me the only argument which the hon. gentleman put forward why this clause should be inserted in the bill, is the great danger which he holds over the heads of the government and the country, that by these dies and plates remaining in the hands of Mr. Burland, there is a danger of the country being flooded with a false issue of stamps and notes, and that a very great loss to the revenue must accrue to the country. We all know perfectly well that if Mr. Burland was to attempt under the present condition of affairs, to print or put out an issue of stamps, or anything else of that kind, which would be spurious, he would be liable to the law as it stands now.

Hon. Mr. MILLS—Yes.

Hon. Mr. KIRCHHOFFER—But that is not the point that the hon. gentleman makes out. He still says that there is danger of its being done, and that that is the reason why he introduces this clause, so that Mr. Burland may be forced by the law——

Hon. Mr. MILLS—Not Mr. Burland alone, but anybody.

Hon. Mr. KIRCHHOFFER—We know that this legislation is directed against Mr. Burland, as well as we know that other legislation which has been introduced in this House by the hon. gentleman during the present session, had been directed against other individuals, and as was stated by the hon. member from Victoria (Mr. Macdonald) this government is in the position of being watched by the country, to see that the legislation which they introduce is not directed against individuals, as it has been over and over again. As it has been stated and pointed out by other hon. gentlemen, the introduction of these measures, which it is known will not be allowed to go through—legislation by the government against individuals—may be done for the purpose of trying to influence the country against the Senate, because it is known the Senate will not allow such measures as that to become law. If Mr. Burland commits any crime, it brings him within scope of the law as it stands, and he is liable to punishment, and therefore there is no such danger as has been pointed out by the hon. gentleman. If Mr. Burland renders himself liable in a civil way, everybody knows that Mr. Burland is a very wealthy man. Any claims for damages against him, if they can be enforced by law, can be collected. Then the hon. leader of the government says: "Can you not trust the government?" The government is in this position, that if Mr. Burland has a claim, if he gives up everything he has in his hands now, can he trust the government to do justice? I can tell the hon. gentleman that Mr. Burland, and many others, are under the impression that they cannot trust the government to do justice, and that is the reason why Mr. Burland refuses to give up these plates. It appears to me very much like this, that the Postmaster General is standing upon his dignity on one side, and probably Mr. Burland on the other. Very likely Mr. Burland, acting on the advice of his solicitor, might have taken a different stand if the government had not held a threat over him, and held back the money actually due to him, and then tried to bring in legislation here to make him liable to the criminal law if he persist in his refusal to give up the dies. I do not see why it is necessary to discuss this matter at greater length. I do not think this House will allow legislation against an individual to go through.

Hon. Mr. MILLS—It is not against an individual, but if the hon. gentleman thinks there is no danger to the public revenue, he will vote against the bill altogether.

Hon. Mr. KIRCHHOFFER—If Mr. Burland is going to render himself liable to the law, the law will take care of him now without any amendment.

Hon. Mr. MASSON—If that had not been the case of Mr. Burland, would this clause have been introduced?

Hon. Mr. MILLS—Certainly.

Hon. Mr. MASSON—Then it should have been introduced long ago.

Hon. Mr. MILLS—Yes, but it is individual cases that suggest legislation.

Hon. Mr. PROWSE—There are one or two points that I am not very clear about, and perhaps a little further discussion will elucidate the matter a little more. I understand that Mr. Burland has had for 29 years a great deal of work to do for the government of Canada, not only with the Postmaster General but with the Finance and Inland Revenue, and perhaps other departments. I understand, and the Minister of Justice will correct me if I am misinformed, that the dies, plates and rolls have been returned to all the other officers and settlement made.

Hon. Mr. MILLS—No.

Hon. Mr. PROWSE—I am told that there is no dispute with the Finance Minister and the Minister of Inland Revenue on this point. It appears to me that this trouble with the Postmaster General really has originated with the Jubilee stamps, and the quarrel which took place between the Postmaster General and Mr. Burland about that time. The question has been asked by the Minister of Justice, of what value can these plates and dies be to Mr. Burland? I think I can see how Mr. Burland may have a very great interest in these rolls and dies. They cost him a great deal of money, I understand. We will suppose a case. Perhaps the Minister of Justice may think it is in the far distant future, but supposing a change of government took place, and new tenders were invited for the printing of notes and postage stamps and Inland Revenue stamps, and Mr. Burland puts in a tender. His tender will be very much lower if he can get the use of his own rolls and dies and stamps than if they were all obliterated and destroyed. In that way, it is very evident that Mr. Burland has a great interest in this material. The Minister of Justice told us, in plain words, that there is no dispute about Mr. Burland's claim for the $9,800. In the name of heaven, why not pay him? Have they not the money? If there is no dispute about it, why not pay your debts like honest men? They say, "There is another claim against Mr. Burland, and we will hold this money until that claim is paid." Is not Mr. Burland a responsible man?

Hon. Mr. MILLS—No more so than the Crown.

Hon. Mr. PROWSE—Will the hon. gentleman say that Mr. Burland is not responsible for any claim that the Crown may make against him? The government cannot take that stand. If it is so important to this government to have these rolls and dies handed over to them, why, in the name of common sense, has not the government insisted upon the return of these rolls, dies and plates long ago? They had that course open to them. Mr. Burland was most anxious to get into court, and these gentlemen would not take him there. They said "we will not pay your just claim. We owe you $9,800 for work certified by the department, but we will not pay you for that and we will not take you into the Exchequer Court to try whether you have any interest and right to these dies, plates and rolls. We will amend the Criminal Code so that if you keep these articles, we do not care whether you have any interest in them or not, we can send you to the penitentiary and impose a very severe fine upon you." I say it is an unfair course to adopt, and it is a course that, in my opinion, is taken simply to satisfy the bad temper and bad disposition of men who have not acted in a very creditable way, to say the least of it. I am informed that no actual demand has been made for these rolls and dies up to the present time. Certainly they have not instituted proceedings against Mr. Burland and why not? It is a mystery to me, if the government have a claim against him. There must be some reason for it, and it is a reason which should be explained before they can expect this House to accept such an amendment as the one proposed by the Minister of Justice. It appears that the present government has instituted a suit in the courts for the collection of money which they claim is due by Mr. Burland. I do not know how much the claim is, but I would suppose that if the public interest were in such a state as the Minister of Justice represents, their first demand would be to get possession of these dies and plates and rolls; but no, they have not instituted proceedings against Mr. Burland for that, but for fraud for supplying lithographed stamps instead of stamps printed from steel plates. I consider that the first and most important case, if they wanted a case at all, was to get possession of these dies. They would not do that, because Mr. Burland would then have an opportunity to bring in his offset and show that he had not been paid for these dies. The Minister of Justice says he has been paid for them. I am in-

structed that as orders came to Mr. Burland for certain work for the government, he sent in his bill, and if that work was done by steel engraving, there was a charge made in each bill for engraving. If it was done from a lithographic stone, there was no charge for steel engraving, consequently there was a difference in the charges, and there is no ground for a claim in that respect. Unless we have more light on the subject than we have at present, it would be a very unfair and unjust thing to pass such a clause as has been presented by the Minister of Justice. I shall be disposed to support the amendment proposed by Mr. Ferguson unless there is more light thrown on the subject than we have had up to the present time.

Hon. Mr. VIDAL—I have listened, like the hon. gentleman from Wolseley (Mr. Perley) to the very elaborate arguments which have been adduced on both sides, and I feel that some points have not been very distinctly brought out. Points that I would like to have some light upon have not been touched. The hon. minister has stated that the action proposed by the hon. gentlemen opposite would lower the position of the Crown and exalt the position of Mr. Burland against the Crown, and in several ways would interfere with the dignity and power of the Crown. I would like to know the beginning of this matter in the first place. Was it not a contract entered into by Mr. Burland on the one side and Her Majesty on the other? And then is it doing any dishonour to Her Majesty, she having made this arrangement, that we should stand by it and not allow that arrangement to be interfered with by an individual? It appears to me we had better guard the integrity of the empire by upholding any contract the Crown has made with the individual. That is the first question to be settled. Did Her Majesty make a contract with Mr. Burland? It cannot be denied that she did. It may have been a wrong contract, and it may have been a mistake. I think it was a mistake. I think in the contract there should have been a provision that the dies should be given up immediately the work was done. Now we are going to sustain Her Majesty's contract in this matter, and say Her Majesty's contract was properly fulfilled before Mr. Burland is brought in as a criminal and subjected to indignity. It appears to me that perhaps this is the outcome of the ill-feeling of the Postmaster General against Mr. Burland for the transactions that have taken place between them. When the Minister of Justice was asked to issue a fiat, why did he refuse it? Of course it was held in obeyance, but we know there is very little difference between holding in obeyance and refusing a fiat. I understood that in asking for a fiat it was to bring the whole question before the court.

Hon. Mr. MILLS—No, not at all. It was for no such purpose.

Hon. Mr. VIDAL—I think the public outside of this House have the same opinion as myself. I understood that the application was in order that the whole question could be brought fairly before the court, and this question with reference to the contract and its effect on his holding of the dies would be adjucated by the court. As soon as the government knew this question was coming up, why did they not issue a fiat? As soon as the government knew that Mr. Burland refused to give up the dies on the strength of that contract, they had power to go immediately into court and have the question settled; and there would be no difficulty then in accepting the amendment proposed in this bill. I must confess that my feelings are such that however desirable and necessary it is that this provision should become law, I would postpone it to another session rather than be instrumental in using the power of this Parliament to inflict an injustice on a man, and I would not expose him to condemnation under the circumstances.

Hon. Mr. POWER—I heard something to-day about the dignity of this House and the propriety of doing justice to an individual. It occurs to me that our duty is to look at the proposition laid before the House and deal with it on its merits. What is the proposition embodied in the clause before the committee? It is that if a subject, or a person who is not a subject, has a contract with the government for the purpose of printing bank notes, postage stamps, Inland Revenue stamps and other things of that kind, when his contract is terminated, he shall not retain the possession of the plates and dies. That is a self-evident proposition. I have not heard any hon. gentleman here say that under those circum-

stances a contractor should be allowed to retain the plates and dies.

Hon. Mr. MACDONALD (B.C.)—Look at the contract.

Hon. Mr. POWER—I am not such a lawyer as the hon. gentleman is, who is prepared to expound the contract without seeing it, and further we are not sitting here as jurors, or a court, to examine the contract and decide, as hon. gentlemen are apparently anxious we should do, on ex-parte statements.

Hon. Mr. KIRCHHOFFER—We protect the individual.

Hon. Mr. POWER—The point is that it is right and proper, when a contract of that kind terminates, that the plates and dies, which might open the door for fraud upon the public, should be out of the possession of the private individual. It is no answer to say that the gentleman who happens to have possession of these particular plates and dies is a gentleman who is well to do and is not likely to be a party to anything in the nature of counterfeiting or forging. But when a law is made it is not made for a day. It is made for all time, and suppose that the present contract terminates and you apply the same rule to the gentlemen who now hold the contract, then these gentlemen would have the right to hold the plates and dies until they were satisfied the government had paid everything they claimed. These dies and plates may not be used in this country, and I do not presume that the gentlemen are more likely to do anything wrong than Mr. Burland would be, but there is the risk that this country might be flooded with bank notes printed off these plates in another country. Supposing that they are stolen from the contractor?

Hon. Mr. MACDONALD (B.C.)—That is a bad argument for the government.

Hon. Mr. POWER—This proposition seems a reasonable one. But hon. gentlemen tell us you should not make the law for a particular case. Those hon. gentlemen do not understand the way in which English law has been built up. It has been built up from start to finish on individual cases. We are not omniscient. British legislators are not omniscient. They do not know all the offences that may be committed. As cases arise, then we legislate for them. It did not occur to any one that this case was likely to arise, but it has arisen, and it may arise another time, and it is our duty to prevent the mischief. What is the position? Every one will agree that some legislation of this kind is necessary. What is the position as to Mr. Burland? I regret that when you put the case of Canada against Mr. Burland hon. gentlemen opposite seem to feel that the country has no claims at all. The hon. gentleman from Marshfield (Mr. Ferguson), made a remarkable speech as counsel for the defence in that case, and showed as much warmth and vigour as if he had received a large retainer. I do not, of course, claim that he had. In fact, some of the hon. gentleman's observations remind me of the "chops and tomato sauce" of the Widow Bardell case in the Pickwick papers. Hon. gentlemen do not mean to be led away, but when a story is told by an individual, one's sympathies are likely to be excited, and one is likely to lose sight of the other side of the story. What is Mr. Burland's grievance? As I understand it, the hon. Minister of Justice has stated positively—and he is in a position to know that what he states is correct—that there is no question about Mr. Burland being entitled to receive this $9,800. Consequently, the claim that he should have a fiat for the $9,800 is of no value whatever, because, after Mr. Burland got his fiat, he would have no more right to the money than he has now. The government acknowledge they owe Mr. Burland $9,800.

Hon. Mr. McMILLAN—Why will they not pay him?

Hon. Mr. POWER—I am coming to that. The government owe Mr. Burland $9,800. Mr. Burland holds certain dies in his possession, which the government claim should be delivered up; and I think they properly say to Mr. Burland "We owe you the money, and we are prepared to pay it, if you hand over these dies, which you had no right to keep under the circumstances."

Hon. Mr. PRIMROSE—I should like very much to know why it is that treatment of this kind has been accorded him from the Postmaster General, when the treatment he received at the head of the other departments was entirely different, when he gave up his dies and raised no question whatever?

Hon. Mr. POWER—The fact that one of the ministers may be more accommodating and agreeable than another does not affect the right of the matter at all, and it is a perfectly reasonable thing, under the circumstances that he, acting on behalf of the government, should say "We are prepared to pay you this $9,800 upon your delivering over the dies." Mr. Burland had no use for the dies. The hon. gentleman from Murray Harbour (Mr. Prowse) said those dies might be useful if Burland got the contract again, but inasmuch as the patterns of the postage stamps have been altered, the dies could not be of any particular value to Burland again.

Hon. Mr. KIRCHHOFFER — They might be altered back.

Hon. Mr. POWER—I cannot see where the grievance is. If Mr. Burland hands over those dies, which are of no value to him, and which might be an injury to the public, he gets $9,800. I do not see anything harsh in that. Then the Minister of Justice proposes an amendment to this clause to the effect that if, outside of that $9,800, Mr. Burland has any claim on the government, this clause shall not prejudice his claim. The minister stated that he will be prepared to issue a fiat to enable Mr. Burland to try out his right under his claim for those dies. I think that is a perfectly reasonable proposition. I do not see anything oppressive or wrong in it. The hon. gentleman from Sarnia says that I ignore the contract. The minister says he is prepared to grant his fiat to Mr. Burland to have his rights under the contract interpreted, subject to the fact that he gets his $9,800. Then, there is a legal question between the parties. Mr. Burland claims that the contract should be interpreted one way, and the government claim it should be interpreted another way; and I think that is a fair subject for litigation. It is a matter to be regretted that so much warm feeling should be imported into the discussion. Supposing it was not Mr. Burland of Ottawa, who is in the lobby every day, but supposing it was a gentleman in Hong Kong. We should deal with the matter in the same way as we do now and I do not see the object of reading and quoting letters and correspondence with Mr. Burland's solicitors. With respect to the amendment proposed by the hon. gentleman from Marshfield (Mr. Ferguson) I have to say that if it is proposed seriously to propound that amendment to the House, it should be limited to the present case, and not applied to future cases, because it simply means that in the case of other contracts this amendment will hold out to every contractor an inducement in the first place to make unreasonable claims upon the government, because this amendment will show to him that if he just makes a big claim against the government he can retain his plates and dies. I think the amendment is an unwise one altogether. The contractor should not have any inducement of that kind held out to him.

Hon. Sir MACKENZIE BOWELL—I do not propose to prolong the discussion further than to compliment the hon. gentleman from Sarnia (Mr. Vidal) upon the terse, succinct and pointed manner in which he has put the case to the House. It seems to me we have all, to a very great extent, been travelling from the record. My hon. friend the Minister of Justice last night made a very passionate speech in reply to the statement which I had made, and called me to account for introducing irrelevant matter. The hon. gentleman will remember that he, in introducing his amendment in the first place, referred to the difficulties which had occurred between the government through one of its departments and Mr. Burland, and it was to that that I referred. I did not introduce that subject. I tried to confine myself, in addition to referring to that fact, to the contract and the rights of the contractor. If Mr. Burland holds these dies and plates illegally, there is a law upon the statute-book to reach him. If he holds them legally under his contract, then the proposition of my hon. friend can be for no other purpose than to reach Mr. Burland: ergo it is a direct blow at a contractor of the government who holds property which belongs to the government, under the contract, when it is paid for. The hon. senior member for Halifax (Mr. Power) said he endeavoured to deal with the proposition before the House. He made an admirable speech, but he evaded—I do not mean to say that offensively—he omitted to refer to any right which Mr. Burland, the contractor, has under his contract. As I said before, if Mr. Burland holds the dies and plates illegally, let him be punished. If

he holds them legally under his contract, the proposed amendment to the law is for no other object than to compel him to give them up. That is the only deduction you can draw from the proposition made by the hon. gentleman. What are the facts? The Minister of Justice very elaborately and very learnedly, and seconded by the senior member for Halifax with an equally ingenious argument, declares that no man has a right to hold these dies in his possession after his contract ceases. With that proposition I am fully in accord, but he omitted to state that there is a provision in the contract which not only enables the contractor to hold them, but gives him the authority and power to hold the property until it is paid for. Now, I say more: the contractor, Mr. Burland, has delivered up—so I am informed upon authority which I believe to be true,—dies and plates which he had in his possession for the making of tobacco stamps, liquor stamps, and other stamps that are required by the government for the Inland Revenue, the Finance and other departments. Mark you, under the contract they paid him for them, and the moment they paid him for them he delivered them up, and that is all he asks now. The question of the $9,800 due the contractor, has nothing to do with the subject under discussion than a bill owed to a baker or butcher.

Hon. Mr. MILLS.—Hear, hear.

Hon. Sir MACKENZIE BOWELL—If it has nothing to do with it, what right has the Postmaster General, on behalf of the government, to say "Do a certain thing which is contrary to your contract, and I will pay you?" To my mind, and to the mind of any ordinary man who is not an astute lawyer who can argue any question providing he is retained on either side—to an ordinary mind, the proposition is so plain that I do not think it requires any argument to sustain it. The hon. gentleman says that although I may hold that which, in his opinion, I should deliver to him, and which I claim I have a right to hold under a written contract entered into between Her Majesty and myself, that he refuses to pay me that which he says is legally and properly belonging to me because I will not hand over that which I hold and claim pay for——

Hon. Mr. MILLS—I did not say that.

Hon. Sir MACKENZIE BOWELL—That is your argument.

Hon. Mr. MILLS—No.

Hon. Sir MACKENZIE BOWELL—I thought the hon. gentleman had made his speech.

Hon. Mr. MILLS—I am simply correcting a misstatement with regard to myself.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman at one period of these negotiations was in a more happy state of mind, that was a period when his better judgment and that kindness of heart, which always actuates him in anything he has to do in his desire to do right, until the greater influence of the Postmaster General seizes hold of his better judgment and warped it. Let us see what he says, and we can judge for ourselves. Here is a declaration by Mr. Hogg, deliberately stating that the Minister of Justice made a proposition which is contained in that very amendment proposed by my hon. friend on my right (Mr. Ferguson). Mr. Hogg writes on the 10th March, 1899, as follows:—

> The day before yesterday I called upon the Minister of Justice and had a conversation with him. I found he had not taken the matter before his colleagues in council.

In a former letter he says the minister agreed to take it before his colleagues.

> I found that he had not taken the matter before his colleagues in council, his statement being that he had been a great deal away, and had been very much engaged in connection with some capital cases which required his undivided attention. He said he also wished to see Mr. Mulock.

Hon. Mr. MILLS—To whom is that addressed.

Hon. Sir MACKENZIE BOWELL—Addressed to his client Mr. Burland. It is the next sentence to which I call the attention of the committee. It reads:

> At the same time he remarked that he had been thinking over the matter and thought that it might be brought to a close by the payment of the account, and by instituting an action on the part of the government against the council, to test the question of whether the dies, rolls and plates should be delivered up free of charge, or whether payment should be made for them.

That is precisely what we are contending—nothing more and nothing less. The question of withholding payment of the $9,800 which they say legally and legitimately, and properly belongs to him, has nothing to do

with the question of the retention of the dies and plates in his possession. That is a question separate altogether, and I hesitate not to say that a more tyrannical act could never be prepetrated by any sharper who desired to keep his creditor out of his money, than the position taken by the Postmaster General. I acquit my hon. friend the Minister of Justice. He desired to do what was right until he was overpowered by a more determined or more stubborn will. What is this amendment or resolution, which the senior member for Halifax says should not be adopted? It says clearly, that provided, however, that in case of any person who has been or is a contractor with the said government for engraving and printing of such Dominion notes and stamps, and who has in his possession any such plate, roll or dies for which he claims to be paid by the government under his contract, the demand of the Minister of Finance shall only be made after payment of the contractor's claim—not for what he has done in printing—not for anything outside of the value of the dies, but the claim for the dies and plates which he has engraved. Then the amendment reads "or in case the claim is disputed after reference of the claims to the Exchequer Court of Canada" Mr. Burland claims that he is entitled to payment for these dies. The government says "no, you are not entitled to that account" and then Mr. Burland says "Refer that." It is a matter of dispute as to the actual meaning of the contract.

Hon. Mr. MILLS—He does not say that, nor has he ever said it.

Hon. Sir MACKENZIE BOWELL—I am putting a hypothetical case. Whenever a good point is being made, the hon. gentleman interrupts, whether designedly or unintentionally, I cannot say. Mr. Burland has a claim. He says so, and he says so under the authority of his contract which declares positively that these goods are to be delivered up when paid for. He says: "Pay me for these dies, &c.," and the Postmaster General said "No, I will not pay you, nor will I pay you anything else till you deliver them up." All the minister would have to do under this amendment would be to refer the matter to the Exchequer Court, and the moment the matter was referred to the Exchequer Court the dies and plates would have to be handed over to the government for destruction; and then the contractor would be out of possession and would have the security of the contract for the amount due him. There is the position, and can you fancy a fairer position than that? I would have no objection to make it a special case if you like, and leave the clause as broad as you please in the future, but you must not forget that there is a contract into which the government has entered with the American Bank Note Company, which is now doing the work that Mr. Burland used to perform, of the same character and kind, and under the same provisions. If it is not, then the contingency that might arise as stated by the hon. senior member for Halifax could not arise. He puts it in this way: The present contractors might hold in their possession all the plates and dies they have for the manufacture of postage stamps, Inland Revenue stamps and bank notes, and until every cent was paid them by the government in case there was a dispute. That is not the point at all. If they have a contract with the American Bank Note Company, that the government shall have the right to demand the plates upon payment for the same, then they will be in the same position as Burland, and consequently it would not affect the question as to whether they are owing $10 or $10,000 for work done with those plates. That has nothing whatever to do with the question. It is on that point my hon. friend from Halifax studiously avoided any argument. The question simply is, to my mind, does that contract entitle Mr. Burland to hold these plates until they are paid for? I say that to anybody who can read plain English, unless he is much more astute than I am, that contract gives him power to hold them. If it does not, then language does not mean anything. I am not going to argue the point. I will not waste the time of the House discussing the point raised by the hon. Minister of Justice that the plates have been paid for in the price which was charged for the articles produced by those plates. That may or may not be the case. If the hon. gentleman went to a printing office and wanted 500,000 circulars, or a book of any kind that would require the printer to purchase a new press or new type for the purpose of printing them, he would put in a tender for the printing of it, and unless it was specially

stipulated that that type was to become the property of the government after the printing was done, and it was included in the price charged for the work, they would have no more right to it than to the horse that drew them a barrel of water. If they had stated in their tender "Give us the price at which you will furnish such and such articles, and the plates, dies and rolls, which shall be the property of the government as soon as the work is done," then my hon. friend would be right, but they do not say that. They say they shall be the property of the government when paid for, and Mr. Burland says "Pay for them, and you may have them." As there is a dispute on that point, then refer it to Exchequer Court, and Mr. Burland says: "The moment you do that I will take my chance and you can destroy the rolls and plates or do what you please with them." There is just one point that my hon. friend from Halifax (Mr. Power) referred to—I do not think it is at all relevant, but I may refer to it, because it was referred to by the hon. gentleman from Murray Harbour (Mr. Prowse). He says those articles were of no use, because if you produce any work from those dies it would be punishable under the Criminal Law, and very properly so.

Hon. Mr. POWER—I did not say that. What I said was that the pattern of the stamp has been altered, and thousands of the dies are not of any real value.

Hon. Sir MACKENZIE BOWELL—The argument of the hon. gentleman from Murray Harbour (Mr. Prowse) on behalf of Mr. Burland's position was this: He says "they are of little or no value at present, but they cost him a great deal to produce them, and his contract says that they shall be paid for, when he is bound under that contract to deliver them up. Then he says, this property belongs to him until it is paid for, and if I have them in my safe, when tenders for work in the future are asked for, I will have them in my possession, which will enable me to tender at a low rate, being enabled to go on with the work." You talk about a fiat. He has no right to ask for a fiat in connection with this matter. He could not get a fiat. He says "they are locked up in my safe; I propose to keep them there until I have another opportunity to tender for work." But they say: "Under your contract you are bound to give them up?" He replies: "I am willing to give them up when you pay me for them," and then with the money paid for them, he would have the means to reproduce the very plates that were taken from him. To my mind, the position is clear enough, and if the hon. member for Halifax (Mr. Power) will look at the amendment and see what its object is, instead of denouncing it as an improper one, he will see that it is a very proper one. Such a case cannot possibly arise again, unless you make a contract similar to the one in my hand, because as this contract was drawn, as it has been said by the hon. gentleman from Sarnia (Mr. Vidal), it is made between Mr. Burland and Her Majesty, whose contracts should be honourably fulfilled. If the contract is wrong, it is the fault of the late government who did it. What I contend is that the Minister of Justice should have an opinion of his own, and in the administration of that department, he will excuse me for saying so, he might have followed the example set him by his illustrious predecessor, Sir John Thompson. I have a distinct recollection where the Minister of Railways, Mr. Pope, refused to grant a fiat because he thought a man had not preferred a good claim, the Minister of Justice said: "The Imperial practice is that every subject of Her Majesty shall have the right to come into court to test his rights, if he has any rights against the Crown," and although the Minister of Railways, the head of the department against whom the claim was made, refused to recommend to the Minister of Justice or to consent to the issuing of a fiat, that hon. gentleman said: "No, it is the right of every subject of Her Majesty to test his claim in a court of justice," and he granted it. And now, according to the extract which I have read from the hon. minister's own statement to Mr. Hogg—I take it for granted it is correct—his mind ran in the same direction and he thought it was better to pay what was admitted to be due, and then refer the matter to court as to whether Mr. Burland had a claim or not; and I believe his better judgment would lead him to that conclusion now. I have put the case as it presents itself to my mind; whether it meets with the approval of hon. gentlemen I cannot say. Other questions have been introduced into this discussion to which I do not propose to refer. I think we had better confine ourselves closely to the one proposition, which was so clearly

and distinctly put by the hon. gentleman from Sarnia (Mr. Vidal), has Mr. Burland a right under the contract to withhold these plates and dies until they are paid for? If he has not, then prosecute him criminally for holding dies and plates which could be used to print counterfeits. If there is a dispute he will hand them over to the court or government the moment you go into the Exchequer Court to ascertain whether he has a claim or not. That is the simple proposition I take. The Minister of Justice declares that this amendment could not and would not be accepted. I cannot understand what the hon. gentleman means by that, except that if it is carried by a majority of the House, he will drop the clause. I would not advise the dropping of the clause, but I would advise this, that if they have not made a different contract to that which the former government entered into with Mr. Burland, the sooner they change it the better. I am not going into the question as to whether Mr. Burland committed a fraud by furnishing lithographs when he should have furnished steel plate engravings. That is a matter for the courts. I have simply to say that it is denied pointedly. I had it from his own mouth this morning that he has examined forty or fifty accounts in his books, which he had rendered to the government for the very articles to which the Minister of Justice refers, and that in no case has he charged the prices which he would charge had the articles been produced from steel plate, and that the difference between the value of lithographs and the steel plate engravings is just about seventy per cent. His denial is—I only mention it in justice to a man who is threatened with a prosecution for fraud, that in not one single instance did he deliver the product of a lithographic stone at the price he would have charged for steel plate. That is his statement.

Hon. Mr. PRIMROSE—The hon. member for Halifax expressed a little astonishment at the warmth, or apparent warmth, with which some members have spoken on this subject. I have an idea that the consciences of the members of this hon. House have been shocked by a proposition to place on the statute-book of Canada a provision such as this. It is utterly revolting to them, and therefore they might be excused if they speak with more warmth than might be expected in this discussion. The hon. gentleman quotes British law as our model. We recognize British law as our model. We are proud of British law and willing to be guided by it, but I venture the assertion that the hon. gentleman will search British statutes from the first page to the last and he will not find one page polluted with such a proposition as this. The hon. member also spoke of members of this House expounding the contract without having seen it. He is mistaken there. The majority of those who have spoken to-day have seen the contract and read its provisions, and therefore may be supposed to know whereof they affirm.

Hon. Mr. DEVER—I wish to vote on this question with some intelligence, and I have listened a good deal to talk about a contract. A contract has been bandied about by almost every one who has spoken against the measure as presented by the Minister of Justice. I feel that we are not a court of justice to investigate the equity of the contract—a contract that has not been proved, that has been merely asserted. We know the first act in a court of justice would be to prove that this is the actual contract. The question would be presented to the court in a proper manner. I feel I have no right to recognize the assertion of any hon. gentleman who spoke here to-day of the contract. The question before me is simply this: a contract had been made by the government of Canada with certain gentlemen.

Hon. Mr. MACDONALD (B.C.)—How do you know?

Hon. Mr. DEVER—I am going to show from results that there was a contract, and that certain dies and plates were the result of that contract. From the very nature of it that contract would necessarily involve the return of those dies and plates, because we know that those dies and plates mean value for money to the country, and why a gentleman who had a contract to produce money should think of retaining the dies and plates that made that money, for the life of me I cannot understand. I am surprised that any government should have entered into such a contract if such a contract was made. I know if I had the honour of being in the government I certainly would not trust any individual with plates engraved to create money at pleasure in this country.

Therefore, on that basis I feel that the government have a right to demand immediately the return of those plates before any other business is done, because the very completion of the contract, in my opinion, involves the return of the appliances with which that money had been created. That being the position as it appears to me, I feel myself obliged to support the government in getting these plates back. Then justice, which can be had through the courts, should be done the contractor. I cannot see what injustice the contractor would suffer. He cannot use those plates; he has no right to them. They are of certain dates. The dates and numbers would have to be altered. They cannot be used for any other purpose than to fraudulently issue stamps and notes. Under the circumstances, I think the government are perfectly right in standing on their rights and demanding the possession of the plates and dies before making any settlement with the contractor.

Hon. Mr. SCOTT—I propose only to call attention to a single point in this matter. The Minister of Justice has fully explained the position of the Crown, and I think the stand he took is quite unanswerable. There is this point to which attention may be called; if this clause stood without the introduction of the Burland controversy, I have no doubt hon. gentleman would be prepared to accept it. It is only in consequence of an existing grievance which Mr. Burland has that opposition to this clause has arisen. I would call attention to the law as it has stood for the last 25 years. I find, looking over the Postal Service Act, in providing against forgery and having in possession dies, cuts sinks and so on there is this clause, "Or has possession of any such plate, die, &c., except by permission in writing of the Postmaster General, or of some officer or person who under regulations made in that behalf, may lawfully grant such permission, &c." It would seem to contemplate that though persons might be lawfully possessed at one time of plates or dies, if the Postmaster General demanded them or was unwilling that they should retain possession of such plates or dies, it would be a penal offence to withhold them. It subjects the party to a charge of felony, because it is quite clear the possession of a die must be under permission of the Postmaster General. Therefore it is perfectly clear to my mind that unless there was some possession in this case is practically a felony to hold it where the party has no right. It has been stated that no improper use could be made of these dies and plates. We know perfectly well that nowadays the strongest safes will not protect the contents of them, and although it is a fact that a good many of the postal stamps have been altered, still there are many that have been in existence for years. No doubt there are dies in the possession of Mr. Burland from which stamps could be issued. They would be stamps, to all intents and purposes, exactly like the stamps in circulation. I entirely acquit Mr. Burland of being a party to any such proposition, but what I say is there ought to be no possibility of any unauthorized person issuing stamps of that kind, or putting them in circulation, and there is a possibility in this particular case. It would appear under the Post Office Act that any one having possession of these dies could only keep possession by permission of the Postmaster General. I think the proposition made by the hon. Minister of Justice is really a fair one. He states here, on the floor of Parliament, that if Mr. Burland does so give up these dies, he will himself grant a fiat to Mr. Burland. Surely that ought to settle it, and the clause ought to be carried without any further controversy. Mr. Burland will be in no worse position, if this clauses passes and the Minister of Justice issues his fiat giving him the right to bring before the court every possible claim he may have against the Crown.

Hon. Sir MACKENZIE BOWELL—I want to call the attention of the hon. gentleman to the fact, that the point to which he has referred was discussed between the solicitor for Mr. Burland and the Postmaster General. If that law be applicable to the case, then there is no necessity for the clause which the Minister of Justice has prepared.

Hon. Mr. SCOTT—It is not very clear.

Hon. Sir MACKENZIE BOWELL—Mr. Hogg says in his letter "Mr. Mulock referred me to a section of the Post Office Act relating to persons holding in their possession dies and plates." Of course it would be a penal offence to which the hon. gentleman referred did he not hold those under contract specially provided for. It simply means this, that the hon. Minister of Justice

has introduced this clause for the purpose of compelling Mr. Burland to give up the plates, which have not been paid for as provided for in the contract, or send him to jail.

Hon. Mr. MILLS—The hon. gentleman says that the clause was introduced for that purpose. I do not agree with what Mr. Hogg says with regard to the interpretation of that clause, nor do I think that any court would sustain the interpretation which he has placed on it. My hon. friend will see that there is no contract with Mr. Burland. The period for which he had contracted with the government has terminated. Then let me say further, if the hon. gentleman will look at this clause, he will see that it was not intended simply to meet the case of the Post Office Department, but the case with regard to all the revenue departments of the government, both with regard to Dominion notes and with regard to inland revenue stamps. Although I had to do with the preparation of the clause, my statements, I daresay, would not be accepted by some hon. gentlemen. I understand their sneers to mean that. One hon. gentleman has said he trusted the House would not pollute itself by supporting a clause of this sort. I think I am as incapable of presenting anything that is dishonourable and unjust to a citizen of this country as the hon. gentleman who has made that observation. Further, I ask any hon. gentleman who has discussed this question to point out what there is objectionable in that clause. That has not been undertaken. The hon. gentleman opposite admitted that it was a proper position to take. Why have we had this long discussion: because some of the hon. gentlemen have said that although this is a fair proposition there is a man in existence to whom it would apply, and therefore he ought to be excepted. If the simple passing of this clause would have the effect of making him a criminal by its passage, there would be great force in that argument. But that is not so. All he would have to do, under this clause, would be precisely what any one would have to do ten years hence under the same provision, and I am unable to understand, and I do not think I am wanting in understanding, how any hon. gentleman can persuade himself that this would be unjust to Mr. Burland, and that it would be perfectly advantageous to somebody else who might enter into a contract with the government. The hon. gentleman has referred to that contract as if we were to accept his interpretation of it as perfectly conclusive. I tell the hon. gentleman, although I have a great deal of respect for his judgment, I do not agree with the views he has expressed upon it. The hon. gentleman has here drawn attention to the fact that I did not issue a fiat, and I said that I had not refused a fiat, but the fiat was for what? Not for the purpose of interpreting that contract which the hon gentleman holds in his hand. It related to a payment of $9,800.

Hon. Sir MACKENZIE BOWELL—That is what I said.

Hon. Mr. MILLS—The fact that the department was indebted to Mr. Burland for that sum was not disputed, and so there was no object, as I said to Mr. Hogg, to go into court to obtain a decision upon a right which was not questioned. The Crown would stand in exactly the same position that it stood in before. The Crown was in the position to pay, if it chose to pay, and it could not be compelled to pay any more after the judgment than before the judgment. The point was that here were dies held that were of importance to the government, that were not of importance to Mr. Burland, and the Postmaster General took the view that until you do hand over those dies you have no right to insist upon my paying the sum that is now due to you. Other questions have arisen since, about which I need not enter into a discussion, but whether the Postmaster General was right or wrong in the view he took——

Hon. Mr. McMILLAN—Wrong, I call it,

Hon. Mr. MILLS.—I say that has nothing to do with the propriety of this section. I say that this is a proper provision if Mr. Burland had never an existence. It is proper enough notwithstanding the contract with Mr. Burland. You cannot undertake to say that A or B shall be made an exception to a law, and that what you declare an improper thing in every one else shall be held to be proper in his case. Mr. Burland is not declared by this amendment to be an offender. Mr. Burland would be simply called upon, under this provision, to deliver up the dies, just as any one having a contract

for the next 10 years when it expires would be called upon to do the same thing. I repeat, if Mr. Burland's interpretation of the contract is right, the court would say so, and he would be paid for his dies, although they were in the hands of the government, but to say that the government must not claim the dies, stamps or rolls until there is an interpretation in his favour is to take a most preposterous position. My amendment is to avoid the very controversy which has arisen. It is a simple declaration that nothing in this section would prejudice Mr. Burland's claim. If my hon. friend will consult any lawyer on the subject, he will tell him the same thing, that that clause does not enlarge Mr. Burland's right, but is a simple declaration to satisfy the House upon that point. I say, further, that I could never accept the amendment of the hon. gentleman opposite. Of course it is in the power of the hon. gentleman to pass that amendment over my head. I know he has a majority in this House and can do that, but it will not make it a proper proceeding in the case, and I would very much rather drop the clause altogether.

Hon. Mr. FERGUSON—Drop it, then.

Hon. Mr. MILLS—I should prefer to drop it. If the majority of the House desire it, they have simply to say so and the clause goes out of the bill, but in my opinion it is a proper clause. It is simply an enlargement of the provision in the Post Office Act, and extends it to every case where it is possible for such a fraud to be committed. I have nothing further to say on that question.

It being six o'clock the Speaker left the Chair.

After Recess.

Hon. Mr. FERGUSON—Before the committee rose at six o'clock, there was a point made by my hon. friend the Minister of Justice, that appears to have escaped observation, to which I wish to offer a reply. My hon. friend objected to the amendment which I submitted on the ground that it involved the subserviency of the Crown. If it involved anything of that kind, it would, I admit, be a serious objection, for it is our duty, in legislating, not to make the Crown subservient. While we have a duty devolving upon us to give the subject every fair play, the Crown should be paramount. That is where I think the amendment is so fair. We provide that the demand referred to in the original clause, which the government may make for the delivery of these dies and plates, shall only be made after payment, that is, if it is a matter that can be mutually settled, or in case the claim is disputed, after reference of the claim to the Exchequer Court of Canada. That is, if the party holding the dies and plates wishes to escape a criminal prosecution, he must accept the price agreed upon, or the government, having given a reference to the court, he has to surrender the dies and plates. If it were a case of litigation between individuals, the fair thing would be to propose that the dies and plates should be handed into the court and held in charge of the court until the case was decided; but as it is between the government and an individual, as soon as it gets into court, we say the government should hold the dies and plates while it is in court. Therefore we are not making the government subservient, but are giving them a decided advantage. My hon. friend ventured to criticise the course I have pursued in advocating justice for Mr. Burland, or for any person placed in such a position as he is. He says as an ex-minister of the Crown it is my duty to support the Crown. I cannot see that any such duty devolves upon me. My duty is to do justice between the Crown and the individual, and to give the Crown nothing more than what is just and fair, and there is no such duty devolving on one who has been formerly a member of the government. If that were so, I would feel in an awkward position, especially if I had to accept all the legislation proposed by Mr. Mulock, the Postmaster General, who appears to be the Lord High Executioner of the present government. My hon. friend, the senior member for Halifax, was kind enough to insinuate broadly that I had received a retainer.

Hon. Mr. POWER—The hon. gentleman must know that he is misstating what I said.

Hon. Mr. FERGUSON—Did not the hon. gentleman say that?

Hon. Mr. POWER—No.

Hon. Mr. FERGUSON—I was told the hon. gentleman had used the words. The

hon. gentleman speaks so low that I seldom hear him.

Hon. Mr. PROWSE—I think the hon. gentleman said that the hon. member from Marshfield spoke as if he had received a retainer.

Hon. Mr. POWER—Yes, but I said I did not mean to insinuate anything of the sort.

Hon. Mr. FERGUSON—Then I will remark another statement which my hon. friend made, and which he is accustomed to make in this House. Whenever he differs in opinion from a gentleman who is not a lawyer he indulges in sneers, as he did with reference to the hon. gentleman from British Columbia about his legal knowledge.

Hon. Mr. MACDONALD (B.C.)—That does not hurt me very much.

Hon. Mr. FERGUSON—But I must submit that although my hon. friend may be a most eminent lawyer, he may be the head of the Bar in his province, but we are on a level here and have a right to form our own conclusions and our own opinions, and sometimes it may happen that in our own unsophisticated way we may arrive at the merits of a case quite as well as eminent lawyers like the hon. gentleman from Halifax. I regard the amendment which my hon. friend has moved to his own clause as putting Mr. Burland in a very bad position indeed. I must speak with somewhat bated breath in the presence of the hon. senior member from Halifax (Mr. Power), because I am venturing on something he will regard as his particular domain, but still while I am entrusted with the duty of voting here, I must endeavour also to try and think for myself. In my opinion, if we yielded to that clause, and it found its way into the Criminal Code through the action of this Parliament, Mr. Burland, in order to escape a criminal prosecution and being sent to the penitentiary, or being heavily fined, would probably have to surrender up these dies and plates, and in so doing would have to surrender them unconditionally without fixing a price or anything of the kind. Up to the present time he has possession of these dies and plates and rolls, and I think it is only playing upon words and wasting time to talk about his applying for a fiat, and being granted a fiat while he is in that position.

Hon. Mr. KIRCHHOFFER—Could not he trust the government?

Hon. Mr. FERGUSON—I will reach that point a little later, but I contend that Mr. Burland could not apply for a fiat with regard to these dies and plates while they are in his possession; he could not ask for any price or valuation to be put upon them, and I submit, further, that if he is compelled, under threat of criminal prosecution, to hand over the plates to the government without making any condition, he would not be in a position to ask for a fiat or contest the matter, for he has handed them over without making any stipulation as to price. Whether that is a correct view or not, I think there is a great deal in it, and this House should be very careful in the matter with that point in view. My hon. friend's amendment is, to my mind, of no value whatever. It is a poor apology for the clause, as he submitted it in the first instance, that any such amendment as he proposes to add to it should be necessary. It is a poor compliment to the clause that it had to be saddled with any amendment. My hon friend proposed an amendment with an immense amount of gravity, and explained that Mr. Burland would, after the passage of this clause, under the force of that amendment, have exactly the legal rights he had before, that it would not affect or take away those legal rights. Hon. gentlemen will observe that, as far as obtaining pay for the dies is concerned, he has no legal right unless the government desire to give it to him. They owe him certain moneys, and admit it, and his accounts have been in for several months and they have not yet granted him a fiat.

Hon. Mr. SCOTT—He does not need a fiat.

Hon. Mr. FERGUSON—They have withheld it for twelve months, and he never received any information that he would get a fiat in connection with that until the committee took this clause into consideration. How would he stand with regard to the dies and plates? The hon. Minister of Justice says he would have what legal right he had before. Well, that is none at all. He cannot refer the case to the Exchequer

Court without the government's consent, and I am strongly of the opinion that if Mr. Burland, under the pressure of this clause, if it passes as my hon. friend desires, would hand these plates over to the government, he would have no right to present a petition of right at all as he handed over the dies without making any stipulation as to price, he would have to depend upon the grace of the government whether they would give it or not. But where they have withheld the fiat in the case of clear indebtedness of $9,800, which they admit they owe him, and they have withheld it since the 1st of June, 1898, nearly thirteen months, when they withheld the fiat in a clear undoubted matter of business as that is, I think it would be a poor consolation to Mr. Burland to find that this House had accepted an amendment which would leave him in possession only of those legal rights which he had already.

Hon. Mr. MILLS—And the hon. gentleman has proposed an amendment open to exactly the same objection. His amendment reads :

Provided, however, that in the case of Mr. Burland who has been or is a contractor with the said government for the engraving and printing of said Dominion notes and stamps, and who has in his possession any such plate, roll or die, for which he claims to be paid by the government under his contract, the demand of the Minister of Finance shall only be made after the payment of the contractor's claim, or in case the claim is disputed, after reference of the claim to the Exchequer Court of Canada.

That is what the hon. gentleman proposes. He proposes in the Criminal law asserting a general law which it is open to the House to question if the House thought the principle was unsound. He says "Your principle is all right, but there is one man to whom I would not like to see that principle apply, and that is Mr. Burland."

Hon. Mr. FERGUSON—I have not thought it right.

Hon. Mr. MILLS—Then the hon. gentleman should have opposed the clause. He allows it to go into operation with regard to six millions of people, and wants to make it an exception in the case of one man. That is the proposition of the hon. gentleman.

Hon. Sir MACKENZIE BOWELL—There is only one man interested.

Hon. Mr. MILLS—There may be others.

Hon. Sir MACKENZIE BOWELL—If you put them in the same position with the same contract they would be.

Hon. Mr. MILLS—It does not matter what the contract is.

Hon. Sir MACKENZIE BOWELL—Oh, yes.

Hon. Mr. MILLS—If the contract is made in the future by a man in the same position, then the same rule ought to apply. The hon. gentleman has not made a rule of that sort. He applies it to Mr. Burland. The hon. gentleman says Mr. Burland was refused a petition of right. About what was he refused a petition of right? The Post Office Department said to Mr. Burland that there was an unsettled account between them. They did not dispute the account. They were ready to pay the amount over to him. Now Mr. Burland wanted a petition of right to do what? To inquire into matters that the Crown did not dispute.

Hon. Sir MACKENZIE BOWELL—To make the government pay it.

Hon. Mr. MILLS—No. That is where the hon. gentleman is mistaken, and is confusing proceedings against the Crown with proceedings against individuals. You may bring a suit against an individual, but you do not bring a suit against the Crown. You present a petition. The Crown will pay if they are properly informed. The petition is to ascertain whether the Crown is misinformed or not. That had no applicability to a case where the amount was undisputed. The minister may be open to censure if he withheld payment without sufficient cause. Looking at what the law really is, you might call in question the conduct of the minister, but you could not call for a petition of right about a matter in which there was no dispute. I told Mr. Burland's counsel—and the hon. leader of the opposition has read the statement to-day, and he will find that he has misinterpreted it, if he looks at it closely—I told Mr. Burland's counsel that if Mr. Burland would hand over the dies to the government, there would be no difficulty in granting a petition to interpret the contract to see if his views were right. That was open to him, and the amount to be ascertained if he was entitled to anything. The contention of the Post Office Department was that the value of the dies was included in the contract they had with him, and if they had recalled these dies and called upon him to make plates of a

different pattern before the term of the contract had expired, these dies would have been given up under the terms of that contract, and he would have been entitled to compensation for them, because they had not been used for the time which he contemplated when he entered into the contract. That is the position of the matter, but I feel, that a clause such as the one that the hon. gentlemen proposed would not be consistent with either the honour or dignity of the Senate, and sooner than such an amendment should be made to this clause, I would prefer to withdraw it altogether. I, therefore, withdraw this clause, and the responsibility of inability to legislate upon this subject. With regard to one class of contract, one class of engravings, those relating to the Post Office Department, there is legislation already and I am simply extending this provision to bank notes and to others that are not covered by the Post Office Act. I will say, therefore, that this section, with the consent of the Senate, I drop altogether and proceed to the consideration of the next clause.

Hon. Mr. KERR—Before the clause is struck out, I desire to make one or two observations. I regret that the minister has felt it necessary to express the opinion which he has just expressed. According to my own view, if I had charge of the bill I would prefer to have it voted down. I do not wish to detain the committee at any length, but I will try and imitate the prudence of the mariner who, when he is tempest tossed, avails himself of the first clear sky.

Hon. Sir MACKENZIE BOWELL—Furls his sails.

Hon. Mr. KERR—And abatement of the winds to take his latitude and longitude. I have been trying, during the recess, to imitate the prudence of the mariner and to take my bearings and to see whether we are making headway or whether we are drifting from a proper course, and with all due deference to the superior judgment of my brother senators, I respectfully submit that this debate, during the greater part of the afternoon has drifted from the true line of the subject. I make this statement with the greatest possible deference and respect. I respectfully submit that the question before this committee is not whether some person or persons will be hit by this legislation, but whether the clause, as originally framed, is a wise and proper clause to be placed upon the statute book. If it is, I respectfully submit that it is the duty of this Senate, one and all, to vote for it. If it is not a wise and proper provision, it is equally the duty of this committee to vote it down. I do not suppose there ever was, or ever will be, a criminal law passed that will not hit somebody. I do not suppose there ever was a civil statute law of any kind passed that has not hit some one. I am not influenced by this local matter which, unfortunately, has come to the surface, and I regret exceedingly it has. Before I had the slightest knowledge of the case that has been brought up here, as one having had for thirty-five years very considerable experience as Crown prosector in assisting the court to administer the criminal law, I felt that such a clause as has been proposed by the Minister of Justice would be a wise and proper clause, based upon a sound principle, and although I have heard that it may affect one particular case, for the life of me I cannot see how it can affect my duty as to the vote I shall give. I am not reflecting upon anybody, I am only speaking for myself, I am not criticising the manner or the matter of the speeches in this debate. I listen with the greatest possible respect to all who speak pro and con upon any question, and especially to those who may differ from me in the views which I hold, because therein I get greater information by hearing opposing views than I do in hearing those that are in harmony with my own. I just fear that this committee, by the course of the debate this afternoon, has lost sight of its true functions as a committee. We must always bear in mind that in this matter we are here as legislators, law makers, not administrators of the law. Now I think that is a sound principle, and as at present advised I shall vote in line with that view. The House will pardon me when I say that I shall assume, for the sake of argument, that there is a contract and, without prejudice, as the lawyers say, I will refer to the contract. It will not affect my vote one iota. My contention is that this committee has nothing to do, in considering the wisdom or unwisdom of that clause, with that contract. That is a matter for the proper court, and we are not sitting here as an Exchequer Court.

Hon. Mr. MACDONALD (B.C.)—We say that too.

Hon. Mr. KERR—I do not make myself a judge of the Exchequer Court. If I should ever do so—and I do not expect I ever shall—I will expect to receive respectful consideration. I am sorry that it is even insinuated that this legislation is aimed at one individual. I have a perfect horror of that kind of thing, and if I conscientiously believed that that clause was aimed at one individual, and not at a class, in like case offending, I would join in voting it down.

Hon. Sir MACKENZIE BOWELL—Mr. Mulock says so in his letter.

Hon. Mr. KERR—I have not heard it. I am speaking now on the principle of the thing. In discussing whether Mr. Burland—I think that is the name of the gentleman—is right or wrong, that does not influence me, and cannot by any possibility assist us in coming to a conclusion whether that clause ought or ought not to be on the statute-book. If Mr. Burland is doing wrong—I do not assume that he is—he ought to be hit. If he is not doing wrong, he will not be hit under this legislation.

Hon. Mr. DEVER—For whom are we legislating? For the individual or the public?

Hon. Mr. KERR—There is an old Latin maxim which I shall give in English "the safety of the people should be the supreme law." I shall be guided by that maxim in any course that I take. The point I want to make is that in discussing this matter we should discuss it on principle, as legislators, and not have before our minds any one case that this is said to be aimed at. I cannot believe that it is aimed at any one man. I have reason to believe, from all I have heard, that Mr. Burland, who may be hit by this legislation, is a highly respectable man. I have heard the name, but have never met him. If he was in the Senate chamber now, I would not know him, but I think there should be fair play between the Crown and the public.

Hon. Mr. MACDONALD (B.C.)—Hear, Hear! So we do.

Hon. Mr. KERR—I believe if Mr. Burland is here he will consider I am his real friend. If I had the settlement of this matter between Mr. Burland and the government, I would say, "Mr. Burland, I do not believe you ought to keep this property. It ought not to be in your possession any longer than the contract continues." I would turn round and say to the government, I have that property, now give me a cheque payable to the order of Mr. Burland for the amount of the claim which you admit, and then in addition to that give me a fiat so that Mr. Burland can test in the Exchequer Court his claim for any balance.

Hon. Mr. PERLEY—If the government will do that I will vote for the clause.

Hon. Mr. MACDONALD (B.C.)—The government will not do that.

Hon. Mr. KERR—I make the suggestion, and I hope it will be acted on. I am a lawyer. I entirely agree with the English practice as expounded by the opposition. I think in almost every case a fiat should be granted. If I were a member of the government, I would give my vote every time, unless it was apparently a most frivolous thing, so that the subject would have the fullest opportunity to claim his rights.

Hon. Mr. PERLEY—Hear, hear.

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. KERR—I think that Mr. Burland is acting against his own interests. One hon. senator said that he could not apply for a fiat so long as he withholds that property. That is an error. Of course the hon. gentleman, not being a professional lawyer, might naturally take that view. If he has a right to hold that property, that property is not held by him as payment. It is considered by him to be security, but the law of lien comes in here and, according to my view, the law of lien could not be appealed to by him as an excuse for withholding that property, which may be used for improper and for very dangerous purposes outside of the control of the government. I am not risking my professional reputation on this point, but I should be surprised to find that there is a lien of that kind on property for any claim that a party may think he has against a government claiming possession of it. In certain cases lawyers have liens on title deeds. The man that saws up lumber for his neighbour has lien on the lumber until he is paid for

sawing it. The miller that grinds grain for a man has a lien on the grist until he is paid, if he does not take toll. According to the statute law, a man has a lien under certain circumstances, that is, the right to keep possession of the property until he is settled with; but I respectfully submit that from now to the end of this session, every senator in this committee will look in vain for any law which will say that under the circumstances, Mr. Burland has a lien on this property until he is settled with. If I were a minister of the Crown, as I never shall be——

Hon. Mr. McDONALD (C.B.)—You do not know about that.

Hon. Mr. KERR—If I were a minister or an ex-minister of the Crown, and if I had any doubt as to the propriety of Mr. Burland's conduct, I would say that my duty to Her Majesty, where the subject will be amply protected without the possession of that property would be to uphold the dignity of Her Majesty, and insist, as her servant, on having control of that dangerous property. I wish I had Mr. Burland's ear for five minutes, I would say "Mr. Burland, the sooner you give up possession of that property the better. You can hand it over and say that you do so under protest and without prejudice. It will not collect your debt if you hold it in your possession until doomsday. What you want is money; you do not want that property, it is of no use to you. As a security it is useless." Probably Mr. Burland has been advised to take the view that by holding these things it will force the government to give him a fiat. I hope the government, for the credit of the government, will be influenced by higher motives than that. If I were a member of the government I would scorn an idea of that kind. If I granted a fiat, I would grant it from principle, and because I believed it to be right; and if I withheld it, I would withhold it because I believed it was right to do so. I should be very sorry to see either this amendment or the amendment to the amendment carried; I could not think of supporting the latter. Of course, if the Minister of Justice is satisfied with the modification which his amendment would give to the original clause, I would vote for it. But I would rather vote fairly and squarely and say that I vote for the clause itself as a principle—I would either sustain the law or reject it. I repeat, with all due respect, I think Mr. Burland, by withholding that property, is acting against his own interests, and I am satisfied, if this clause does pass in its present form if the contract is as alleged—I have not examined it and I do not want to examine it, I assume it has been correctly interpreted—but if it does give him a right to hold that property, it does not prevent him applying for a fiat at once, and he cannot be hurt, because he could plead that contract. Supposing an indictment was found against him and he pleaded not guilty, do you suppose that any court would convict him of wrongdoing if the contract goes as far as it is said to go? I do not want to discuss the contract. I do not think we have any business discussing it here. As soon as we begin to talk about particular cases and particular contracts, that moment we depart from our true functions as legislators and constitute ourselves judges of an Exchequer Court, I repeat that by passing this clause as originally framed, the committee would not and could not prejudice Mr. Burland, either in regard to his civil rights or in regard to his position in the possible event of criminal proceedings being instituted against him for withholding that property, and I consider I would be his best friend if I advised him to give up that property to-morrow, I would with equally strong voice, a voice that the government might hear reverberating in their ears, say that they should give Mr. Burland a fiat, pay him what they admit they owe him, and let them fight it out in the Exchequer Court as to the balance of it. I refuse to listen to the arguments that have been addressed to us of a dispute between the Postmaster General and Mr. Burland. I have nothing to do with that as a legislator. I have to do with making laws, and I will make laws, so far as I can, in the light of my intelligence and in the light of my conscience, and in no other respect.

Hon. Mr. MACDONALD (B.C.)—Would the hon. gentleman go so far as to say that members of this House should deal with legislation entirely on general principles—that they should close their ears and eyes to individual cases, when we have documentary evidence placed in our hands, and uncontradicted, that the legislation is desi-

gned to injure private interests? Are we to throw that aside and deal entirely with general principles? Legislation in this House is surrounded by evidence on certain points which you cannot ignore, and you cannot always go on general principles.

Hon. Mr KERR—If that document were handed to me, I would say "I sympathize with you, but you should go to the Exchequer Court where you will find justice."

Hon. Mr. MACDONALD (B.C)—But he cannot go there.

The clause was withdrawn.

On clause 520, subsection 2.

Hon. Mr. POWER—This particular subsection was rejected by the Senate in 1897. Subsection 2 is as follows:—

2. Nothing in this section shall be construed to apply to combinations of workmen or employees for their own reasonable protection as such workmen or employees.

Speaking solely for myself, I do not see that the subsection is necessary. What are the offences that are mentioned in the section?

Every one is guilty of an indictable offence who conspires, combines, agrees or arranges with any other person, or with any railway, steamship, steamboat or transportation company unlawfully.

(*a*) To unduly limit the facilities for transporting, producing, manufacturing, supplying, storing or dealing in any article or commodity which may be a subject of trade or commerce.

A combination for their own reasonable protection could not affect that.

(*b*) To restrain or injure trade or commerce in relation to any such article or commodity.

I do not see how a trade union could very well do that.

(*c*) To unduly prevent, limit or lessen the manufacture or production of any such articles or commodity, or to unreasonably enhance the price thereof.

Hon. gentlemen will notice that the words "unduly and unreasonably" are put in. Any reasonable action by a trade union would not make them liable under this clause.

(*d*) To unduly prevent or lessen competition in the production, manufacture, purchase, barter, sale, transportation or supply of any such article or commodity, or in the price of insurance upon person or property.

I do not see how that would apply specially to trade unions, and that being the case, the trade unions not standing in any different relation to these offences from what other bodies do, I do not see why any special provision should be inserted here intended to protect them from being held to have violated this clause.

Hon. Mr. SCOTT—It is to make the law more clear.

Hon. Mr. POWER—The Senate in 1897 did not think there was any necessity for this subsection.

Hon. Mr. MILLS—The opinion has been expressed that trade unions and other organizations of labourers would be amenable to the provisions of this Act. That is the opinion of some very eminent counsel, and it is with a view to remove all doubt on the matter. My hon. friend does not complain that the principle is wrong.

Hon. Mr. POWER—I do not say that I do not.

Hon. Mr. MILLS—What I understand the hon. gentleman to argue is that there is nothing in this section which will touch these people, and therefore this clause is unnecessary. I say it is a mere matter of precaution. It removes all doubt as to a matter which is open to controversy among eminent lawyers, and it is proper, unless it is desired to bring them under the provisions of the Criminal Law, and that has not been sought. There are anomalies in this section which I think might be removed but which I did not think it worth while to touch. For instance, looking at the main part of this section, it says: "With any railway, steamship, steamboat or transportation company unlawfully," to do what? To "unduly limit." That is absurd. It is unlawful to limit, and that word "unduly" has no business there. Take section *c* to unlawfully, "to unduly prevent." That is not sense either, and is open to the same objection. Then take, further on, subsection *c*, "to unlawfully, unreasonably enhance." Those are anomalies in the section which might be corrected, but which I did not think it worth while to interfere with. They have been inserted sometime by some persons in committee who were anxious to give adequate protection to those who were forming combines, and they thought that by putting in these words they would give protection that otherwise would not exist. But that is not so. They are a surplusage and, as a matter of art, ought not to prevail.

Hon. Sir MACKENZIE BOWELL—You could, under clause *a*, limit the facilities, and it is just so with each of the others.

You say "unduly prevent." You might, if you struck out "unduly," make it a crime to limit the manufacture, &c., but this provides for "unduly" doing an act, whatever that may mean.

Hon. Mr. MILLS—But my hon. friend is losing sight of the word "unlawfully." Supposing you read it this way "unlawfully to limit"

Hon. Sir MACKENZIE BOWELL—Then you would require a section to declare what was lawful and unlawful. A man might limit the sale of an article or combine for that purpose, and you might ask "has he done that lawfully or unlawfully?"

Hon. Mr. MILLS—My hon. friend will see that if "unlawfully" is left in "unduly" should be struck out.

Hon. Sir MACKENZIE BOWELL—If it be wrong for any person to limit the facilities for transportation, to restrain and injure trade and commerce, &c., is it not equally wrong on the part of a combine no matter of what character? Would it be right for one combine, composed of a particular class of men, and wrong in another class? Because the exemption proposed would give a right to a certain class of the community to do what another class of the community is prevented from doing.

Hon. Mr. MILLS—My hon. friend is mistaken in that.

Hon. Sir MACKENZIE BOWELL—You go on and say that it is an indictable offence to do certain things unduly or unlawfully. Then you exempt a certain class. If we are to consider it logically at all, you make that right in one class of the community which you make a crime punishable in another class. I think the position taken by the hon. gentleman from Halifax (Mr. Power) is correct—if it is wrong it should apply to everybody. I agree with the minister that the wording of the clause is rather inartistic.

Hon. Mr. MILLS—The word "unlawfully" should come out, or the other word. My hon. friend will see that subsection 2, from my point of view, does not stand in exactly the same position as the other. It is a limitation also. If a man undertakes to deprive another of employment, that may be outside of the rule altogether. All this clause does is to protect from the operation of this Act combinations of working men or employees who are acting for their own reasonable protection. It does not go beyond that.

Hon. Sir MACKENZIE BOWELL—They would not be prevented from obstructing that which was for their protection, and if they thought it was for their protection to prevent a man doing a certain thing, they would do it. I would suggest to my hon. friend to accept the suggestion of the hon. gentleman from Halifax and drop it.

Hon. Mr. POWER—The preceding sections in this part of the Criminal Code show that this subsection is unnecessary. The committee must feel that those sections amply protect anything legitimate that is done by a trade union, and this section 520 is dealing with a different subject—dealing rather with the combines of railways, steamship companies and so on; and bringing trade unions or combinations of working men into this section is a mistake. I do not think it is called for.

Hon. Mr. McKAY—If this clause passes now, what will be the fate of the bill of which the hon. gentleman from Halifax has charge, which is on the order for Wednesday? This is the clause which it has reference to, and we cannot pass on it again very well.

Hon. Mr. PROWSE—This appears to prove one thing, that this bill has not received, up to the present time, that careful consideration from the department that it should have had before it was brought in here. The very fact of that word "unlawfully" being in this clause shows that there was not sufficient care taken in the preparation of the bill. We see the effect of it now. A great many changes and propositions have been submitted. It cannot be avoided on the part of those who are not members of the government, but coming from members of the government, it shows how crude the bill is. The same objection applies to the Companies Act. There was scarcely a clause of that bill but the Minister of Justice had long and involved amendments to make to it and it was almost impossible for the committee to get at the meaning of those amendments. I do not say the Minister of Justice is altogether responsible for these bills. He is a very busy member of the government, but it is a reflection on the officials under him

who have not properly prepared this bill before submitting it.

Hon. Mr. SCOTT—The hon. gentleman cannot have read the bill when he makes the statement he does. This makes no change in the law that has been on the statute-book for years.

Hon. Mr. PROWSE.—The Criminal Law has been changed every year.

Hon. Mr. SCOTT—It has been unchanged since 1892. This government had nothing to do with it at that time, and I know that this House examined it very carefully seven years ago. The only change in this section is the addition of subsection 2 in order to relieve trade unions of the impression that the preceding section was aimed at them. I do not think it is myself.

Hon. Mr. POWER—The word "unlawfully" in the first subsection is clearly unnecessary. When we pass this clause forbidding a thing, we make it unlawful. We had a good deal of discussion on the word "unduly" when the original measure was going through. It was felt in the Senate—there was a motion to strike out the word "unduly"—that it would be improper to make any reasonable attempt to limit production—to make that a penal offence, and the word "unduly" was retained there just to meet that case; but the word "unlawfully" has no use there at all, and I move to strike it out.

The amendment was agreed to

Hon. Mr. POWER—I think subsection 2 ought to be stricken out.

Hon. Mr. MILLS—I do not.

Hon. Sir MACKENZIE BOWELL—I do not think that subsection 2 ought to be there, and I move that it be stricken out.

Hon Mr. MILLS—Then the whole section should go out. The hon gentleman will see that the whole section is introduced for the purpose of this amendment and with all due deference to my hon. friend from Halifax, and my hon. friend opposite, in the opinion of very eminent counsel, this section is necessary to remove doubts. Let me say this, further, there can be no harm. If any hon. gentlemen think that the working men ought to be made liable to prosecution for combining, then that is a reason for striking it out, but if the Senate thinks they ought to have the power to combine to protect themselves through unions, that do not affect the rights of others, then the section ought to be there.

Hon. Sir MACKENZIE BOWELL—They have plenty of power now.

Hon. Mr. MASSON—You say it is unlawful and you say it does not apply to the workman. The word "unduly" is there. You say that nobody can do a thing "unduly," but yet this clause does not apply to workmen.

Hon. Sir MACKENZIE BOWELL—I do not think there is any necessity for striking out the clause. The hon. gentleman from Halifax (Mr. Power) has made the clause more sensible by striking out the word "unlawful."

Hon. Mr. MILLS—I will leave the clause in as it is amended.

Hon. Sir MACKENZIE BOWELL—And leave out subsection 2?

Hon. Mr. MILLS—No, I think the House should pay some attention to the views I expressed on the clause. If I had received no letters or communications from judges and lawyers, I would not make any proposition to amend the section at all. If my hon. friend opposite (Sir Mackenzie Bowell), or my hon. friend behind me (Mr. Power), say that workmen ought to be subject to protection, then I can understand the position, but when they say that that clause is all right without this, then I beg to differ from their views.

Hon. Sir MACKENZIE BOWELL—I have very great respect for the hon. gentleman's opinion legally, and also the opinion of the judges, but I take quite a different view from him. I do not think any class of men should be entitled to do wrong. If it is wrong in one man it is wrong in another. If it is wrong for a combination of grocers to raise the price of sugar, it would be equally wrong for workmen to combine to do the same thing. No class of men ought to be relieved of the penalties of the law when they commit a wrong. That is the ground I take. I do not dispute what the hon. gentleman says, but I regard this as class legislation. It is legislation permitting some people to do what you prevent others doing. I have ex-

pressed myself that way to workmen who were on strike, and they did not seem to mind it, but rather admired the courage of telling them. I do not believe in exemption for any person.

Hon. Mr. SCOTT—We are losing sight of the fact recognized in this age in Great Britain, the United States and Canada, that while certain combinations are against the law, yet workmen have been allowed to combine for their protection so long as they do not interfere with others. Take the strike on the Grand Trunk Railway the other day. Everybody admitted that it was a proper combination in order that they might force a higher rate of wages, so long as they did not interfere with the company engaging men. That is the only point.

Hon. Sir MACKENZIE BOWELL—I agree with the hon. gentleman there.

Hon. Mr. SCOTT—They are not allowed to threaten or intimidate any other persons who choose to work, but their own combination is strictly legal in the United States, Great Britain and Canada.

Hon. Sir MACKENZIE BOWELL—I have expressed my views and am not particular.

Hon. Mr. POWER—Do I understand that it is thought that there is no objection to a combination of workmen unduly limiting the transporting, &c., or unduly limiting the manufacture or production of such an article?

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. POWER—Because if the object is not to enable combinations of workmen to do that, why is subsection 2 put there?

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. POWER—Either that subsection does not apply, or if it does apply, it should not be there.

Hon. Mr. MILLS—I think it does apply, and should be there. Certain parties are forbidden to unduly limit, to unduly restrain or unduly prevent certain things. The insertion of clause No. 2 is a declaration that workmen, by combining for their own reasonable protection as employees, do not do the things complained of in this section. It is perfectly true a factory may be closed up by the workmen striking, and that strike may, in the ordinary sense and apart from the clause being inserted in it, unduly prevent the production of a particular article. It may have the effect of every one of these things stated in the section, but subsection 2 says that this shall not apply to the workman, that he shall have the liberty, for the purpose of protecting himself and other employees. It is not to be considered as unduly doing anything, because we declare it is not; otherwise it might be so.

Hon. Mr. POWER—I contend that the sections of the existing law, which I read a short time ago, fully meet that case.

Hon. Mr. MILLS—I do not think they do.

Hon. Mr. POWER—We are entitled to our own opinions about the matter, and what gentlemen outside have written does not necessarily bind us. The section reads:

> The purposes of a trade union are not, by reason merely that they are in restraint of trade, unlawful.

Then section 518 reads:

> No prosecution shall be maintainable against any person for conspiracy in refusing to work with or for any employee or workman, or doing any act or causing any act to be done for the purpose of trade combination, unless such offence is punishable by statute.

And 519 defines what a trade combination is. The language of this section 520 is guarded enough. It does not say that it is a penal offence to limit the facilities for transporting, but to unduly limit them. My hon. friend refers to the Grand Trunk Railway strike. There was trouble 20 years ago on the Grand Trunk Railway, and the then Minister of Justice felt it necessary to introduce stringent legislation to prevent the stickers interfering with transportation, and really I think the trade combinations have fair play now in most ways, and I do not see why we should single them out for special legislation here.

Hon. Mr. MILLS—The hon. gentleman thinks this immunity is altogether given in other sections. That is not my opinion. But if it were so, then this can certainly do no harm.

Hon. Sir MACKENZIE BOWELL—I do not know. I think the Minister of Jus-

tice himself has given the very best reason why it should not be there. If I understood him, he said that the workmen might, for their own protection, by means of a strike, stop the manufacture of an article and shut up the factory. Is that what I understood him to say?

Hon. Mr. MILLS—Yes.

Hon. Sir MACKENZIE BOWELL—Well, if that be wrong in another class of people, if it be wrong in a number of manufacturers to shut up a shop in order to enhance the price and it is punishable, would it not be equally wrong for the workmen to shut it up by a strike and thereby prevent the production of the article, and by that means raise the price?

Hon. Mr. MILLS—No, not at all.

Hon. Sir MACKENZIE BOWELL—Then it is right in the one and not in the other. It is right in the one because he does it to increase his wages, and enhances the price to the consumer just the same. And you say it is wrong for the manufacturer to do it because it raises the price to the consumer. I am glad my hon. friend called my attention to the action of Mr. Blake at the time of the Grand Trunk Railway strike. I remember the position I took at the time, much to the disgust of some of those with whom I was acting. I endorsed the action of Mr. Blake and suggested going further in the protection of life and property. There were those who took the view of what they supposed to be in the interest of the workmen. What I said then I say now. I said it looked like pandering for votes, and it seems to me this clause is for the same purpose.

Hon. Mr. MILLS—Not at all.

Hon. Sir MACKENZIE BOWELL—I do not accuse my hon. friend of that. He may be looking at it from a legal standpoint.

Hon. Mr. MILLS—Yes.

Hon. Sir MACKENZIE BOWELL—I believe ninety-nine one-hundreths of this legislation is for the purpose I have indicated. I took the same view at the time of the discussion in the Commons, and I hold the same view now.

Hon. Mr. POWER—It is a very important matter and the discussion is not personal to the present minister, because the discussion arose on the bill introduced by Sir Oliver Mowat and rejected by this House. One should read it carefully. The clause reads:

Nothing in this section shall be construed to apply to combinations of workmen or employees.

That is a wide and sweeping declaration to begin with.

For their own reasonable protection.

I put this view to the committee: suppose that a combination of workmen have gone further than any ordinary man would say was reasonable. Suppose that the Attorney General of the province of Ontario has some of these men indicted for what they have done. Suppose these men come up for trial before a jury, composed perhaps largely of members of trades unions. Then the question will be as to what is their own reasonable protection, and my own view is that it would be difficult indeed in cities to secure a conviction of any workman in a case of this kind. I think it is class legislation and, therefore, undesirable.

Hon. Sir MACKENZIE BOWELL—I move that the clause be struck out.

Hon. Mr. MILLS—I hope my hon. friend will not persist in that motion.

Hon. Sir MACKENZIE BOWELL—I will say no more about it. I do not think it is right, but I do this without prejudice. Let the clause be carried.

The clause was adopted.

On clause 687.

Hon. Sir MACKENZIE BOWELL—It has been suggested to me by a lawyer who has had a great deal of practice, that certain words should be inserted after the word "witness" in the ninth line. The clause reads:

Taken in the presence of the person accused or that he or his counsel or solicitor had a full opportunity of cross-examining the witness.

And the suggestion is to add the following:—

And that the party proposing to use such depositions, whether the Crown or private person, is not responsible for the absence of such witness through carelessness or otherwise.

I think he refers to the case where a person knowingly has got a witness out of the way. We know, from what has transpired

during the last few months in certain election trials, that witnesses have been got out of the way and the trials have been dropped, when it was known that violations of the law had taken place, and this makes the provision that where it has not been done through connivance or carelessness the deposition may be used. I merely make this suggestion to the minister. I will give him my copy of the bill with the suggestion in it, and he can consider it. It might be added at the third reading if thought necessary.

Hon. Mr. POWER—The only expression to which that amendment could apply is "or is absent from Canada," and the idea is to amend the clause so that it should not be done by collusion.

Hon. Sir MACKENZIE BOWELL—That is the intention of the proposed amendment.

Hon. Mr. POWER—There is another point to which I respectfully direct the attention of the minister. It is hardly enough to prove that the deposition was taken in the presence of the person accused, and that he or his counsel or solicitor had a full opportunity of cross-examining the witness. If the counsel or solicitor had a full opportunity I think it is perfectly proper that the deposition should be used, but the accused may be an ignorant or nervous man or woman, and it may be read in his or her presence, and he or she may not know how to cross-examine. I am not saying that I am opposed to this amendment, but it might be worth while for the Minister of Justice to consider whether it would be fair to bind a timid or ignorant accused person just simply because he or she had not knowledge or nerve enough to cross-examine the witness.

Hon. Mr. MILLS—That is the law at the present time, that if a person is called as a witness, say at his preliminary hearing, before a justice of the peace and gives testimony, and a person dies or leaves the country, or is unable to give testimony at a later period, that the testimony so given may be used at the trial. That is a question which has given rise to a very great deal of controversy in the province of Ontario—as to whether that is conducive to the proper administration of justice. If the person is represented by counsel and has an opportunity of cross-examining the witness and the evidence is properly taken, then, of course, there can be no objection in the world to using the evidence. But, if the accused is ignorant of his rights and has no counsel, then it is extremely doubtful whether it is in the interest of the administration of justice that that testimony should be used, because it might be that upon cross-examination, or a full record of the testimony, the result might be altogether different. A very distinguished counsel in Ontario, Mr. Johnston, recently wrote an article or two in one of the law journals of Toronto on this subject, pointing out that sometimes the magistrate does not take more than the merest summary of the evidence, that sometimes the summary is not accurately taken. He has no skill in condensing evidence and preserving its general outline, and the garbled statement which he has recorded upon the preliminary examination or trial of the party is used, although in the first place the evidence is inaccurately taken, and in the next place there has been no cross-examination. That, of course, is open to a great deal of discussion as to whether such testimony ought to be admitted at all or not. If the evidence has been fully taken and there has been a cross-examination of the witness by counsel, then I do not see that there would be any proper ground for its exclusion, and sometimes, on the whole, many eminent men, men with large experience at the Bar, take the opposite view from that taken by Mr. Johnston. For instance, a gentleman who was here the other day, who has been very frequently engaged in the consideration of the conduct of criminal cases on behalf of the Crown, is of the opinion that evidence taken before a magistrate, where the party cannot be produced, ought to be admitted. My own personal view has been in favour of the exclusion of evidence taken before a magistrate where there has been no cross-examination of the party.

Hon. Sir MACKENZIE BOWELL—I think, after reading this memorandum given me by a lawyer, and then listening to the remarks of the hon. senior member for Halifax, (Mr. Power) that I understand what the meaning of this suggested amendment is. It only applies to persons who are

absent. It is simply to provide that you are able to use that deposition, provided the parties interested are not parties to the absence of the person. I did not see its full force at the time. It seems to me to be a very good suggestion. It does not come from me, but from a barrister who has had a great deal of experience. If a party is responsible for the absence, or if he connives at the absence of a witness, then he should not be permitted to use the deposition, because the party who made the deposition is not subject to cross-examination in the witness stand.

Hon. Mr. MILLS—I have no objection to let this clause stand for further consideration. The clause reads :

And if it is proved that such deposition was taken in the presence of the person accused, and that his counsel or solicitor had an opportunity of cross-examining, &c.

If we leave out the words "or solicitor," I think that would meet the entire case.

The clause was allowed to stand.

On clause 760.

Hon. Mr. POWER—A difficulty arose in Nova Scotia in reference to the grand jury. The provincial legislature, by an Act passed in 1898, reduced the number of the grand jury to twelve ; and I know that some of the judges of the Supreme Court had considerable doubt as to whether the proceedings of the grand jury under that Act were quite constitutional. I do not know whether, during the late session of the legislature, the Act was amended or not, but I suppose the Minister of Justice must have had some correspondence with the Attorney General or judges of Nova Scotia in reference to it.

Hon. Mr. MILLS—Yes, there was correspondence, but I cannot recall what the correspondence was. The point was whether the creation or regulation of the grand jury forms a part of the constitution of the court, in which event it was under the local legislature, or part of the criminal procedure, in which event, it would be under the jurisdiction of the Dominion.

Hon. Mr. POWER—They were not as guarded in Nova Scotia as they were in Ontario.

The clause was adopted.

On clause 790.

Hon. Sir MACKENZIE BOWELL—I desire to call the attention of the minister to this clause. The addition to the clause is : He shall be remanded to jail to await the trial in the usual course." If that be adopted, it will place in jeopardy a number of respectable people who may dispute a claim, who may be charged with having done a wrong and at the same time not have done it. I will draw attention to a practical case which will illustrate what I mean. The same barrister, who has gone through this section, writes me as follows :—

Only a few days ago I defended —

This is one of the most respectable men in Belleville and it is not necessary to give the name ——

—on a charge of obtaining several hogs under false pretenses.

That is the case provided for I think in this clause ——

The complainant swore he had hogs offered to this gentleman, who asked if they were of special weight. He said "Yes," that is of a special size and special weight. Then they agreed on a price and the gentleman to whom they were sold sent them to be weighed by the public weigher, the clerk of the market, who gave a ticket which when brought to the purchaser he refused to pay for them, not being of the class guaranteed, and offered the man an order to get the hogs back again.

He purchased a number of them purporting to be of a certain quality or weight. When they were weighed it was found that they did not come within the bargain, and the man refused to take them. He said to the man from whom he purchased "You can have your hogs back again as they are not in accordance with your agreement." The vendor goes to the police magistrate immediately afterwards and swears out a warrant against this man for obtaining his property under false pretenses. A barrister, defended him, and the magistrate issued the warrant, and it was shown that the hogs were not in accordance with the agreement and consequently the man was acquitted and released. Under this clause, if he could not have stood the trial immediately, a warrant having been issued for obtaining these hogs under false pretenses, he would have had to go to jail and await his trial.

Hon. Mr. SCOTT—He could give bail.

Hon. Sir MACKENZIE BOWELL—It does not say so.

Hon. Mr. SCOTT—It is understood.

Hon. Mr. MILLS—It is not necessary to set it out. He has the right to bail.

Hon. Sir MACKENZIE BOWELL—I have simply given the note as it was handed to me; but here is a practical case in which a respectable man doing business is accused of obtaining property under false pretenses, and he says "I am not guilty." If they were not ready to go on with the trial you say that he could give bail, but many an inexperienced magistrate would say "You must go to jail."

Hon. Mr. MILLS—But his lawyer would at once see that he gave bail and got out.

Hon. Sir MACKENZIE BOWELL—You should not place a clause on the statute-book in which there is possibility of sending a man to jail under such circumstances.

Hon. Mr. MILLS—He goes to jail for all crimes, and when he is bailed out he is supposed to be still in jail. Of course, every man is liable to be bailed out.

Sir MACKENZIE BOWELL—If the hon. gentleman's contention is correct, that a man can get bail, why say that he shall be sent to jail?

Hon. Mr. SCOTT—Somebody must try him. The magistrate can not try him if he is not guilty.

Hon. Mr. POWER—The object, as shown by the note, is to take from the magistrate the power of trying a case where the accused pleads not guilty. Under section 190, as it stands in the Code, where the accused pleads guilty, as under this section, he is sentenced by the magistrate. The amendment is to take away from the magistrate the power of trial. The magistrate can only remand him to jail. It applies to cases of having stolen or obtained money under false pretenses, or of receiving property stolen, where its value exceeds ten dollars. This amendment provides that a magistrate should not try a case of that gravity if the accused pleads not guilty.

Hon. Sir MACKENZIE BOWELL—But he has to go to jail.

Hon. Mr. KERR—It does not take away the right of the accused to apply for bail.

Hon. Mr. MILLS—It is rather to guide the magistrate in his duty.

The clause was adopted.

On clause 181.

Hon. Mr. MILLS—When we had this clause before us, Senator Drummond made a suggestion, and I have had before me from various sources the same suggestion, and I would submit to the committee an amendment to the amendment made to this clause. Instead of saying "Every one is guilty of an indictable offence, &c.," say "Every one above the age of sixteen years is guilty of an indictable offence, &c.," so as not to punish a lad for seducing a girl who is older than himself.

Hon. Mr. POWER—That is a very serious proposition to make. A boy of sixteen may do this thing by violence.

Hon. Mr. MILLS—That would be rape.

Hon. Mr. POWER—The section of the English Act to which the hon. member for Kennebec (Mr. Drummond) referred, did not wholly relieve a boy under sixteen from punishment. It empowered the magistrate, instead of sentencing him to imprisonment, to order him to be whipped. If the minister makes a provision of that kind, I have no objection to it, but to say that because the offender is under sixteen he shall go scot free, is going too far altogether.

Hon. Mr. MILLS—My hon. friend loses sight of the point that I have in view. Here is a girl of sixteen or nearly sixteen; the boy is fourteen years of age. A charge is brought by the girl of having been carnally known by the boy. You are treating her as absolutely innocent, and you try the boy as a criminal and send him to penitentiary for that offence. The law ought to make provision for these juveniles. The girl ought to be absolutely protected against persons over sixteen years of age, but you should not apply the same rule to a boy, whose judgment is far less mature than hers, and subject him to punishment by flogging or imprisonment, when probably he is the less offender of the two. It is right and proper to protect a girl against the importunities of one who is over sixteen years of age, but the law is more likely to be supported if you do not treat a boy as you would deal with a man having carnal intercourse

with a girl younger than himself. Then, with regard to the next subsection, which deals with girls between sixteen and eighteen, I would say that everybody who is above the age of eighteen is liable to punishment, &c. It would be carrying our protection of girls a long way if we should say that a boy of fifteen is liable to be sent to penitentiary for a number of years for the seduction of a girl older than himself. The rule should be the same in both cases. When you have two offenders, a girl and a boy, both of whom are characterized by immaturity of judgment, then the kind of offence which they have committed is one which should apply to each, and that, so far, we have not considered or dealt with. We should act on common sense and rational principles, and you cannot treat a girl between sixteen and eighteen as a person so immature in judgment as to say that you will send a boy, between fourteen and sixteen, to penitentiary for having carnally known her. If there is carnal knowledge in that instance, in a majority of cases the girl would be the offender.

Hon. Mr. MASSON—That is the recognized law in France, the girl would be considered the seducer in that case. For these two classes of cases which I have mentioned, our criminal law has not yet afforded any remedy by way of punishment, and who should be punished is a matter which I think we should further consider, but I am not proposing any to-night, I am submitting the matter for the consideration of the committee.

Hon. Mr. POWER—As a member of the committee, I have no objection to the proposed change with respect to girls between sixteen and eighteen, but I do object to the other change being made unless the minister has satisfied himself that there is somewhere in the Criminal Code something to protect a girl against a forcible attempt——

Hon. Mr. MILLS—That is rape.

Hon. Mr. POWER—It may not quite reach the extent of rape. It is quite true if the boy is fourteen and the girl sixteen that the case may be one in which the boy ought not to be punished, but take the case of a boy nearly sixteen, who may be large for his age. There should be some way of hindering a boy between fifteen and sixteen simply running loose on the community.

Hon. Mr. MILLS—The point in both cases is that you are giving to the girl absolute protection because of immaturity of judgment. That ought to be protection against somebody with mature judgment. If you say that a girl between fourteen and sixteen shall be protected against those over sixteen years of age, I think you go as far as you should, because while boys and girls who offend ought to be punished, notwithstanding immaturity of judgment, a different condition of things exists in their cases, and is worth careful thinking out. I have not thought the matter out, but I am perfectly convinced that they ought not to be included in this catagory.

Hon. Sir MACKENZIE BOWELL—There is ample protection in the law as it stands for the female, even if the boy is of the age indicated by the minister, if there is force used to accomplish the object.

Hon. Mr. POWER—The consequences to the girl are much more serious than to the boy.

Hon. Sir MACKENZIE BOWELL—That is true, but that would not apply to a child of fourteen years.

The clause was allowed to stand.

Hon. Mr. CLEMOW, from the committee reported progress and asked leave to sit again.

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, 27th June, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

WINDING UP ACT AMENDMENT BILL.

THIRD READING.

Hon. Mr. ALLAN, from the Committee on Banking and Commerce, reported Bill (O) "An Act further to amend the Winding Up Act," without amendment. He said:—This bill was referred back again to the committee for further consideration in consequence of some representations being made by parties who were affected by it. The parties were heard by the committee and

have since agreed and assented to a settlement of the matter that the bill should pass in its present shape. I read the letter from those parties who appeared here against the bill to that effect at the committee, and the bill was at once passed.

Hon. Sir MACKENZIE BOWELL—Under the circumstances, in the absence of Mr. Kirchhoffer, if the House has no objections I move the third reading now so as to enable the bill to be sent down to the House of Commons. It is a somewhat important bill and very many interests are involved in it and there is no amendment.

The motion was agreed to, and the bill was read the third time and passed.

BILLS INTRODUCED.

Bill (30) "An Act respecting the Atlas Loan Company."—(Mr. Power.)

Bill (113) "An Act to incorporate the Canada Mining and Metallurgical Company, Ltd."—(Mr. McKay.)

Bill (129) "An Act respecting the General Trust Corporation of Canada and to change its name to the Canada Trust Company."—(Mr. Power, in the absence of Mr. Loughheed.)

THE USURY BILL.

MOTION.

Hon. Mr. DANDURAND—I move that the report of the committee upon Bill (J) "An Act respecting Usury," be not adopted, but that it be referred back to the Committee on Banking and Commerce to be reconsidered. The report was to have been considered yesterday but was postponed and is now upon the orders of the day, but as there may be long discussions upon bills preceding this order, I ask to be allowed to make this motion now. The discussion which took place in the committee the other day ended by a motion to adjourn this bill, the preamble of which had been accepted by a unanimous vote in this House on the second reading. A great many members of the committee were absent, only fourteen all told being at the meeting of the committee, and since then some members of this chamber have asked that it should be reconsidered, as we may have some time at our disposal, and I would urge upon this House that more time should be given to this bill, and possibly without spending very many hours at it we may be able to make a report which will commend itself to this House. I understand we are all unanimous in our desire to move in the direction of restraining the usurious rates of money lenders, and it is possible that, with a little more consideration of the bill in committee, we may agree upon a bill which would be acceptable to this House.

Hon. Mr. ALLAN—Of course I have no manner of objection to this bill being referred back to the committee for further consideration, but what I wish to disabuse the minds of hon. members of, if they entertain any such idea, is the suggestion that the bill was not very fully considered when before the committee the other day. I think there was a universal feeling on the part of every member of the committee, that what Mr. Dandurand aimed at achieving was in every respect a most desirable thing, namely, if possible to put a stop to some of these outrageously usurous practices that have obtained in Montreal and other parts of the country, but the committee felt that any legislation upon the subject was surrounded with difficulty, and they heard the opinion of one of the ablest lawyers representing the bankers and others when the bill was before the committee. Several business men appeared there also, and I think the very strong feeling was that the bill as it stood, was very likely not to have the effect that was intended, but that it would encourage an exceedingly large crop of lawsuits, that there would be no end of litigation arising out of the bill as it then stood. At the same time, I think the feeling was that if the object of the promoter of the bill could be achieved it would be very desirable that the measure should be passed. There has been legislation in England upon the subject and many members of the committee—I believe the Hon. Mr. Dandurand among others—thought that it would be desirable to follow as closely as possible the English Act, but there was a general impression that the bill would require to be exceedingly carefully considered and drawn up if it was to accomplish the purpose desired. It was for that reason that the committee reported as they did, simply deferring the consideration of the bill in order to give time for a more matured and considered measure to be introduced. It was not from any

desire whatever on the part of the committee to prevent abuses of the kind aimed at in the bill being remedied if it could be done. I desire to impress that very strongly on the House, because it was not the intention of the committee to throw the bill out without due consideration. It was deferred for the reasons I have indicated. The further we went into the matter the more difficult we found it to frame the enactment in such a way that it would not open the door for law suits. The matter was one which the committee thought well worth being considered, and it was therefore postponed. I have no objection to the reference back to the committee, but I do not exactly see the wisdom of it.

Hon. Mr. POWER—I sympathize very much in what has been said by the hon. chairman of the committee, but I think there is this to be said in favour of the motion made by the hon. gentleman from Montreal; that although we know here that the motives of the committee were good, and that there was no disposition to sympathize with the persons against whom the bill was directed, that knowledge has not extended to the world outside, and the impression conveyed to the outer world has been, "that is just about what you would expect from the Senate." The members of the Senate committee are bankers and money lenders, and they think this measure is directed against themselves. I think it is desirable that that wrong impression should be removed from the mind of the public, and the best way to remove it is to try to get through this House some measure, that is if the com mittee have time, and apparently there will be time to give some little attention to the matter. It would be a good thing for the reputation of the Senate if we could pass a measure here and send it to the House of Commons, rather than let it be killed here; and then our skirts would be clear at any rate. With respect to the insufficient time for very much consideration, I cannot say that I quite agree with the hon. chairman of the committee. I had the pleasure of being present at the meeting of the committee, which was addressed by the legal gentleman to whom the hon. chairman has referred, and I felt that that gentleman's criticism of the measure which had been referred to the committee, was most destructive. But the hon. gentlemen who are members of the committee will remember that the gentleman who appeared on behalf of the banks made a reference to the English bill which has passed the House of Lords and has gone down to the House of Commons and has been amended there, which indicated that the people whom he represented would have no objection to the passage of a measure such as the English bill, which is limited in its scope to the very evil which the hon. gentleman from Montreal by his bill sought to get rid of. There is no doubt that the English measure has been very fully and fairly considered. A commission was appointed which sat for a portion of two years —the committee was appointed one session and considered the matter and took evidence, and was reappointed at the next session of the Imperial Parliament and took further evidence, deliberated and made a report and submitted the bill. With the understanding that the committee shall consider this English bill, which is limited to the purpose which the House wishes to attain, there might be no objection to having the bill go back. The committee can report a modification of the English bill as a substitute for the measure introduced by the hon. gentleman from Montreal.

The motion was agreed to.

ADMINISTRATION OF CRIMINAL JUSTICE IN THE TERRITORIES BILL.

FIRST, SECOND AND THIRD READINGS.

Hon. Mr. MILLS introduced Bill (S) "An Act to provide for the administration of criminal justice in the Territory east of Keewatin and north of Ontario and Quebec." He said:—This bill is open to the objection that it has grown out of a particular case. An Indian has committed murder in the country east of Keewatin. That territory is really included in the North-west Territories, although separated from the North-west Territories proper by the intervention of the district of Keewatin. It certainly is more convenient that a person committing a criminal offence in that territory lying west of Hudson Bay should be tried either in Manitoba or in Ontario rather than in the North-west Territories; and it is also more convenient that a person who may have committed an offence east of the Hudson's Bay should be tried in the province of Quebec.

To remove all doubt and difficulty in the matter, I have proposed this bill, by which provision is made that a person who commits crime in that territory lying about the Hudson Bay may be sent to the province of Ontario, to the province of Manitoba or to the province of Quebec for the purpose of trial, in whichever province may be most convenient. I also provide that this section shall apply to past offences as well as to future offences. A murder has been committed by an Indian in this territory, and it is better that he should be tried in Ontario than be sent to the North-west Territories for trial.

Hon. Mr. McMILLAN—Is he a prisoner now?

Hon. Mr. MILLS—Yes.

Hon. Mr. McMILLAN—Where?

Hon. Mr. MILLS—He has been taken in custody in the territory. I am anxious that this bill should pass as soon as possible, so that he may be committed for trial either in Ontario or in Manitoba.

Hon. Mr. CLEMOW—Is he in jail now?

Hon. Mr. MILLS—He is in custody now.

The bill was read the first time.

Hon. Mr. MILLS—If the House will agree, I should like to have this bill read at the table. I am anxious to have the prisoner sent without delay for commitment to Ontario, in order that he may be tried.

Hon. Sir MACKENZIE BOWELL—What portion of the Territories is it the hon. gentleman refers to? Would it be north-west of the provinces of Quebec and Ontario?

Hon. Mr. MILLS—There are two pieces of territory, and if the hon. gentleman looks at the North-west Territories Act, he will see that that Act embraces all the country heretofore known as the North-west Territories and Rupert's Land except Keewatin. Rupert's Land embraces that territory which now lies between the eastern boundary of Keewatin and the Hudson Bay, and it is within that territory the crime was committed. That is really in the North-west Territories. It was a mere oversight to include it; I wish to provide that crimes committed there may be tried in Manitoba, Ontario or Quebec, as the case may be.

The motion was agreed to, and the bill was read at length at the table.

Hon. Mr. MILLS moved that the rules be suspended, and that the bill be read the third time.

Hon. Sir MACKENZIE BOWELL—Where is the prisoner now?

Hon. Mr. MILLS—He is in the custody of some one, sent thither for the purpose, in the territory of Keewatin.

The motion was agreed to, and the bill was read the third time and passed.

CRIMINAL CODE AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resumed, in Committee of the Whole, consideration of Bill (Q) An "Act further to amend the Criminal Code, 1892."

(In the Committee.)

On clause 687.

Hon. Mr. MILLS—The only change I propose to make in this clause is to strike out the words "he or." Itsometimes happens that an ill-informed man is without counsel before a magistrate, and evidence is taken and he is incapable of cross-examining the party. He is unrepresented by counsel. The witness who appeared before him may have left the country before the trial and may not be present at the trial. The evidence is frequently not well taken, and it may be very different from what it would have been if the witness had been cross-examined. It is, nevertheless, used against him without any opportunity of bringing out those facts which might have completely altered the complexion of the evidence had he been subjected to cross-examination; so where there is no cross-examination I think it is better that the evidence should not be produced. I have known, myself, cases of injury done to parties where witnesses had given evidence without being subjected to cross-examination and then gone out of the country, and the evidence they had given before the magistrate has been used at the trial to the detriment of the accused, whereas had the witness been subjected to cross-examination the result might have been very different. If these two words are taken out, the section would be on the whole

satisfactory. My hon. friend suggested last night that there should also be a declaration that the witness had not been sent out of the country by the party relying upon the testimony which he would have given. If he has been cross-examined by counsel, it does not matter at whose instance he has been sent away. The probability would be that what was brought out by cross-examination would be what would be brought out at the trial. With the change that I propose, the provision is one which will not injuriously affect the administration of justice.

Hon. Sir MACKENZIE BOWELL—As I understand it, where a deposition has been made, and the person making it has not been examined by a solicitor, the deposition is not to be used?

Hon. Mr. MILLS—Yes.

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

On section 181.

Hon. Mr. MILLS—I propose to make this section read:

Every one above the age of 18 is guilty of an indictable offence, &c.

The other section will be amended to correspond. The intention is not to convict a boy for seducing a woman.

Hon. Mr. POWER—I do not propose to move against the amendment, but I wish to draw the attention of the committee to the fact that there is no such provision in any existing law that I am aware of, and this provision will give a sort of license to persons between 16 and 18 to indulge in promiscuous sexual intercourse.

Hon. Sir MACKENZIE BOWELL—This is to protect the boy.

Hon. Mr. MILLS—We recognize the immaturity of mind on the part of girls between 14 and 16, and we give them absolute protection, but it is absolute protection against persons of mature mind--not persons who are as defective as they are themselves. Therefore, we say that every one above the age of 16 is guilty of an indictable offence who does so. And so with regard to the other age: every one above the age of 18 is guilty of an indictable offence. We recognize the want of maturity of minds and self-control in one sense as well as in the other, but you do not give them any protection in the same way that you do the girls. The further question mentioned by my hon. friend behind me (Mr. Power) is to be considered, whether it is thought desirable that the boys and girls guilty of offences of this kind between the ages of 14 and 16 shall be considered offenders against the criminal law—whether it is necessary to extend the criminal law to them. My own impression is that society would suffer no great mischief if that were to stand over for another session. What I have been thinking of, if we legislate at all, would be something in this direction:

Every one is guilty of an indictable offence and liable to two years' imprisonment in a reformatory prison who, being a boy or girl above the age of 14 and under the age of 16 years, has carnal intercourse, and so on.

That would put them both in the immoral class in that regard. As a matter of fact they are, and it would render them liable to be sent to a reformatory for a period of time for the purpose of correction. I am not moving that amendment to-day; I think it is not a pressing evil like the other. As to the other provisions, we have had representations from all the large cities in respect of the other offences showing that girls need protection, but that protection is not against lads. It is protection against persons of mature years. And the clause as it now stands, and as the amendments have been made, I think will give adequate protection on practical and not sentimental grounds. In my opinion if we carry this clause as it has been amended, there will be a strong disposition among all the better members of this community to see the law fairly enforced.

The clause as amended was adopted.

Hon. Mr. CLEMOW, from the committee, reported the bill with amendments, which were concurred in.

DRUMMOND COUNTY RAILWAY BILL.

SECOND READING.

The order of the day being called:

Second reading Bill (133) "An Act to authorize the acquisition by the Dominion of the Drummond County Railway."—(Hon. Mr. Scott.)

Hon. Sir MACKENZIE BOWELL said:—Before the hon. minister proceeds, I should

like to inquire whether he has any further information to lay before the House in reference to the subject which was embodied in the motion which I made some time ago. I have been given to understand that the Grand Trunk officials have been preparing a mass of information somewhat in the direction of that which we have been asking for, I think it is well—not only well, but proper—that it should be laid before the Senate before we are asked to finally consider this very important question. I may say that my authority for the statement which I am now making is Mr. Wainwright himself, but whether that information has been prepared or not, of course I am not in a position to say.

Hon. Mr. SCOTT—I am not aware that there has been any information prepared other than what has been brought down. I have from time to time sent over to the department for any additional information they had prepared. I have received none beyond the figures that I referred to the other day, showing the increased earnings of the Intercolonial Railway since its extension to Montreal. Beyond that I have received no further information. I shall be glad to make the inquiry now that the hon. gentleman has referred to the subject. If they had anything prepared I am quite sure they will lay it on the table, I heard only to-day that Mr. Wainwright was in town, and if he has given the department any additional information, I shall be only too glad to have it laid on the table.

Hon. Sir MACKENZIE BOWELL—That will be as much as we would expect the hon. gentleman to do. But I am merely repeating what the gentleman told me himself—that he had had a number of clerks busy preparing, not all the information which we have been asking for, but information which is in that direction, to show not what the earnings or what the expenses of the government have been, but, as I understood him, the freight and business that they had given the road. Whether that is business that would not otherwise have been given to it or not, I cannot say. However, I have no objections to proceeding.

Hon. Mr. SCOTT—All I can say is that I shall be glad to communicate with the Department of Railways immediately, so that if they have any information in addition to what has been furnished, it will be brought down to-morrow. The bill will be some time before the House, I suppose.

Hon. Mr. McCALLUM—It will be brought down before the bill goes a stage further?

Hon. Mr. MILLS—That will relate to the Grand Trunk contract more than this.

Hon. Mr. McCALLUM—Does it not refer to the Drummond County?

Hon. Mr. SCOTT—Incidentally it does.

Hon. Mr. McCALLUM—Most particularly I should say.

Hon. Mr. SCOTT—I move the second reading of Bill (133) "An Act to authorize the acquisition by the Dominion of the Drummond County Railway." In moving the second reading of this bill, I feel that it is unnecessary to remind hon. gentlemen that the subject is one that two years ago, when before this chamber, was very thoroughly discussed, when the government proposed to acquire the Drummond County Railway, under different conditions to those that are set out in the bill now before the House. At that time, as hon. gentlemen are aware, it was proposed to pay for 99 years an annual sum of $64,000 for the Drummond County Railway proper, and $6,000 for the connections at the Chaudière.

Hon. Sir MACKENZIE BOWELL—That was not to the Drummond County Railway?

Hon. Mr. SCOTT—No, for the use of the Grand Trunk section, from Chaudière Junction to Lévis. The object the government had in view was, not to increase the public debt of this country, but to make the Intercolonial Railway responsible for the additional charge of securing an entry into the city of Montreal. It was thought and believed that the one payment would have exhausted the amount proposed to be paid for the railway without in any way taxing the consolidated revenue funds of the country. This House, however, took a different view, and the general expression of opinion was that a much better bargain might be made by purchasing the road out and out. A good deal of discussion took place on figures furnished by actuaries and accountants to show that by the parties selling the property, the proposed annuity

they would realize more than the government had contemplated paying for the road. The proposition before the House is to acquire the road by paying $1,600,000 that formed the basis of the calculations on the former occasion. I need not here, I suppose, enlarge very much upon the importance of bringing the Intercolonial Railway to the city of Montreal. It is pretty well conceded by all those who have given thought to the subject that in order to make the Intercolonial pay its way at all it is necessary to bring it to the important commercial centre of the Dominion. In the city of Montreal the canal system converges, together with the leading railways of the country, the Grand Trunk Railway, the Canadian Pacific Railway and I believe in the near future the Ottawa and Parry Sound Road, which is now, as hon. gentlemen are aware carrying very considerable amounts of grain to the eastern seaboard from Parry Sound. I will only quote the authority of the gentleman who formerly was the Minister of Railways and Canals in giving his evidence before the committee that assembled in another House with a view of inquiring into the charges which were made that the negotiations upon which this purchase was predicted were not altogether honourable. The result of that committee was, to entirely remove the impression that I have no doubt rested in the minds of many hon. gentlemen and probably exercised an influence in deciding the vote that they gave when the original proposition was thrown out of this chamber. Mr. Haggart, in giving his evidence before the Drummond County Railway inquiry in reference to the importance of reaching Montreal gives those answers:

Q. And you thought the Intercolonial Railway should get into Montreal?—A. That was my opinion.

Q. And you think still that the Intercolonial should get into Montreal?—A. Yes.

Q. In order to make it a success it should get into a business centre like Montreal?—A. Yes, that was my idea.

Q. So it comes down to a question whether the government paid too much for the extension to Montreal?—A. Yes.

Q. So far as policy is concerned you and the present government agree on this question?—A. Yes. Mind you, that is my own individual opinion, not the opinion of the late government.

Q. It never came before the late government?—A. No.

Q. That is your opinion as Minister of Railways?—A. Yes.

Q. And as a citizen of the country?—A. Yes.

So it is clear Mr. Haggart from his experience on the administration of this railway was of the opinion that to make it a success it must have its terminal point in the city of Montreal. No doubt, any one who has given any thought to the subject, or who has inquired into the past history of the Intercolonial Railway must be very much impressed with that conclusion. I venture to say that in no part of the world has there been such an unfortunate exhibit in the administration of a railway as that of the Intercolonial Railway of Canada. I hold in my hand a table, part of which is printed in a recent report of the Minister of Railways and Canals. It is found at page 22, it gives the mileage, earnings and losses. I have asked Mr. Schreiber to give me the amounts spent on capital account in those years, and in order that hon. gentlemen may fully appreciate the position of the road they should read it. The railway was finished in the year 1877. There were 714 miles of it then in operation. It commenced with a loss that year of $507,000, and an expenditure of capital account of $1,318,000. The next year the loss was $432,000, and the expenditure on capital account was $408,000. The next year, with the same mileage the loss was $716,000, and the expenditure on capital account was $226,000. Between 1878 and 1880 the extension took place from Rivière du Loup to Lévis. The purchase was made from the Grand Trunk Railway. In that year the mileage added was 114 miles, and the loss was $97,000. The amount spent on capital account was $2,048,000. I presume a part of that was the purchase of this extension. In a letter that I had from Mr. Schreiber he gave me the figures between the amount paid and the amount required to bring the railway up to the standard of the Intercolonial. It was $20,000 a mile. I presume that $2,000,000 represents the purchase of the road. In 1891, with an increase of 11 miles, there was a profit of $542, and the expenditure charged in that year to capital account $608,000. The next year it is credited with $9,000 of a profit, and about $585,000 was spent on capital account. The next year there was a profit of $10,000 and the amount spent on capital account was $1,616,000.

Hon. Sir MACKENZIE BOWELL—Can you inform the House what was purchased that required to be charged to capital account?

Hon. Mr. SCOTT—In the three years I have been quoting the mileage is the same, 840 miles.

Hon. Mr. FERGUSON—Were there not small extensions through those years?

Hon. Mr. SCOTT—Yes, in 1881 the 14 miles known as the St. Charles branch was purchased. That cost $1,700,000. The 14 miles cost more than the 133 miles now proposed to be acquired from the Drummond County Railway Company. In 1883, with a mileage of 840 miles, which included in that year the St. Charles branch the profit professes to be $10,000, but there was charged to capital account $1,616,000. In 1884 there was an increase in mileage from 840 to 887 miles. The profits were put down at $6,000, but there was charged to capital account $2,689,000.

Hon. Sir MACKENZIE BOWELL—Does that include the eastern extension to Cape Breton?

Hon. Mr. SCOTT—I do not know; but 47 miles were added in that year.

Hon. Sir MACKENZIE BOWELL—It must have been that.

Hon. Mr. SCOTT—In 1885 the mileage was 941. It had been slightly increased. The loss that year was $78,000, and the amount charged to capital account was $1,247,000. The next year there were 5 miles added, making the whole line with its branches 946 miles. The loss that year was $133,000, and there was charged to capital account $680,000. The next year, 1887, the mileage was increased by 20 miles—some branch, I suppose. The loss that year was $262,000, and the amount charged to capital account was $923,000, considerably over $1,000,000 that year of a deficit. The next year, 1887-88, there was a mileage of 971. The loss was $383,000, and there was charged to capital account $1,712,000. That was $2,000,000 of a loss that year. In 1897, with the same mileage, 971 miles, the loss was $276,000, and the charges to capital account was $2,613,000, $3,000,000 of a loss, although no mileage seems to have been added. That was the actual loss that year.

Hon. Sir MACKENZIE BOWELL—It is a great pity the hon. gentleman has not made himself acquainted with the reasons which caused the expenditure. There may have been charges to capital account which should have been charged to current expenses.

Hon. Mr. SCOTT—It is all the same. I give the hon. gentleman the whole loss.

Hon. Mr. FERGUSON—I do not know whether my hon. friend has looked into another feature. I think there were considerable payments to the government of Nova Scotia on their claim in connection with the Eastern Extension.

Hon. Mr. SCOTT—That was made many years before.

Hon. Mr. FERGUSON—No, it was in the same years that the hon. gentleman has been dealing with.

Hon. Mr. SCOTT—At the same time the Intercolonial Railway was opened the Eastern Extension was acquired from New Brunswick, at a cost of $24,000 a mile. Probably my hon. friend will recollect it. The government of the day were not satisfied with the condition of the road, and they said they would build a new line unless the New Brunswick Government accepted that sum, which was taken as the probable average of what the railway was to cost.

Hon. Sir MACKENZIE BOWELL—I do not understand that that is what is called the Eastern Extension. Is not that the road from Moncton to St. John?

Hon. Mr. POWER—There are two Eastern Extensions.

Hon. Mr. FERGUSON—It is the Eastern Extension in Nova Scotia I am speaking of.

Hon. Mr. SCOTT—There is no increase in mileage. In 1889 the loss was $276,000, and there was charged to capital account $26,613,000. That was a loss of $3,000,000 that year, with no increase of mileage. In 1890, with no increase of mileage, the loss was $547,000, and there was charged to capital account $1,969,000—two and a half millions of dollars added that year, without any increase in the mileage. The following year there was an increase in the mileage from 971 to 1,094 miles. Hon. gentlemen who are familiar with the lower provinces will know what caused that increase. The loss was $684,000, and the amount paid on

capital account was $950,000. In 1892, with the mileage increased practically to what it is to-day, 1,142 miles, the loss was $493,000, and there was expended on capital account $316,000. In 1893, with 1,142 miles in operation, it showed a profit of $20,000, but there was charged on capital account $296,000, and in 1894, with the same mileage practically, there was a profit of $5,000, but there was charged to capital account $437,000. In 1895, there was a profit of $3,000, and the expenditure on capital account was $327,000. In 1896, with 1,142 miles in operation, there was a loss of $55,000, and there was charged to capital account $259,000. In 1897, the mileage had been increased from 1,142 to 1,148. The loss was $59,000, and there was charged to capital account $149,000. In 1897-98 the loss was $209,000, and charged to capital account $252,000. Taking a short review of that—taking the last fourteen years from 1885, when its connections had all been made practically, the whole amount spent on capital account was $17,000,000, the losses were $4,891,000. In that time there were 207 miles of road built. If you credit the lines built at $20,000 a mile, you deduct from a little over $4,000,000, and the excess of losses over profits, and you have a deficit of $11,000,000 in the running of the Intercolonial Railway in 14 years. In view of this fact, hon. gentlemen will at least concede this, that it was better to make the experiment of bringing the Intercolonial Railway to Montreal, if by any possibility so disastrous a showing could in a few years be averted. We believe if any hon. gentleman who gives it a thought must recognize that the advantages in reaching a commercial centre like Montreal, where so large an amount of traffic of the Dominion of Canada centres, and is distributed, must be convinced that the Intercolonial Railway must in the future obtain, after it has succeeded in making its arrangements, a very much better position than it has attained in the past. It is almost too soon, of course, to judge of the results. I brought down, a few days ago, and laid on the table of this House a memo. of the working expenses up to March of the present year, and had them compared with the running expenses of the preceding ten months, and they showed very favourably since the line has been working to the city of Montreal. In the last few days I secured from the department the working expenses for March and April, and the result is that it continues to show an improvement on the figures of the corresponding months of the previous years. Hon. gentlemen have asked, and on behalf of this House I asked the department to furnish me with a statement showing what might be fairly credited to the Drummond County Railway. I was advised that owing to the manner in which the accounts were kept, it is quite impossible, as no special traffic was credited to that line. I can quite appreciate that that might be so. The value *per se* of the Drummond County Railway would, no doubt, be very small, but as a channel to reach the city of Montreal, it was invaluable to the country, and very much more so to the earnings of the Intercolonial Railway. When hon. gentlemen questioned the correctness of the answer I gave when I said I was informed by the officials of the department that the information could not be supplied, I wrote this letter to Mr. Schreiber:

21st June.

DEAR MR. SCHREIBER,—In the discussion on the Drummond County Railway Bill the leader of the opposition in the Senate, Sir Mackenzie Bowell, has pressed for some information on the advantages, if any, that have resulted in the connection with Montreal via the Drummond County line.

In answer to an address for that information some few weeks ago I was advised that as the accounts of the Intercolonial Railway were not kept separately it was impossible to say what amount should be credited to the Montreal extension. Perhaps you would inform me by letter whether the specified information asked for can possibly be obtained, and if if not, can you and Mr. Pottinger, with the experience of the past year, give me your opinion of the advantages or disadvantages likely to arise from the increased expenditure in extending the terminus of the Intercolonial Railway from Lévis to Montreal via the Drummond County Railway and the Grand Trunk Railway.

Yours truly,

(Sgd.) R. W. SCOTT.

C. SCHREIBER, Esq.,
Chief Engineer of Govt. Railways,
Ottawa.

I received the following reply:—

OTTAWA, 21st June.

DEAR MR. SCOTT,—We may explain that as a large portion of the traffic passing over the Drummond County Railway does not originate on that road, neither is it destined to points on that line, consequently as the accounts are not kept for sections of the Intercolonial Railway, it is not possible to give correct information of the amount to be credited to the Montreal extension, nor debited to it for maintenance and operation.

We would also state it as our opinion that the road reaching Montreal has placed us in a much better position to do business than heretofore, and we think

that the result of the operations of the road for the current year is strong evidence of the advantages likely to accrue from this extension.

The earnings and working expenses for the ten months ending 30th April were as follows:—

Earnings.....	$3,063,768 34
Working expenses....	3,001,198 45
Net profit.....	$ 62,569 89

Whereas the earnings and working expenses for the twelve months of 1897-98 were:—

Earnings.....	$2,545,328 30
Working expenses....	2,580,640 20
Net loss.....	$ 35,311 90

So that the working for the ten months of the current year show improved net results over the twelve months previous of $97,881.79, but it should be borne in mind that in previous years no interest has been paid on capital, whereas in the ten months ended 30th April last, rent on the extension from Lévis to Montreal of $175,000 has been paid, and charged in the working expenses, so that if figured out on the same basis on which the Intercolonial Railway has been run in the past the result will show improved net results of $272,882, which figures speak for themselves.

We need scarcely say more.

Yours faithfully,

(Sgd.) COLLINGWOOD SCHREIBER.
(Sgd.) D. POTTINGER.

Hon. Mr. MACDONALD (B.C.)—What periods do the figures given by Mr. Schreiber cover?

Hon. Mr. SCOTT—Ten months.

Hon. Mr. ALMON—How much has been expended on capital account?

Hon. Mr. SCOTT—I have not the expenditure on capital account here. The profit on the operation of the railway for the ten months was $62,000.

Hon. Sir MACKENZIE BOWELL—Are these the actual earnings and the expenses of working? How much did you spend on capital account?

Hon. Mr. SCOTT—I cannot tell the hon. gentleman. The figures that they gave me brought down the expenditure on capital account to 1898. It would not be given for the present year.

Hon. Sir MACKENZIE BOWELL—But you gave the amount charged to capital account in all the other years.

Hon. Mr. SCOTT—I have not the figures for this year.

Hon. Sir MACKENZIE BOWELL—I want to show that the figures, for the purpose of comparison, are absolutely useless unless you do that.

Hon. Mr. SCOTT—That certainly compares well with the showing for the fourteen years that I quoted for the information of the hon. gentleman. It is quite evident that there is, at all events, an improvement in the Intercolonial Railway. Messrs. Schreiber and Pottinger are the two gentlemen who, for very many years, have had particular charge of this road and my letter was not addressed to the minister, but to Mr. Schreiber. He called in Mr. Pottinger and they both signed this letter, which I shall be glad to lay on the table for the information of the House. I think, in view of these facts, which are incontrovertible, the opinion, not only of this chamber, but of the people of Canada, would be that the experiment was worth the trial, and I think also it can be clearly demonstrated that the price proposed to be paid for the Drummond County Road, $1,600,000, makes it the cheapest road in Canada—the cheapest road that has ever been acquired by the government of this country.

Hon. Mr. CLEMOW—Hear, hear.

Hon. Mr. SCOTT—The hon. gentleman says "hear, hear." I shall be glad if he will point out any instance where the government of Canada have acquired any railway property at anything like those figures.

Hon. Mr. PROWSE—They got all the Prince Edward Island Railway for nothing.

Hon. Mr. SCOTT—I do not know about that. The public accounts will show that every year we are paying for the benefit of Prince Edward Island from $80,000 to $90,000. That is the cost of running the Prince Edward Island Railway over and above revenue. That is the loss to say nothing of the capital account or any other charge. So that hon. gentlemen will see that the figure we pay is a little less than that. There are 133 miles of this road, made up, as follows: From Chaudière to St. Leonard 70 miles and 73-100. From St. Leonard to St. Rosalie 45 miles and 21·100, making in all 115 miles and 94·100ths, practically 116 miles. Then there is the Nicolet branch, 17 miles, which brings the total mileage up to 132 94-100ths, practically 123 miles. It is a matter of calculation which hon. gentlemen could test the correctness of, but it is in the neighbourhood

of $12,000 a mile. I say—and I say it without fear of successful contradiction—that no railway in Canada has been purchased or built by the government of Canada at any such figure. The average cost, charging the Intercolonial Railway with amounts paid on capital account, would be $48,000 to $50,000 a mile. Portions of it cost a very much larger amount; the 14 miles known as the St. Charles branch cost $1,700,000, which is more than the whole 133 miles of the Drummond County has cost.

Hon. Mr. McKAY—And the country which St. Charles branch passes through was worth more than double the country where the other road was located.

Hon. Mr. SCOTT—I am not discussing that question. But I think that will stand as the most expensive railway, and I do not know that its construction was challenged by anybody.

Hon. Sir MACKENZIE BOWELL—I understood the hon. gentleman to say that in the cost of the Intercolonial Railway, he added that which was charged to capital account.

Hon. Mr. SCOTT—I presume so; capital account, but not running expenses.

Hon. Sir MACKENZIE BOWELL—That is, the cost of the original construction of the road and that which has been charged to capital account since, and that it has cost so much money.

Hon. Mr. SCOTT—I presume that is it. I have not gone into that calculation. It may not be correct. I cannot vouch for that at all. But I have a letter from Mr. Schreiber stating what the St. Charles branch costs. The letter reads:—

Answering your letter of this date on the subject of the St. Charles branch, I beg to inform you that the amount of damages on the said branch, a mileage of 14 miles, was estimated at $320,000; the sum actually paid was $935,777. The cost of construction was $882,000. Total, $1,758,541.

Hon. Sir MACKENZIE BOWELL—I did not catch the amount that it cost per mile for the Intercolonial Railway.

Hon. Mr. SCOTT—I did not state that with any accuracy.

Hon. Sir MACKENZIE BOWELL—What have you stated?

Hon. Mr. SCOTT—My own impression, from past reading of it, is that it cost about $48,000 a mile. I do not state that as a fact, because I do not know. In considering the subject of the Intercolonial Railway, one of the reasons, I have no doubt, why in the past it has proved such an unfortunate investment, as far as the financial aspect was concerned, to the people of Canada was, no doubt, the extension of the Short Line. This country paid pretty liberally for that, to make it a competitor of the Intercolonial Railway. This country is now paying annually for that portion of the road in the state of Maine, from the international boundary to Matawampka, a distance of about 150 miles, an annual subsidy of $115,500. We are paying a subsidy of $71,000 for that portion in Canada, making a total of $186,000 which we are paying annually, and which we deliberately decided to pay annually to a line which is a competitor to the Intercolonial Railway. It no doubt, in some degree, explains why the Intercolonial Railway has been so unfortunate in its financial statement. I think that I have shown pretty clearly that the Intercolonial Railway has been a very expensive road to the people of Canada in the past, from the information derived from the two gentlemen who are best calculated to give an unbiassed opinion. We have their unbiassed opinion that that state of things will be removed by the extension of the road to the city of Montreal. Certainly Mr. Pottinger and Mr. Schreiber are the two men who have been most intimately connected with the Intercolonial Railway, who are best able to give an opinion on its future prospects of reaching Montreal through the Drummond County Railway and the Grand Trunk Railway. I have here a memorandum of the mileage from Lévis to Montreal by the three lines—the Canadian Pacific Railway, the Grand Trunk Railway and the Drummond County Railway. By the Grand Trunk, which, as hon. gentlemen know, reaches Lévis by way of Richmond, the distance is 174 miles. By the Canadian Pacific Railway the distance is 172 miles, and by the Drummond County Railway the distance is 161 miles. With that advantage in the way of distance, the road ought certainly to prove a powerful competitor with the Grand Trunk Railway and the Canadian Pacific Railway. Hon. gentlemen probably are aware, from seeing the cars here, that the rolling stock has been very considerably

improved, with a view of developing the traffic from Montreal eastward, and if I am correctly advised, they were amply justified in the increased growth of traffic that resulted from placing that superior quality of rolling stock upon the road.

Hon. Sir MACKENZIE BOWELL—I do not think we ought to adopt this motion just now. I desire to make a suggestion to the hon. gentleman which I hope he will accept, that after having made the statement he has, he will consent to an adjournment of this debate, for two reasons: first, to enable him to ascertain whether the information to which I have referred can be procured and laid upon the table, to enable us to come to a somewhat better conclusion as to the course the Senate should take; and, in the second place, that the second reading of the bill providing for the leasing of the Grand Trunk Railway portion of the road, so as to complete the connection, could be discussed. It is impossible to deal with the simple question as to the purchase of the Drummond County section of the scheme, if I may so term it, because the proposition to-day is a very simple one, as to whether we shall pay $1,600,000 for that portion of the road which is necessary to reach the western terminus at Montreal. Now, until we have the fullest information in reference to the cost and the arrangement which has been made, traffic arrangements with the Grand Trunk Railway and other information, it is impossible to come to a conclusion such as any intelligent man would wish to arrive at before casting his vote. I think my hon. friend will see the force of what I state. Supposing the Senate were to approve of the purchase. I am not discussing the difference between the cost of the present proposition, or the advantages of the present proposition, over that which was laid before the Senate two years ago. That is not the point I desire to make. We will deal with that when the question comes up. Then we have to consider what we are to pay and what the arrangements with the Grand Trunk Railway are. I may say my reason for that is, that I want to hear some explanation—and I think the Senate desires some explanation—as to the real meaning of the traffic arrangements which have been entered into with the Grand Trunk. The Drummond Railway there is no difficulty about, because it becomes de facto the property of the Dominion. But there are provisions, particularly in the supplemental traffic arrangements which were laid before the House the other day, which are of a character that requires some serious consideration, and it may be a point with the Senate as to whether they would be prepared, even if the other portions of the bargain were acceptable, to accept it under the circumstances. My hon. friend knows, no doubt, what I mean. The traffic arrangements are tied up for ninety-nine years, which is almost in perpetuity. That return, which was brought down in answer to an address asked for by the Senate, shows that we are bound to do certain things in consideration of certain concessions made by the Grand Trunk for all time to come; and what is most objectionable to my mind—perhaps it can be removed by explanations by the Minister of Justice—is the fact that if we place upon the statute-book these two bills which are now before us, one for the purchase of the Drummond County Railway, and the other for the leasing of a part of the Grand Trunk Railway, there is no provision made for the abrogation of the arrangements to which we are bound for the whole of the ninety-nine years, unless both parties agree to it. That is a point that will require some little consideration when we discuss the question. Holding these views, and desiring to obtain that information to which I referred before the hon. gentleman began his address in the moving of the second reading, and for the reasons which I have advanced, I think it would be well that we should adjourn the debate now, and let the Minister of Justice, in whose name the other bill appears, move the second reading, and then we would be better able to discuss the whole question.

Hon. Mr. SCOTT—There is no desire whatever to press the discussion on the bill unduly, and I am quite prepared to meet the wishes of the hon. gentleman, or any hon. gentleman in the chamber who make the request on the fair and legitimate grounds that they hope to obtain further information and to consider the proposal as foreshadowed in the few remarks I have been able to make. Therefore, I am quiet prepared to acquiesce in the suggestion of the hon. gentleman.

Hon. Sir MACKENZIE BOWELL—I would suggest that it be placed on the paper to be taken up at any time.

Hon. Mr. POWER—It can be placed on the order paper for to-morrow and postponed if necessary.

Hon. Sir MACKENZIE BOWELL—The assistant manager of the Grand Trunk Railway told me it took eight or nine days' work on the part of his clerks to go through the figures, and it will take us some little time to examine the document.

Hon. Mr. ALMON—Does the hon. minister think he will have any more information to lay before the House? I do not think he does. This session is a long one, and it is an injury to a great many members to be kept here. I think business should be facilitated as much as possible. I do not think that we will get any more information, and that this is a mere subterfuge to get the bill postponed, but I do not know.

Hon. Mr. MILLS—As I understand the hon. gentleman, what he asks for is information, not with respect to the bill now under consideration, but with respect to a bill that is yet to be submitted. What the hon. gentleman is asking for is not further information with regard to this measure, but with regard to the measure relating to the contract with the Grand Trunk.

Hon. Sir MACKENZIE BOWELL—I desire both if I can get them.

Hon. Mr. MILLS—What is the information the hon. gentleman desires with respect to each? I wish to know, because I might make some effort to meet his view.

Hon. Sir MACKENZIE BOWELL—I have already intimated by motion what I want, which the hon. Secretary of State says cannot be obtained. I am told that other information is coming from the Grand Trunk Railway, and I want to see how far that will bear upon the information which I have. The hon. gentleman knows well that a question of this magnitude cannot be intelligently discussed with only a portion of the scheme before the House, explained. If the bill now before us contained both propositions, as the bill introduced here two years ago did, we would have it in our power to discuss both, and it is only by mutual consent that the suggestion which I have made can be carried out.

AGREEMENT WITH GRAND TRUNK RAILWAY COMPANY OF CANADA BILL.

The order of the day being called:

Second reading (Bill 138) "An Act to confirm an agreement entered into by Her Majesty with the Grand Trunk Railway Company of Canada, for the purpose of securing the extension of the Intercolonial Railway system to the city of Montreal."

Hon. Mr. MILLS moved that the order of the day be discharged and that it be an order of the day for to-morrow.

Hon. Sir MACKENZIE BOWELL—We may as well proceed with it now.

Hon. Mr. MILLS—No.

Hon. Mr. MASSON—The hon. gentleman opposite has asked for certain documents which he considers very necessary for this discussion. He wants the two bills to be discussed together. We must decide yes or no whether the two bills shall be discussed and read together. The Grand Trunk Railway Agreement Bill must be read in connection with the other.

Hon. Mr. MILLS—The principle of parliamentary law applicable to the case is perfectly clear. The government have dealt with two parties, with each of whom a contract has been made. There are two bills before the House for the purpose of carrying these two contracts into effect. My hon. friend asked for the postponement of this bill because he said there is connected with this other bill on the order paper information which is not under the control of the government, but which he says can be obtained from the Grand Trunk Railway. The hon. gentleman asked for the postponement of the bill which was under consideration until that information could be had, which he said would be useful in the discussion of both bills. Now, they stand for that purpose. I am willing to do almost anything to accommodate hon. gentlemen, but still, after all, as a member of the government, I propose to deal with the government measures in the way that is most convenient.

Hon. Sir MACKENZIE BOWELL—I gave two reasons. First, that that information should be brought down, and second, to enable the hon. gentleman to make his motion and explain the principles of the bill which was to lease the other railway. I put

it on both grounds, and the hon. gentleman surely cannot have forgotten that two or three days ago when this question was before the Senate I pointed out the difficulty of dealing with one portion of the subject without dealing with the other, and if I am not mistaken the hon. gentleman acquiesced in the proposition which I made.

Hon. Mr. MILLS—No.

Hon. Sir MACKENZIE BOWELL—I so understood the hon. gentleman, and that is the principal reason why we should deal with this at the same time. The hon. gentleman understands the difficulty I have pointed out. Unless the hon. gentleman and the Senate are prepared to allow us to discuss both bills at the same time, you may give reasons why you oppose the purchase of the Drummond County Railway on account of defects in the arrangements with the Grand Trunk Railway Company, and visa versa. Of course the bills are in the hands of the hon. gentleman himself, and he can do with this as he did with the other bills which he had under his control, drop them if he pleases. It is within his power. I am not interfering with that. I do not desire to dictate to the government what course they should pursue. I threw out the suggestion as I thought it the most reasonable one under the circumstances, and it will be remembered I also said it could only be done with the consent of the House. However, the responsibility rests with the hon. gentleman. I have already pointed out that there are, in that document to which I have referred, exceedingly objectionable clauses in reference to the binding of this country for ninety-nine years to certain traffic arrangements, and I would like to hear, before I cast my vote on the Drummond County measure, whether that provision can be explained to the satisfaction of the Senate and the country. That is my reason, and I think it is a good one.

The motion was agree to.

WINDING UP ACT AMENDMENT BILL.

THIRD READING.

Bill (31) "An Act to amend the Winding Up Act."—(Mr. Mills) was reported from Committee of the Whole without amendment, read the third time and passed.

PENITENTIARY ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (R) "An Act further to amend the Penitentiary Act."

(In the Committee.)

On clause 1.

Hon. Mr. FERGUSON—There may be difficulties in the way of crowding penitentiaries while others may not be fully occupied, but this is certainly a very sweeping change to make in the law. At present we know that Dorchester penitentiary is declared by law to be provided for the three maritime provinces, St. Vincent de Paul for the province of Quebec, Kingston for Ontario, Stony Mountain and the North-west Territories, and British Columbia penitentiary for British Columbia. While a provision might be made to permit the government to remove to any one of those penitentiaries, a prisoner who might be convicted in another province, this goes further than that. It repeals all the arrangements which have been made providing penitentiary districts, and gives to the Governor General power to make any arrangements from time to time with regard to penitentiary districts. I should think it would be enough to make a provision giving the Governor General in Council power, where a crowded state of any one penitentiary might exist, to send prisoners to another penitentiary, but leaving the penitentiary districts as they exist. The Governor in Council would have the power—to take an extreme case—to determine that the province of Prince Edward Island should be attached to Ontario, or to give a still more extreme case, to Manitoba.

Hon. Mr. MILLS—Say British Columbia.

Hon. Mr. FERGUSON—Well, say British Columbia. It would involve a great deal of expense on the provincial authorities in sending criminals to the penitentiary. The practice is that the provincial government has to defray the expense of removing the prisoners to the penitentiary. Should the Governor in Council attach the province of Prince Edward Island say to some western territory—and that is what this bill gives them power to do—it would involve a great deal of expense.

Hon. Mr. MILLS—They would be pretty sure to attach it to British Columbia.

Hon. Mr. FERGUSON—From what my hon. friends sometimes do, I would not be surprised if they did a thing as insane as that. We should retain some power in Parliament The tendency of my hon. friend is to ask Parliament, one step after another, to abnegate its functions and to hand them over to him and his colleagues. There are other clauses of this bill to which I entertain stronger objections than to this, but I should like to hear this clause a little better explained than my hon. friend has done.

Hon. Mr. SCOTT—I presume my hon. friend is aware that for very many years the Crown has been in the habit of transferring prisoners from one penitentiary to another. It is found in the interests of discipline. Take St. Vincent de Paul, where men become unruly and have surroundings that favour that condition of things. They are removed to Kingston, and Kingston prisoners are removed to St. Vincent de Paul. In my recollection, prisoners have been removed from Manitoba to British Columbia. It depends on the reports made from time to time by the gentleman who has charge of the inspection of the prisoners. That has been the case ever since the penitentiaries have been constructed. Practically what that clause proposes to do has been in operation for the last twenty-five years.

Hon. Sir MACKENZIE BOWELL—Practically.

Hon. Mr. FERGUSON—The clause has not been in operation in that sense at all. It has been in the power of the government to remove a prisoner from one penitentiary to another, but when that has been done, it has been done by the government at its own expense. If my hon. friend should attach a remote penitentiary to a district, he would entail on the province a very considerable expense. The removal of a prisoner from one penitentiary to another is a different matter. It is a provision made for the possibility of one penitentiary being overcrowded while there is room in another. My hon. friend in this bill which he submits to us, proposes to go further than that. He proposes to enable the government to break up the territorial arrangements which have been made in the Penitentiary Act, and make a new disposition altogether. He may attach, if he chooses, a part of Quebec to Ontario, or vice versa.

Hon. Mr. MILLS—Yes.

Hon. Mr. FERGUSON—That is a matter that at least requires consideration.

Hon. Mr. MILLS—It has had it.

Hon. Mr. FERGUSON—Is it not correct that the provincial governments have to bear the expense of sending the prisoners to the penitentiary, and if a very remote penitentiary is named, is it not imposing a very heavy expense on the provincial authorities?

Hon. Mr. MILLS—No, it is not imposing a heavy expense on the provincial authorities. I do not suppose I could propose anything that would satisfy the hon. gentleman. Upon what decision does this division rest? We have clause 5 in this Act relating to penitentiaries. Does it rest on the British North America Act, or any power beyond the power of this Parliament? This Parliament alone has the right to deal with it. Sometimes one penitentiary is crowded when another is not. It happens just now there is a great deal of room in the penitentiary of Manitoba and Kingston is overcrowded. We find it would cost us less for prisoners if they could be employed at agricultural pursuits, and they are supposed to be less incorrigible if they are allowed to work out on a farm. The west end of Ontario is scarcely 100 miles from the penitentiary of Manitoba. It is 700 or 800 miles away from Kingston, and the hon. gentleman says, "Oh, there is an African in the fence here, and great mischief is being done," and he wants an explanation. It is so suspicious a circumstance that the government would want to attach the western extremity of Ontario, for penitentiary purposes, to Manitoba, so as to enable them to put convicts in the Manitoba penitentiary. That is so serious an offence, that the hon. gentleman must assist us in the work of administration. He must not merely commit to Parliament the work of legislation, but he must commit to Parliament the work of administration, and the government are so dishonest and so little to be trusted that all sorts of difficulties must be thrown in their way, no matter how reason-

able the proposition is. It may be some consolation to the hon. gentleman—it may assist him in sleeping to-night more soundly than he otherwise would—if I said this amendment has been suggested by the inspector who visits the institutions, and who thought on the whole it would give the government from time to time the power to equalize the convicts in the different penitentiaries. Then the hon. gentleman knows that at the present time in the North-west Territories there are two jails that are used for penitentiary purposes, and it would be a matter of convenience instead of crowding, as the population of the North-west Territories is rapidly increasing, the convicts in the Territories into these two institutions, to give us an opportunity of sending some of them to the Manitoba penitentiary. What possible misuse the government could make of an authority of this sort I do not know, but perhaps the hon. gentleman can tell us. He has occupied some time in finding fault with this proposition, but he has not indicated his reasons for taking special exception to it. I think that the proposal will be found a proper one in the public interests, and it is because it is so, and becanse it has been recommended by those officers of the largest experience, with the best opportunity of judging, that I have submitted it to this House; and I have asked that the power be given to us in this way to equalize the convicts in the different penitentiaries and prevent undue pressure in the one while there is ample room for the confinement of the convicts in another. When the hon. gentleman suggested that we might attach the province of Prince Edward Island to the province of British Columbia——

Hon. Mr. FERGUSON—That was your suggestion.

Hon. Mr. MILLS—No, it was not mine. The hon. gentleman suggested we were in danger of I do not know—hitching a steamer to Prince Edward Island, and towing it into the Atlantic or attaching it to the North-west. That the government which enjoys the confidence of the people of the Dominion to-day, would undertake to do a very absurd thing for the purpose of dissatisfying a large portion of the population of this country, may suggest itself as a reasonable thing to the mind of my hon. friend, but it would hardly do so to any other member.

Hon. Mr. FERGUSON—My hon. friend finds a good deal of fault with me as a member of this House for asking any questions or critising the bill. I would advise the hon. gentleman not to allow his angry passions to arise in this manner. The whole discussion, as far as he is concerned, has been in the way of lecturing me across the floor of this House, because as a member of the Senate I choose to ask him some proper questions. He has spoken in a truculent tone, and used language which, I may tell him, I have never heard used by any leader of this House before. We never received from Sir Oliver Mowat, during the time he was leader of the House, anything but the most courteous attention. Sometimes we may perhaps have been a little inquisitive, in the nature of our inquiries, sometimes he may have thought that a member inquired a little too closely and too far, but he always received every suggestion and criticism in the fa rest possible spirit. I ask the House whether the lecture I have received from the leader of the Senate is the kind of treatment we have been receiving in the past from Sir Oliver Mowat, and from my hon. friend from Belleville (Sir Mackenzie Bowell), when he was leader of the House. But, notwithstanding the truculent spirit in which the hon. gentleman spoke, and the lecturing form which he assumes, as if he were lecturing a class in a collegiate institute, I have succeeded in eliciting some useful information bearing on this clause. He now tells us that the inspector of penitentiaries has recommended this amendment. He tells us that there is a geographical difficulty in the province of Ontario—that a good deal of new Ontario lies contiguous to Manitoba which might be conveniently attached to the latter province. He has given us fair reasons with a very bad grace. Why not give those reasons at first in a proper spirit to members of this House, instead of lecturing us and taking it for granted that nothing he could propose would meet my view. The hon. gentleman knows very well I have supported his views many times in this House, and have done so within the last three days, but he must take this extreme ground in order to create the impression that I am raising objections for the purpose simply of opposing his government. The hon. gentleman was so extremely unfair that he attached to me the desire to make that

unreasonable comparison about British Columbia, I spoke of Ontario. It might possibly be that the Kingston penitentiary might not at some time be fully occupied, and the Dorchester penitentiary might be found to be crowded, and in that case Prince Edward Island might be attached to Ontario. The hon gentleman interupted in his derisive way, why not say British Columbia at once? I said, well say British Columbia. Then the hon. gentleman says that I suggested that the prisoners should be sent to British Columbia. The hon. gentleman, if he wishes his bills to be fairly considered in this House, should receive criticism in the spirit in which it is offered.

Hon. Mr. MILLS—So I do.

Hon. Mr. FERGUSON—The hon. gentleman has a right to give his explanations without treating me, or any other member, in the way he has done on the present occasion.

The clause was adopted.

On clause 2.

Hon. Mr. MILLS—This is for the purpose of enabling the government to readjust the salaries of the officers of the penitentiary, and to adopt the same rule that was adopted some years ago with respect to the salaries of the police officers. If hon. gentlemen object I will let the clause stand and prepare a schedule, and I would have preferred to prepare the schedule with some fuller consideration than it is possible to give it at this moment without communication with other parties, and to have submitted it to Parliament at its next session. I make these observations because of what the leader of the opposition said some days ago, when this bill was read the second time. The hon. gentleman seemed to think that in every case we submitted the salaries of officers to Parliament for approval. Now, the provision in the Dominion Police Act, which was passed the first year of confederation, and has been the law ever since, as follows :—

They shall receive such rates of pay from time to time as may be prescribed by the Governor in Council, and an account shall be laid before Parliament within the first fourteen days after the opening of the session, &c.

That was the plan that was in my mind when I proposed this clause. I have not the Act here, because I did not suppose this would be reached to-day, but in the Act of 1887, the Penitentiary Act, there were two schedules prepared, a minimum and a maximum schedule. In the last revision, which took place in 1895, there was a single schedule prepared, and that schedule brought the rate down very much lower than the maximum schedule that was in existence before. In many cases that schedule, I find, is too low. It is impossible to retain really efficient men in many branches of the penitentiary service for the salary that has been fixed ; so I propose to reconsider that provision, and in the meantime I thought that I would adopt the same rule that had been adopted with regard to the police. I say now that if the hon. gentlemen opposite object to permitting that power to be exercised by the Governor in Council until the next session of Parliament, I am prepared to let this clause stand and go on to the consideration of the next.

Hon. Sir MACKENZIE BOWELL—Do you mean to drop it?

Hon. Mr. MILLS—No.

Hon. Mr. CLEMOW—I recollect some years ago there was a schedule of the various salaries submitted to this House. Is it intended to repeal that and form a new schedule? We had a long discussion here on the occasion to which I refer, and I thought myself that there was great inequality, particularly in the salaries paid to wardens, but the argument was that they could change the officers from one place to another, and they wanted a regular stated rate of remuneration for the officers of the penitentiaries. I thought it was a good idea to establish by law, and after a great deal of discussion it carried in this chamber, and is the law at the present time.

Hon. Mr. MILLS—Not as it is at present, but as it was. It was changed in 1895. The plan which the hon. gentleman refers to —and that is the one which I feel disposed to adopt—was in the statutes of 1887.

Hon. Mr. CLEMOW—The remuneration to the different officers was named in that.

Hon. Mr. MILLS—Yes, the maximum and the minimum.

Hon. Mr. CLEMOW—We had a long discussion, and agreed on the pay to the various officers in the different penitentiaries.

Hon. Mr. FERGUSON—That is the law now.

Hon. Mr. CLEMOW—I have no objection to their being properly paid, but I want to know what we are doing.

Hon. Mr. POWER—This is practically returning to the old law. Section 33 of the Revised Statutes says:

> The Governor in Council may, from time to time, fix the sums to be annually paid to the warden and other officers and servants of any penitentiary established under the provisions of this Act.

That is just about what we have in the clause before us. But section 33 of the Revised Statutes goes on:

> regard being had to the number of convicts confined therein and the consequent responsibility attaching to their officers respectively, and to the length of service and amount of labour devolving upon them, but such salary shall not exceed the sum specified in the schedule to this Act.

And then there was a schedule to the Act and the warden was to receive no more than $3,000 and not less than $1,000. The Minister of Justice does not object to a schedule, but he is not in a position to present a schedule at once. He will give the Governor in Council the power to fix the salaries and next session will bring down a schedule. Even if it were a Conservative government I think I would trust them for the one year.

Hon. Sir MACKENZIE BOWELL—The suggestion made by the Minister of Justice is a reasonable one and would meet the objection, I think; that is to prepare a schedule and have it embodied in the law so that Parliament would know exactly what it was doing. The Consolidated Statutes to which the hon. gentleman from Halifax has referred gives the power to the Governor in Council to regulate the salaries, but they are to be stated in the schedule.

Hon. Mr. POWER—They must not exceed the lump sum.

Hon. Sir MACKENZIE BOWELL—One of the fundamental principles which I have learned of the Liberal, Reform and Grit party, whatever you like to call it, for the last twenty or thirty years, has been that no money should be placed at the disposal of the government of the day, until it has been approved by Parliament. I am sure my hon. friend will remember very well the crusade carried on by the Hon. Edward Blake in our own province when he defeated the late John Sandfield Macdonald on the question of the distribution of moneys. Although this is a minor matter, the same principle is involved, and I think it is much better for the government that no such power should be vested in them. If the law provides a maximum and a minimum salary, or if it makes a fixed salary for the penitentiary, then we know exactly what we are doing. I quite concur in the view enunciated by the hon. gentleman the other day, that there was some of these penitentiaries where the duties are more onerous than in others, and there is no reason why the warden of a penitentiary containing 500 or 600 convicts, should not be paid more than the warden of a penitentiary containing 100 or 200, as the case may be. So far as that clause is concerned, if the hon. gentleman will let it stand and prepare a schedule, I have no doubt the House would approve of it. There is no reason for objecting to this. I have seen so much, shall I say maladministration of the affairs of my own province by the government bringing within the fold of its arms every officer in the country, and the immense influence exerted by every one of them in every appeal to the people, that it makes me suspicious of placing any such power in the hands of any government. If I were in a government I would rather be relieved of that. We know that with us the government has the influence of the bailiff and the jailor and other officers; and that every constituency swarms with officials who are at the mercy and control of the local government. I do not say that my hon. friend or that any Dominion Government would do that, but I say if you place it in the power of the minister—and he must receive the approval of his colleagues. I take it for granted, unless they are governing in this matter as they are in others by departmental heads, without other portions of the administration knowing what they are doing, it is a dangerous power to place in the hands of any man, and not only dangerous to the community at large, but it is a power that no minister, after he has had a number of years experience, would ask to have thrown upon his shoulders. I speak from experience, and certainly, if I were in the hon. gentleman's place, I would ask to be relieved of that responsibility? He knows whether the warden of the Kingston penitentiary should be paid more than

the warden of St. Vincent de Paul or Dorchester or Manitoba penitentiaries. Let him put in a schedule and those in this House holding the same views as myself would not object to his bill.

Hon. Mr. MILLS—The hon. gentleman the other day stated that there was no such thing as giving power to the minister to fix salaries. I call his attention to the fact that there has been given to the minister power to fix the salaries of the police force and there is that power to-day. That power was given by a government, not of which he was a member, but it was revived by a government of which he was a member. It was introduced by the first government after confederation, before the hon. gentleman was a minister of the Crown, but those statutes were revised while the hon. gentleman was a minister of the Crown and that system has still continued.

Hon. Sir MACKENZIE BOWELL—When was that?

Hon. Mr. MILLS—In 1887. It reads:

And such rates of pay or allowance as are from time to time prescribed by the Governor in Council.

That is a very much larger expenditure than occurs in any one penitentiary. There is a difficulty about bringing down a schedule. I can bring one down if the hon. gentleman insists upon it, but there are certain officers in the penitentiary who, in my opinion, are entitled to a larger amount of compensation than they have received, for instance, storekeepers in the penitentiary, where you have ten times the amount of goods passing through their hands that any ordinary country merchant would have. They can save a great deal, or waste a great deal, and it is a wise thing to employ a man who is thoroughly responsible. But when a man tells you, "I will not serve you for the present salary" and tenders his resignation and goes out, as some have done, it is somewhat embarrassing. What ought to be the precise salary is a matter requiring very careful consideration. At the present time we pay, in a case of that sort, $700. I have no hesitation in saying that that is altogether inadequate for the storekeeper. Under the old schedule of the Act of 1887, if the hon. gentleman will look at it he will see that the maximum salary was $900 and yet there was tremendous waste in those cases.

Hon. Sir MACKENZIE BOWELL—What are his perquisites besides that?

Hon. Mr. MILLS—There are none to-day.

Hon. Sir MACKENZIE BOWELL—Not house rent?

Hon. Mr. MILLS—No, not house rent. One party wrote me that when he paid his living expenses and house rent, his son came to his assistance to the extent of $126 to secure him for the year. We do not want that condition of things. Take the examination in the case of the commissioners. The people made a hard report against a good many of the officials, and some of those officials took perquisites, accepted gratuities, presents and that sort of thing.

Hon. Mr. CLEMOW—And some commission.

Hon. Mr. MILLS—And some commissions. There were some of those men who were not dishonest in what they did, as I think. Of course, men better informed would not have done those things, but these men did not intend to act dishonestly. They were acting under a system in which that was the practice before they came in, and you hold out to them the temptation to do these things in order that they may live. Speaking of this matter, I say that I will submit a schedule if hon. gentlemen desire it, but I feel that it would be imperfect.

Hon. Mr. McCALLUM—We would like to see it anyway.

Hon. Mr. MILLS—The House would surely have it when we meet again.

Hon. Mr. McCALLUM—We do not want to lock the stable after the horse is stolen.

Hon. Mr. MILLS—It would only be an expenditure for a year, and we must keep within the appropriation. If the hon. gentleman will look at my report he will see we have greatly reduced the penitentiary expenditure, but I do not think we ought to bring about that reduction by keeping the salaries of the officials below the proper point.

Hon. Mr. McCALLUM—Of course not. Pay everybody well, but let Parliament know what they are getting.

Hon. Mr. MILLS—I have no objection. I called the attention of the opposition to the fact that to-day we fix the salaries, and that has been a power with the government in all the police force in Canada. The hon. gentleman has not complained of that. He has not spoken of the stable being locked after the horse was stolen, and it cannot be said that they were extravagantly paid. If, however, the feeling of the House is that there ought to be a maximum figure in the schedule, I have no objection to bring the schedule down, but I say that that will be a schedule that I will not feel myself altogether satisfied with, because I will feel that after I have fixed the schedule, and after I have submitted it to Parliament, I may be obliged to turn away a man eminently fitted for the service, and in whom I have the greatest confidence, and who is thoroughly competent, because he will not be willing to serve for the maximum that I would have fixed, that I feel I could make permanent after I have had an opportunity of inquiring, better than I can do at the moment.

Hon. Mr. FERGUSON—I do not think the reason the hon. gentleman has advanced has any bearing upon this question. Because a certain course has been followed in the legislation with regard to the Mounted Police, it would not follow that similar legislation would be adopted with reference to this.

Hon. Mr. MILLS—I did not say anything about the Mounted Police.

Hon. Mr. FERGUSON—Well, the Dominion Police. The hon. gentleman spoke so indistinctly that I could not hear him. It is only a very limited employment, and there would be very clear guides in regard to the employment of men in such a capacity as that, and with regard to the officials there would be some guide as to what would be proper in the British army, and so on, and I do not think such a limited employment as that of the Mounted Police and the mode adopted with regard to the payment for that service will furnish any reason why Parliament should hand over to the government of the day the entire financial management of such an expensive service as that of the penitentiaries. I am glad my hon. friend understands the bill better than he did the other evening, for when I called his attention to the fact that it repealed the whole schedule which I find in the Act of 1895, and gave power to the Minister of Justice and the government of the day to fix all the salaries, he told me that the provision in the Act of 1895 was an innovation in the law when it was introduced.

Hon. Mr. MILLS—So it is.

Hon. Mr. FERGUSON—No, I did not understand the word innovation when he used it then in the sense in which it must be understood if he were to speak by the book, because we have had schedules in the Penitentiary Act. That as it stands in the Revised Statutes was amended in 1887. But the schedule renewed both maximum and minimum salaries. I find that in 1895 the same course is pursued with the difference, that it only fixes a maximum salary, beyond which the Governor in Council cannot go, and it does not fix any grade; therefore the Act of 1895 was not an innovation at all, except that it did away with the minimum salaries. It restricted the government to the amount they should vote as a whole. There are many reasons why the hon. gentleman should take the course he now suggests, and bring down a schedule, because I do not think the government should come to Parliament and ask them to seriously hand over to them such an extensive control of salaries and disbursement of public money. My hon. friend Mr. DeBoucherville raises a question that I was just going to reach when I had finished, and that is the second point, as to whether a schedule of that kind can emanate from this House at all. There may be some way of getting over it, but I do not think so, and I am glad my hon. friend is receding from what was a very untenable position which he took, of handing over such an extraordinary power as this would be into the hands of the government of the day.

Hon. Mr. WOOD, from the committe, reported that they had made some progress with the bill, and asked leave to sit again.

SECOND READING.

Bill (69) "An Act to incorporate the Niagara, St. Catharines and Toronto Railway Company."—(Mr. McMillan.)

DELAYED RETURNS.

INQUIRY.

Hon. Mr. FERGUSON—I wish to ask once more when the hon. Secretary of State

is going to bring down the return which he promised me again and again, and which was moved for three months ago—the correspondence between the government of Canada and any other person with reference to carrying the mails between Cape Tormentine and Sackville on the Intercolonial Railway. My hon. friend is very courteous, and I am sorry to trouble him, but he must remember that I have asked for this numerous times and I have good reasons to urge that it be brought down. I hope it will be laid on the table as soon as possible.

Hon. Mr. SCOTT—I do not find the least fault with the hon. gentleman in pressing for the returns. I have asked for it and failed to get it. I understand that it is in the Post Office Department?

Hon. Mr. FERGUSON—Yes.

Hon. Sir MACKENZIE BOWELL—I desire to ask, has the return been brought down which I moved for in reference to the expenditure on the electric light? I was under the impression that it had been brought down, but I have been unable to find it.

Hon. Mr. SCOTT—Was there a motion in this House for it?

Hon. Sir MACKENZIE BOWELL—Yes, and I sent up to the record office for it. My impression was that it came down.

Hon. Mr. CLEMOW—I think it was brought down.

Hon. Mr. MILLS—I submitted it myself.

Hon. Sir MACKENZIE BOWELL—That was my recollection, but I have been unable to find it. I think the hon. minister laid on the table to-day the correspondence in reference to the franchise?

Hon. Mr. MILLS—Yes.

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, 28th June, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

RED DEER VALLEY RAILWAY AND COAL COMPANY'S BILL.

THIRD READING.

Hon. Mr. BAKER, from the Committee on Railways, Telegraphs and Harbours, reported Bill (119) "An Act respecting the Red Deer Valley Railway and Coal Company."

Hon. Mr. BAIRD—On the ground of urgency, as the promoters of this bill are anxious to complete arrangements, I move that the 70th rule of the House be suspended in so far as it relates to this bill.

Hon. Mr. POWER—I would suggest that the hon. gentleman should first move concurrence in the amendment. I may say that the amendment has not been correctly reported to the House. It was not the amendment which was made in the committee. The amendment as reported to the House is to strike out the word "two" and insert the word "one," and the amendment in the committee, was to strike out the words "two years" and insert "one year," which is a different amendment.

Hon. Mr. BAKER—To be sure there is a difference of a single letter. If you strike out the word "two" and substitute "one," then the plural "years" should be changed to the singular. That point escaped my notice, but the report was put in my hands as the report adopted by the committee, and, as a matter of fact, the amendment is reported exactly as it passed the committee. The word "two" was struck out and the word "one" inserted in its place. I see, however, from the remarks of the hon. senior member from Halifax, that he is technically correct. I am sorry he did not take the objection at the table when the committee was in session, for it would have been instantly rectified. It would be a gross error for a bill to pass this House with a grammatical error of that magnitude.

Hon. Mr. POWER—That is all very true. I simply called attention to the fact that the report did not correctly record the action of the committee. It just happens that I moved the amendment myself in the committee, if I may be allowed to refer to what took place at the meeting. My motion was that the words "two years" be stricken out, and the words "one year" inserted instead. The amendment, as it comes up, is that "one" be substituted for "two," and that makes it "one years." That is only a technical error of course.

Hon. Mr. MACDONALD (B.C.)—My hon. friend might move that the letter "s" be stricken out.

Hon. Mr. BAKER—I shall take note of the correction of the hon. gentleman from Halifax, and in the future, in the interest of all parties concerned and for the guidance of the committee, I shall insist that every motion be put in writing.

Hon. Mr. BAIRD moved concurrence in the amendment.

The motion was agreed to, and the bill was read the third time and passed under the suspension of the rules.

DELAYED RETURNS.

Hon. Mr. SCOTT—I may say that the return which the hon. gentleman from Marshfield called my attention to yesterday was brought down on the 9th March, as I ascertained from looking over the minutes of proceedings. I refer to the return as to the postal service between Cape Tormentine and Prince Edward.

GOVERNMENT CONTRACTS WITHOUT COMPETITION.

Hon. Mr. MILLS.—Before the orders of the day are called, I should like to call the attention of the hon. member from Wolseley (Mr. Perley) to a communication which I have received from the Minister of Marine and Fisheries. There was an address carried by the Senate calling for a full and complete return of all contracts entered into by the government since 1896 by private contract and without tender, specifying the kind of goods, the prices paid and from whom purchased. The statement of the minister is that these accounts are all published in the Auditor General's Report each year, and cannot be prepared as requested. The deputy says:

> Such a return would take months to prepare and a large staff of clerks. Unless ordered, we would cut out the pages from the Auditor's Report and put them together. Perhaps Mr. Perley would be satisfied if attention is called to the fact that they are published in the Auditor General's report.

If my hon. friend insists upon it, as the order has been carried, there is nothing for it but to give instructions to carry it out, but it will take a long time and it will be very expensive.

Hon. Mr. PERLEY—Then, according to that, there has been a large amount of business done without public tender.

Hon. Mr. MILLS—There necessarily is in the Department of Marine and Fisheries, as the hon. gentleman will understand, because the supplies required are often in very small quantities.

THIRD READINGS.

Bill (4) "An Act to incorporate the Canada Plate Glass Assurance Company."—(Mr. Ogilvie.)

Bill (31) "An Act to amend the Winding Up Act."—(Mr. Mills.)

DRUMMOND COUNTY RAILWAY BILL.

SECOND READING POSTPONED.

The order of the day being called:

> Resuming the adjourned debate on the second reading Bill (133) "An Act to authorize the acquisition by the Dominion of the Drummond County Railway."—(Sir Mackenzie Bowell.)

Hon. Sir MACKENZIE BOWELL said:—I am at a loss to know why my name is put down in connection with this bill. If I am responsible for this measure, I ask permission of the House to withdraw it.

Hon. Mr. SCOTT—It is an adjourned debate.

Hon. Sir MACKENZIE BOWELL—The bill is not mine. I am prepared to resume the debate, but not as the promoter of the bill. I have no objection to assuming the responsibility if the hon. gentleman is willing to relegate it to me.

Hon. Mr. MILLS—My hon. friend will see that it is not the responsibility for the

bill that is put upon him in the notice on the orders of the day; it is merely a continuance of the discussion.

Hon. Sir MACKENZIE BOWELL—It is quite true, but I decline altogether assuming the paternity of that which I had no hand in producing. It was well understood, when I moved the adjournment, that it was for a particular purpose, as the official report of the debate will indicate. It was then suggested by the hon. member for Halifax that it should stand until to-day to enable the hon. minister, who had control of these two bills, to indicate to the House what course he intended to pursue. Just as soon as I ascertain what they intend to do, I shall indicate what I think the House ought to do.

Hon. Mr. MILLS—I would say to my hon. friend, there are two bills before the House that are, no doubt, intimately related to each other in dealing with portions of a continuous line of railway, but the two bills are entirely distinct, one making a contract for the purchase of a railway from one company, and the other contracting for a half interest for a period of years with another and different company. I can quite understand that in dealing with these two bills one might be considered an excellent arrangement, while the other might not, and that the House might not be disposed to give effect to that which they thought was an advantageous arrangement as a part of a continuous line if they thought the other was very objectionable, and so what seemed to me not an unreasonable course to take was this, that the debate should be proceeded with on this one bill—that it should be considered on its merits in connection with the contract, and that if its fate, in the estimation of hon. gentlemen, was felt to depend upon the next bill which succeeds it, there would be no reason why the third reading of the bill should be proceeded with, but that it should stand until the other bill was taken up and considered. It seems to me that it is more advantageous to consider the two measures separately, but I have no objection in the world that, in the discussion, the features of the one bill may be discussed and criticised in connection with the other, and so if a majority of the House consider the first bill, that relating to the Drummond County Railway, an objectionable measure, they would not, of course, proceed to give it a second reading. If the majority of the House think this measure unobjectionable, they would give to the bill a second reading, and the third reading could stand until the other bill was brought forward and reached the same stage. That seems to me to be the course called for by the usages of Parliament. If my hon. friend desires to discuss the two measures together, I am sure I should not object, nor do I think any supporters of the government should object to his taking that course, so there will be every freedom of discussion; but in the consideration of the two measures intrinsically, that they would be considered as they are, two separate bills. I hope that will be satisfactory to the hon. gentleman.

Hon. Sir MACKENZIE BOWELL—No, it is not satisfactory. The hon. gentleman says there are two bills dealing with separate and distinct questions, the one a purchase, the other a lease of a half interest. Now, while that is to the letter true, the purchase of the one without the leasing of the other would be placing the Senate in this anomalous position: we should be purchasing the centre of a system with no right to reach it from the east or to reach the terminal point in Montreal. They are so intimately connected with each other that while, as my hon. friend says, many hon. gentlemen might not object to the price which is being paid for the one, the purchase of it would be utterly useless unless the lease of the other was also confirmed. What I indicated yesterday, was that there were provisions and conditions in connection with the other that, to the minds of some of us at least, are highly objectionable, and it would be much better, in the interests of the government themselves and of the scheme they have at heart, that the other should be discussed first.

Hon. Mr. MILLS—If my hon. friend thought the other should come first, he should have said so. Then my hon. friend (Mr. Scott) would have moved the other first.

Hon. Sir MACKENZIE BOWELL—I said it plainly and distinctly two or three days ago as the *Debates* will show, when the first reading took place. I intimated then what I thought was the proper course to pursue—that we should hear the reasons given for the purchase of the one, and then

that bill should be postponed, and we could hear the reasons for the leasing of the other road, and we could consider whether the terms were such as to justify the House in confirming them. That is the position I took then, and I am not taking a different position now. Any reasonable man who looks at this question, either with a desire to affirm the principles contained in the two bills, or from the objectionable point, not believing in either of them, would take the same view as I do. The Drummond County Railway purchase will stand in precisely the same position for future consideration, as it would, if we passed the second reading. The objection is that if we pass the second reading, then we affirm the principle of the bill for the purchase of the Drummond County Railway, and we would be inconsistent in rejecting it afterwards even if we rejected the lease of the other line. If we reject any portion of the arrangement into which the government have entered with the Grand Trunk Railway, then there is no necessity for purchasing the Drummond County Railway. If the hon. gentleman is not prepared to take the course that I have suggested, then the Senate will have to consider what they think is best to be done.

Hon. Mr. MILLS—I would say to my hon. friend that as to the intimate relation of the two measures, I do not dispute it, but there are two measures, two separate contracts with two separate parties. The one may have merits while the other might not have merits. The one, in itself, might be a highly proper arrangment, the other might not be. I think they both are proper arrangements. But apart from that, the hon. gentleman will see my proposition was this: I can well understand that the House, if it thought either of these was very objectionable, could say although the one is advantageous it is useless without the other. Assuming for a moment that the hon. gentleman sees nothing objectionable in the Drummond County Railway arrangement, in voting for the second reading of that bill he does not vote for the absolute acquisition of the road if the other contract is objectionable. He simply votes if the other is not objectionable, then there is nothing intrinsically objectionable in the purchase of the Drummond County Railway, and that is the reason why I propose that we might proceed with the discussion of this measure relating to the purchase of the Drummond County Railway, taking the second reading, assuming that it is not to be objected to on its intrinsic merits, and let it stand until the other bill is discussed and considered, and if the Senate does not approve of the arrangement with the Grand Trunk Railway—if the majority of this House are opposed to it, nobody is committed to the purchase of the first road, because we all recognize the fact that the two form necessary links in the one continuous line. Another reason why I thought this the more rational course to pursue—one more consistent with parliamentary usage was this: I understood the hon. gentleman yesterday to say that he was not prepared to go on with the consideration of the contract with the Grand Trunk Railway for a leasing arrangement for ninety-nine years until further papers were in his possession, and it did not seem to me in the public interest, at the present moment, to delay the consideration of both measures for that purpose. Unless the hon. gentleman is prepared to go on with the consideration of the measure upon such information as we can produce, then I would be very sorry to introduce the other and have them stand over for an indefinite period of time until further information could be had. I do not understand that any further information is required in the case of the Drummond County Railway. Everything is before the House that it is possible to lay before the House, and in the case of the Grand Trunk Railway the information which the hon. leader of the opposition asked for yesterday was information in the possession of the company, and not in the possession of the government.

Hon. Sir MACKENZIE BOWELL—Might I ask the hon. gentleman whether he has not that information now? It is information the Grand Trunk Railway can give him as to the result of these traffic arrangements.

Hon. Mr. MILLS—There is before the House, as I understand it, everything we have in our possession.

Hon. Sir MACKENZIE BOWELL—It is well the hon. gentleman qualified his remarks by saying as he understands it. I have a letter from Mr. Wainwright, in which he says he has furnished the Railway Department with the information. It seems to me there is just this difference between us; the hon.

gentleman wants to have this House affirm the principle of purchasing the Drummond County Railway by passing the second reading of the bill, and he assumes that all the members of the Senate are of the opinion that that is an advantageous arrangement and that there are no objections to it. I know many members of the Senate who are opposed to the whole scheme, so that by passing the second reading before knowing the facts connected with the other transaction, we are affirming a principle which we should not affirm. I am not going to argue whether the government are paying too much or too little for the Drummond County Railway. What I am opposed to is that we should proceed to discuss it further without knowing the reasons that the government give for purchasing the road. What I say, is it would be an utter absurdity and would place the Senate in a ridiculous position to undertake to buy a portion of the whole system and that portion the centre, and then probably reject the other. That is the position in which we would be. In order that we may better understand this question and that the Senate may know precisely what we propose to do, I move:

That the further consideration of Bill (113) "An Act to authorize the acquisition by the Dominion of the Drummond County Railway" be postponed until Bill (138) "An Act to confirm an agreement entered into by Her Majesty with the Grand Trunk Railway Company of Canada for the purpose of securing the extension of the Intercolonial Railway system to the city of Montreal" shall have been considered by the Senate.

I have already given my reasons why I ask that course to be pursued. In the first place, I do not desire any member of the Senate to be placed in the position of affirming the principle of purchasing one portion of a system which would be utterly useless to the country and a waste of public money unless we confirm the lease of the other portion—that is the western entrance over the Grand Trunk Railway to the commercial centre and the reaching of Quebec via the Grand Trunk Railway from the Chaudière into Lévis. It seems to me that is a reasonable proposition, and why it should not be accepted I am at a loss to know.

Hon. Mr. MILLS—I have already pointed out that the House commits itself to no principle—to nothing except that the contract itself is intrinsically acceptable if that be the view.

Hon. Sir MACKENZIE BOWELL—We do not know until we get the other bill.

Hon. Mr. MILLS—So far as the other is concerned, they are two independent contracts. Supposing the government had made a bargain with the Drummond County Railway to take the whole thing over for $10,000, nobody would have said it was a bad arrangement——

Hon. Sir MACKENZIE BOWELL—Yes, it would be.

Hon. Mr. MILLS—The hon. gentleman should wait until I finish my sentence. I was going to add it might be a very unacceptable arrangement if the other was an unsatisfactory one, and so the House, in voting in this case, would have voted as it does in a hundred other cases—it would have voted saying we do not object to this in itself, but we will not commit ourselves finally to its acceptance until we consider the further arrangements in that continuous line. The hon. gentleman insists upon the discussion of the other measure first. If my hon. friend had said that two days ago, we would have put it first on the list and discussed it first. But my hon. friend the Secretary of State moved the second reading of the other bill yesterday. He made his statement with regard to it and the House took no exception. My hon. friend did not rise and say, "I think that you ought not to proceed with that until we have considered the other."

Hon. Sir MACKENZIE BOWELL—And I did not think so.

Hon. Mr. MILLS—But according to the statement my hon. friend now makes, he desires that my hon. friend shall make his speech on the bill and state what he has to say in its favour and I shall discuss the other bill which stands in my name, that the hon. gentleman shall sit judicially, and after due deliberation state what conclusions he has reached. That may be, in his estimation, a proper course to take. I do not think it is. Nevertheless, I know that if the hon. gentleman persists in that he may succeed in the motion which he has made. I am not going to resist that motion, and if the hon. gentleman persists in the view which he has expressed, I shall be prepared to take up the other measure to-morrow and

proceed with it if the hon. gentleman is ready.

Hon. Sir MACKENZIE BOWELL—That is all I have asked.

Hon. Mr. MILLS—Then that is understood, and it will not be necessary to put the motion to the House.

Hon. Sir MACKENZIE BOWELL—The only objection I have to the hon gentleman's remarks is that he complains that I did not take objection to the manner in which he put the notice on the paper. Just as soon as he takes me into his confidence as to what he is going to do, and desires my advice, I will be glad to give it to him, but I decline to be held responsible for the acts of the government when I know nothing of them until after they are done.

Hon. Mr. MILLS—Nobody knows what the government or the opposition propose to do in matters of this sort. They may be the subject of discussion. But when my hon. friend the Secretary of State undertook to move yesterday if the hon. leader of the opposition had stated that he objected to that bill being proceeded with, then it would not have been proceeded with, and we would have changed the order. But the proposition of the hon. gentleman is a proposition that is unfair to the government. Every one can understand that.

Hon. Mr. ALMON—I am very sorry that the leader of the government intends to allow the matter to be complicated by taking the two bills together. I think it would simplify matters very much and would facilitate business if the Drummond County Railway Bill had been considered first and the other measure taken up after. I am going to vote against both of them, but I think in fair play and common justice that the measure introduced by the leader of the House should have been allowed to take its place. It would shorten the discussion and we would reach a better result.

Hon. Mr. SCOTT—The hon. leader of the opposition yesterday called the attention of the House to further information which he thought was available, I wrote to the department at once to know whether they had any other information that the House had called for, or that had been produced in another branch of the legislature, and I was informed that they had not; I then stated that the leader of the opposition had referred to some documents that Mr. Wainwright had prepared, and I asked what they were. Before I came to the House, the secretary of the department came over to me and stated that it was a statement of engine and car mileage on the Drummond County Road. I asked him whether it bore on this discussion in any way, and he said he did not suppose it did. I said to him, "I wish you would prepare a copy and send it over, and we can then judge whether it will be of any service." If it is of any use we will lay it on the table.

The motion was agreed to.

COMBINATIONS IN RESTRAINT OF TRADE BILL.

SECOND READING POSTPONED.

The order of the day being called, second reading (Bill) 40 "An Act to amend the Criminal Code, 1892, with respect to combinations in restraint of trade."

Hon. Mr. POWER said:—This is a bill which does not require a very elaborate discussion, but still, as a matter of justice to the other House, which has passed the bill, it should be discussed at some little length, and I regret to say that, being under the impression that the debate on these two important government measures were going to occupy some time, I did not prepare myself to discuss this bill. Perhaps the hon. gentleman from Monck is ready to proceed now, but the better way would be to postpone the discussion till Tuesday next. If the hon. gentleman has no objection, I will move that the order of the day be discharged and placed on the orders for Tuesday next.

Hon. Mr. McCALLUM—I have no objection.

Hon. Sir MACKENZIE BOWELL—Is that the bill in reference to combines in restraint of trade—to strike out the word "unduly?"

Hon. Mr. POWER—Yes.

Hon. McCALLUM—It passed the Senate before and was sent over to the House of Commons and has come back to us now. The late Hon. Senator Reid had charge of the bill here, but he neglected to get it

through the House of Commons in time, and it is now before us in the same shape as before.

Hon. Sir MACKENZIE BOWELL—There is a good deal of opposition to this bill from many people who look upon it as very dangerous to every trade. It is a question that is debatable, as my hon. friend well knows, and while it may be as innocent and harmless as it looks, there are people who think it would prevent two grocers getting together to say whether they should charge five cents or five and a half cents for an article. I express no opinion as to whether that is true or not, but I know that is the impression that many people have in reference to this bill. It is a question that ought to be referred to the Committee on Banking and Commerce, where parties could be heard pro and con. Here we would have to discuss it as between ourselves. Those who are engaged in trade would be better able to inform the members on the subject. I confess that I have not studied the question, we should have before us people in the trade who could lay their views before the committe, and the committee could report to the House. I throw out this suggestion.

Hon. Mr. MILLS—When the Criminal Code was under discussion two evenings ago this very clause was considered, and the section which my hon. friend proposes to amend by striking out the word "unreasonable" in the earlier part of the section and the word "unduly" subsequently, reads in this way:

> Shall be liable to a penalty not exceeding $10,000 and not less than $1,000 who conspires, combines, agrees, or arranges with any other person, or with any railway, steamboat, steamship, or transportation company unlawfully to unduly limit, &c.

The word "unduly" which my hon. friend wishes to strike out of the clause in this bill is already striken out of the clause in the bill which has gone through the committee. The next is that they shall be liable if they unduly limit the facilities for transporting, producing and so on, to "unduly prevent, limit or lessen the manufacture," or "unduly lessen competition in the production, manufacture or purchase," and so on. It seems to me, if you strike out the word "unduly," then you would make all proceedings of this sort criminal.

Hon. Mr. POWER—The motion which I made seconded by the hon. gentleman from Monck, was that this order of the day be discharged and that the second reading of this bill be made an order of the day for Tuesday next. I do not think it is altogether correct on that motion to undertake to discuss the merits of the bill.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, 29th June, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

ONTARIO AND RAINY RIVER RAILWAY COMPANY'S BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. BAKER, from the Committee on Railways, Telegraphs and Harbours, reported Bill (121) "An Act respecting the Ontario and Rainy River Railway Company," with amendments. He said:—This bill was not only amended in committee, but it was almost completely remodelled. The conflicting interest was that of the town of Port Arthur, and the town was represented by counsel. The solicitors on both sides met and agreed upon a bill that was wholly different from the bill originally submitted to the committee, and the remodelled bill is embodied in the report now laid before the House.

Hon. Mr. POWER moved that the report be taken into consideration on Tuesday next.

The motion was agreed to.

DELAYED RETURNS.

Hon. Mr. SCOTT—Before the orders of the day are called I would like to call the attention of the hon. gentleman from Queen's (Mr. Ferguson) to a request he made for a return. I find it was brought down. It was a return in connection with the curves on the Prince Edward Island Railway. It was brought down on the 15th June.

Hon. Mr. FERGUSON—I am aware that it was brought down, and I have never spoken of it since I got it. But while we are talking about returns, there is one that I am still looking for, and that is in reference to the correspondence between the Prince Edward Island Fruit Growers Association and the Dominion Government with reference to some spraying experiments now going on there.

Hon. Mr. SCOTT—I will call Mr. Fisher's attention to the matter.

Hon. Sir MACKENZIE BOWELL—I would like to ask the Secretary of State whether that return with reference to the amount to the credit of the Manitoba School Fund is yet finished. He brought down a return in answer to a motion by the hon. gentleman from St. Boniface, and I intimated that if they would complete that return up to the present time it would answer my purpose.

Hon. Mr. SCOTT—I will call the attention of the Finance Department to the matter. I think the Finance Department and Interior Department will have to make it up.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman will remember there was a somewhat large and elaborate return showing the actual amount collected in interest, and the expenditure in various ways, and I asked the hon. gentleman if he would complete it. It would be an interesting return for those who take an interest in it.

THE FRANCHISE ACT.

Hon. Sir MACKENZIE BOWELL—I would also like to call the attention of the Minister of Justice, who laid on the table yesterday, or the day before, the return which I asked for, of the correspondence between the Dominion Government and the governments of the different provinces, in reference to the promise which they had made to ask the different provinces to so amend the electoral franchise law as to enable an appeal to be made to the judges. I find there is no return from Manitoba. The return laid on the table is a letter from the Rt. Hon. Sir Wilfrid Laurier, to the Premier of New Brunswick, and also to the Premier of Nova Scotia, and the answers to them. I know that it is said, that in Manitoba they have the right to appeal, but not to the judges, unless they are specially appointed by the government of Manitoba; which appeal may be to a judge, or it may be any one else. Judging from what I have seen, I am rather inclined to think that it is not a very acceptable mode either to the people of Manitoba or to the Dominion, as we now have to use the voters' list for Dominion purposes. The correspondence is short, and as it may be the only opportunity of getting it upon the records, I will take the liberty of reading the Premier's letter and the two answers. I shall do so because it will show that the statement I made on the 24th March, when I asked for this return, was quite correct because the Premier himself acknowledged it in his letter. But what I want to call the attention of the House to is the promise made by the government last session, when the Senate consented to recede from some of the amendments which they had made to the Franchise Act, and allow it to become law, without those amendments. The Senate yielded upon the statement and positive promise of the government in both Houses that representations would be made to the provincial governments. As I anticipated and intimated in this House on two or three occasions, no communication had taken place between these governments until after I called attention to the fact in this House. If you look at the records you will find that I asked the question of the members of the government here on the 24th of March. Right Hon. Sir Wilfrid Laurier's first letter is dated the 1st of April to Mr. Emmerson and also to Mr. Murray. I know it would be irregular for me to read this now.

Hon. Mr. POWER—Yes.

Hon. Sir MACKENZIE BOWELL—I shall not violate the rule by doing so, but I draw the attention of the House and the country to the fact that the government did not comply with their solemn and distinct promises to represent these facts to the different local governments until after I had, during the present session, reminded them of those promises. Then, six days afterwards, the Premier wrote to the two gentlemen to whom I have referred and received their answers. The answers are such as could be expected.

Hon. Mr. MILLS—I might say to my hon. friend that I think he will find, on looking

at the debate of last year, that he puts the statement with regard to the promise stronger than the statements in the report warrant. In the first place, I have this to say, I think that the province of Manitoba has very much the same arrangement with regard to the revision of the voters' list that existed under the statute of 1885. Under the law the appeal was not to the judge, but to a revising barrister, and although a county judge is appointed in most instances—not in all—a county judge is appointed not as county judge, but as revising barrister. That is precisely the condition of things in the province of Manitoba, and unless we were to make the law something different from what it had been in the Dominion, there was no change called for in the province of Manitoba. The Premier addressed his letter to the Prime Ministers of the province of New Brunswick and of the province of Nova Scotia, and it is true that these letters were written on the first April, but they have been written. The promise has been kept. The hon. gentleman, I suppose, is not surprised that the matter had been overlooked when the Prime Minister was away a great portion of the year upon the international commission.

Hon. Sir MACKENZIE BOWELL—No, I am not surprised at that, but I am surprised at the attitude of the hon. gentleman in answering my question. I am not surprised considering the Premier was occupied as he was. Without desiring to read the hon. gentleman a lecture, I think it would have been better had he admitted the correctness of my statement. He thinks I have put the promise too strong. I will read one paragraph of the Premier's letter, and the House can judge whether I put it too strongly:

> When we repealed last year the Franchise Act and adopted the franchise of the different provinces as the franchise for the elections to the House of Commons, the opposition pointed out to us that there were some provinces where there was no appeal to the judicial authorities, of the decisions rendered by the provincial officers entrusted with the preparation of the lists. It seemed only fair and reasonable that there should be an appeal in all such cases given finally to the judicial authority, and I promised then that I would communicate in that respect with the governments of the several provinces.

I do not think I put it any stronger than that.

Hon. Mr. POWER—I rise to a question of order. There is nothing before the House. I think it is to be regretted that we are getting into a very slip shod way of doing business here. If the conduct of the government is to be condemned, there is a proper way of reaching them; but this practice of getting up a discussion without any notice is becoming altogether too common, and every one must see how objectionable it is. There is a great deal of business before the House. I refrained from raising the question of order when the leader of the opposition stood up but I raise it now.

Hon. Mr. KIRCHHOFFER—I would crave leave of the House, in spite of the point that has been raised.

Hon. Mr. POWER—I insist on the question of order, because if the hon. gentleman makes his speech, some hon. gentleman on this side of this House will want to reply.

Hon. Mr. KIRCHHOFFER—I move that the House adjourn.

Hon. Mr. POWER—The hon. gentleman cannot move it himself.

Hon. Mr. FERGUSON—Then I will move the adjournment of the House.

Hon. Mr. MILLER—The hon. gentleman can, of course, move the adjournment and speak to it.

Hon. Sir MACKENZIE BOWELL—He could not move the adjournment if he had already spoken, but he is in order to move it as he has done.

Hon. Mr. KIRCHHOFFER—I should not detain the House long, I merely wish to make some comments on what has fallen from the leader of the government with reference to Manitoba. When the subject was under discussion last session, I took occasion to speak of the iniquitous means adopted to prepare the voters' list by parties appointed for the purpose. Instead of being referred to the revising officer appointed from among the judges, or the revising barrister, no opportunity was given for proper revision at all. We are told that the law of Manitoba is very much the same as in any other province where this has been stated to work well. I give an emphatic contradiction to that. So far as Manitoba is concerned, there is no appeal to a revising officer except the one appointed by the gov-

ernment, who is not obliged to be a barrister or professional man, much less a judge. They have appointed all classes of people, their own creatures as registration clerks taking them from one place where they acted as registration clerks and making them revising officers for others. I called attention to one fact in my address last year, that Mr. Henderson, the district registrar in Brandon, who had been appointed a revising officer, made out a fair list. It was not partisan enough to suit his party, and he has never been appointed since, showing that unless a man makes out a list in accordance with the desire of his own party, he is never entrusted with the duty again. I shall now read an extract from the Winnipeg *Telegram*:

Hon. R. W. Scott in evading a reply to Sir Mackenzie Bowell's inquiries in the Senate the other day respecting what action had been taken by the Dominion Government to secure amendments to the Manhood Franchise Act declared that he had looked into the Manitoba Act and found that it required the voters' lists to be posted for a month between their compilation and the date of the Court of Revision. And Mr. Scott considers this is quite sufficient to secure justice in the preparation of the voters' lists. The practical answer to Mr. Scott's contention is the fact that the lists are not so posted. This requirement is not being fulfilled at the present revision, any more than it was at the last revision.

At the time this Franchise Act was under discussion, I pointed out that in South Brandon the notice was posted only two days before the date fixed for the Court of Revision. Nobody had seen the notice—nobody knew what the voters' list was, because they had not seen it, and yet a Court of Revision was supposed to be held—the revising barrister and poll clerk met at a school-house. There was nobody there but themselves. They asked were there any appeals. Of course there were no appeals, because nobody knew about it. They then declared the court closed, and 206 Conservative names were left off the list in South Brandon. I say the thing is a scandalous shame. The article from which I have been reading continues:

At the last revision, it will be remembered, there was at least one instance where the lists were not printed and posted until three days before the date fixed for the holding of the Court of Revision. That was in the case of South Brandon. By the time the lists were printed and posted, the time within which notice of appeals to add to strike off names could be filed, had expired. Yet the revising officer would not adjourn his Court of Rivision; and, consequently the election was held upon the lists just as they left the hands of the partisan registration clerk. The scandalous nature of that list was shown by the fact that over 200 names which should have been on were left off and 75 names which ought not to have been on, were included. The vast majority of those left off were Conservatives, while the vast majority of those improperly put on were Liberals. The list has been sent outside the constituency to be printed, though the constituency is in the west of the province, they had been sent to Emmerson in the extreme south-easterly part of the province. They were just sent in order to fix Mr. Bailey, who wanted patronage, and he conveniently delayed their return so as to prevent the Conservatives having access to them in time to file appeals. For all this, the Conservatives had absolutely no recourse. In the light of possibilities such as these, what becomes of Senator Scott's contention that the Act provides for the compilation of fair lists? There is also to be taken into consideration the fact that when the lists are posted, they are frequently found to contain bogus names, which it is impossible to have struck off. At the previous revision of the Emerson list, for instance the revising officer ruled that he would not strike off names unless a subpœna had been served on the party whose name was objected to. This condition it was impossible to comply with, because the names with which the list had been stuffed were either those of bogus individuals or individuals whose whereabouts could not be ascertained in order to serve them with subpœnas. Certain of the lists which have already been posted at the present revision are found to have been similarly stuffed. It is to be hoped that if the matter is again brought up in Parliament the absurdity of the Secretary of State's lame excuse for the Laurier government's violation of its pledge to Parliament in this connection will be exposed.

Now I think, in the face of such enormaties as are being practised in that way in Manitoba, it is outrageous for any member of the government to rise in his place here and say that those lists had been fairly prepared unless he knows the fact personally. If the Secretary of State says the Manitoba lists were properly prepared, he must have an extraordinary way of thinking how lists should be prepared. I have always felt that from the Secretary of State we may expect a fair and honourable statement of what his own views and ideas are, and that he would not make a statement in violation of what actually occurred, had he known what was done.

Hon. Mr. SCOTT—Does the hon. gentleman challenge the statement I made? If he does he is entirely wrong. When we thought it would be necessary to appoint a revising officer there, I looked into the Manitoba law, and found that it was usual to appoint a revising barrister to make up the list. I understood the lists had not been made up since 1896, and a barrister was appointed. The law required that the lists should be posted one month, and that a judge should be named. An Order in Council was passed naming a judge. I corresponded both with the judge and the revising barrister, and I assumed, as I had a right

to assume, that they were honourable men, and had performed their duty in accordance with the statute. Had the hon. gentleman given me any notice of it, I would have brought the correspondence before the House, and the Manitoba statute which guided me, and he would see whether I was justified in the statement I made. No doubt frauds are committed in all the provinces. I would not like to stand sponsor for anything of that kind. I can only speak of that with which I had personally to do—that is, with the appointment of an officer in Winnipeg, and a judge in Winnipeg, and from the correspondence I had with both parties, I had a right to assume that they were going to carry out their duty. It so happened, before the judge had entered on the revision, that the government of Manitoba proposed to hold a new election, and we withdrew the authority. There was to be a dissolution of the House, and they then proposed to revise the list The government was contemplating holding an election at an early day in Winnipeg, but as the province was about to revise its provincial lists, it was not our part to continue the revision. I should like if the hon. gentleman, before making references to me, would call for the correspondence, and the different sections in the law of Manitoba which guided me in the statement I made.

Hon. Mr. FERGUSON—I must say the hon. Secretary of State, with regard to that Dominion vacancy in the city of Winnipeg, acted entirely in the spirit of the promise that had been made to the House last year, and that in nominating an officer to discharge the duty of registration clerk for the constituency of Winnipeg he appointed a judge.

Hon. Mr. SCOTT—A lawyer for the revising barrister, and the judge to revise.

Hon. Mr. FERGUSON—Therefore, my hon. friend, it must be admitted, acted entirely in the spirit of the promise that was made last year, and, as far as his influence could go, carried out the promise of the government. I have not much fault to find in that respect either, with the letters which the Premier of the Dominion has written to the Premiers of two of the provinces, Nova Scotia and New Brunswick. But he appears to have fallen under the very serious error that there was already a provision made for an appeal to a judge in Manitoba, which the hon. gentleman from Brandon has said does not exist, and, therefore, that part of the work remains to be done—to write a letter to the premier of Manitoba. That work has not been done in proper time and the lists are now about completed, so that they will remain as they are, probably, for the next federal election, without the safeguard of an appeal to a judicial authority. Both these letters are in about the same words. In these letters there is that one defect to which I have already referred, that it is only in those two provinces that there is a lack of appeal. But there is another statement in it for which the hon. gentlemen on this side of the House are to take no small amount of credit. The statement reads :

I submit to your consideration that it would be a proper step to take to amend your Franchise Act by giving an appeal to the County Court judges. You may tell me that your laws worked satisfactorily up to the present time. This I do not doubt, but as it would be desirable to have as near as possible uniformity of laws in election matters, I venture strongly to press on you that my suggestion should receive your favourable consideration.

After having wrecked uniformity by the Franchise Act of last year, he puts himself on record as strongly of the opinion that uniformity is very desirable.

Hon. Mr. MILLS—I will call my hon. friend's attention to what was stated in this House when this matter was referred to before. My hon. friend opposite said :

We have come to an amicable settlement in the interests of peace in this matter and I should like the Minister of Justice to say, in order to be on record, that he is in accord with the utterances of his chief on this point. Though we have given way upon this question, most of us have strong convictions that the right of appeal should exist, and if the Prime Minister, or the Minister of Justice, will carry out the suggestions which were made in the Commons, and which I have no doubt he will be prepared to repeat —that is to sustain in the position his chief has taken —it will be an additional reason for not insisting upon all the amendments which we made, and some of which we have now agreed to drop.

That is the conclusion of the speech made by my hon. friend. In reply I said :

I may say to my hon. friend that, of course, one has to communicate with local governments upon a matter which is wholly within their jurisdiction with some degree of moderation, and I have not seen the words of the Prime Minister to which my hon. friend has referred, but if the Prime Minister has spoken as my hon. friend has represented--and I do not question at all that he has done so—I shall be very glad indeed to second his effort.

That statement I think has been kept to the letter.

Hon. Sir MACKENZIE BOWELL—I really cannot understand for what reason that extract was read. My hon. friend has read a statement made by myself in accepting the assurances of the government, and his promise also to assist in carrying out whatever the Premier promised. I do not know that I ever said anything else. I said the Premier made the promise, and I hold his letter in my hand in which he says he did make the promise, and I will now take the liberty of reading the answers from the Premiers of the different provinces in order that the House may know what they say. It is quite clear that Mr. Emmerson's letter is not all here. Probably it referred to some other subject with which I have no concern.

Hon. Mr. MILLS—All that relates to the subject is there.

Hon. Sir MACKENZIE BOWELL—The letters read :

OTTAWA, 1st April, 1899.

MY DEAR EMMERSON,—When we repealed, last year, the Franchise Act, and adopted the franchise of the different provinces as the franchise for the elections to the House of Commons, the opposition pointed out to us that there were some provinces where there was no appeal to the judicial authorities, of the decisions rendered by the provincial officers entrusted with the preparation of the lists. It seemed only fair and reasonable that there should be an appeal in all such cases given finally to the judicial authority, and I promised then that I would communicate in that respect with the governments of the several provinces where there is no such judicial appeal. In looking over the laws of the different provinces, I notice that in every case, there is such an appeal, except in Nova Scotia and New Brunswick. In Nova Scotia there is an appeal to the sheriff; in your province, there is none at all. I submit to your consideration that it would be a proper step to take to amend your Franchise Act by giving an appeal to the County Court judges. You may tell me that your laws worked satisfactorily up to the present time. This, I do not dispute, but, as it would be desirable to have as near as possible uniformity of laws in election matters, I venture strongly to press on you that my suggestion should receive your favourable consideration.

Yours very sincerely,

WILFRID LAURIER.

The Hon. H. R. EMMERSON,
Fredericton, N.B.

FREDERICTON, N.B., 3rd April, 1899.

DEAR SIR WILFRID,—I have your note of the first instant, referring to the election law of this province, and beg to say that the matter will have my early attention. We can probably meet your views with respect to the subject.

Very sincerely yours,

H. R. EMMERSON.

To the Right Hon. Sir WILFRID LAURIER,
Ottawa.

OTTAWA, 1st April, 1899.

MY DEAR MURRAY,—When we repealed, last year, the Franchise Act, and adopted the franchises of the different provinces as the franchise for the elections to the House of Commons, the opposition pointed out to us that there were some provinces, where there was no appeal to the judicial authorities, of the decisions rendered by the provincial officers entrusted with the preparation of the lists. It seemed only fair and reasonable that there should be an appeal in all such cases given finally to the judicial authority, and I promised then that I would communicate in that respect, with the governments of the several provinces, where there is no judicial appeal. In looking over the laws of the different provinces, I notice that in every case, there is such an appeal, except in Nova Scotia and New Brunswick. In your province, there is an appeal only to the sheriff, and I would submit to your consideration that it would be a proper step to take to amend your Franchise Act by substituting the County Court judge to the sheriff for the hearing of such appeals. You may tell me that your laws worked satisfactorily up to the present time. This, I do not dispute, but, as it would be desirable to have as near as possible uniformity of law in election matters, I venture strongly to press on you that my suggestion should receive your favourable consideration.

Yours very sincerely,

WILFRID LAURIER.

The Hon. G. H. MURRAY,
Halifax, N.S.

PROVINCIAL SECRETARY'S OFFICE,
NOVA SCOTIA,
HALIFAX, 8th April, 1899.

MY DEAR SIR WILFRID,—I beg to acknowledge the receipt of your letter of the first instant.

In reply, I regret to say that before its receipt, our legislature had prorogued, and, even if the government were desirous of carrying out your wishes in respect to an appeal in all cases under the Franchise Act to a judicial authority, we could not at present do so. All I can say at present is, that during the recess we will give the views you express upon this matter consideration, and if we determine to amend our Franchise Act in the direction suggested by you, a bill will be introduced at the next session with that object in view.

Yours very truly,

G. H. MURRAY.

SIR WILFRID LAURIER,
Premier, &c., &c., Ottawa.

So that, as far as the correspondence is concerned, it is, perhaps, as favourable as we could anticipate. But I still repeat what I said in the first place, that if the Minister of Justice, when I asked him if any correspondence had taken place, had frankly stated the facts as they were, that owing to the absence of the Premier no steps had been taken, and not allowed the House, as he did in the last answer, to believe that this correspondence had taken place before I called the attention of the House to it, it would have been better for himself and also for the House, and saved him a good deal of trouble in answering questions.

Hon. Mr. MILLS—The hon. gentleman insinuates what is wholly unfounded and

what I think he has no right to insinuate in in this House—that I knew whether the correspondence had taken place or not, and that I concealed that fact from the House.

Hon. Sir MACKENZIE BOWELL—No; I did not say that.

Hon. Mr. MILLS—Yes; that is practically the statement that the hon. gentleman has made. I say that statement is wholly unfounded, and until the hon. gentleman put his question, and I made inquiry of the Prime Minister, I did not know whether the correspondence had taken place or not.

Hon. Sir MACKENZIE BOWELL—I never doubted that, but what I say is that when I asked the question a second time, and the hon. gentleman told me correspondence had taken place, it would have been much more frank in the minister to have said, "No correspondence has taken place, but it will take place," and then the House would know what they were doing. I acquit the hon. gentleman as to the first answer, but when I asked him the second time he should have made a frank statement. When I asked for the answers made by the Premiers his reply was, "You did not ask for that."

Hon. Mr. MILLS—That was perfectly true.

Hon. Sir MACKENZIE BOWELL—Every one would draw from that answer that the hon. gentleman knew that no correspondence had taken place until I had called the attention of the House to the matter, and that the correspondence not having taken place until the 6th, which was at a period that no answer could have been received, he should have said so. I did not doubt the hon. gentleman's statement.

The motion to adjourn was withdrawn.

THIRD READINGS.

Bill (Q) "An Act further to amend the Criminal Code, 1892."—(Mr. Mills.)

Bill (115) "An Act to incorporate the Sudbury and Wahnapitae Railway Company."—(Mr. Casgrain.)

Bill (84) "An Act respecting the Quebec Montmorency and Charlevoix Railway Company, and to change its name to the Quebec Railway, Light and Power Company."—(Mr. Clemow.)

SECOND READINGS.

Bill (30) "An Act respecting the Atlas Loan Company."—(Mr. Power.)

Bill (113) "An Act to incorporate the Canada Mining and Metallurgical Company, Limited."—(Mr. McKay.)

Bill (129) "An Act respecting the General Trust Corporation of Canada, and to change its name to the Canada Trust Company."—(Mr. Power.)

GRAND TRUNK AND INTERCOLONIAL EXTENSION BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (138) "An Act to confirm an agreement entered into by Her Majesty with the Grand Trunk Railway Company of Canada for the purpose of securing the extension of the Intercolonial Railway system to the city of Montreal." He said:—I rise for the purpose of moving the second reading of this bill. I regard it as a measure of great importance, not merely to the railway owned by the administration, vested in the name of Her Majesty, but also to the country generally. The object of the measure is to secure to the Intercolonial Railway a fair portion of the commerce of the country—that portion which legitimately pertains to the maritime provinces. It was one of the conditions of the union of these provinces that the Intercolonial Railway should be constructed connecting the maritime provinces with the western portion of the Dominion. The road was built, in the first instance, in fulfilment of that contract, and extended from Halifax to Rivière du Loup. It was not intended, nor was it expected, that this road should be a local road for the maritime provinces—that that should be its primary object. It was for the purpose, not merely of local trade and convenience between the provinces that were interested, but it was intended to commercially unite those provinces to the province of Quebec and the province of Ontario. It was also contemplated in the Act of union that there should be a railway extension westward, to unite Ontario and Quebec and the western territory that had not yet been acquired, but which it was the intention of the promoters of the Act of union to embrace within the federation and to extend that union ultimately to the Pacific Coast. That has been

accomplished, but the same course was not adopted to secure intercommunication between these provinces lying to the west that was adopted in the case of the Intercolonial Railway. It was the general opinion of both the great parties represented in Parliament that the railway system of the west could be best promoted and best carried out through the instrumentality of a company; and, in fact, the great corporation that was called into existence for the purpose of constructing and operating that railway, besides many others that were less important and less interprovincial, has been aided and subsidized by the Dominion from the Dominion treasury, and the business which they carry to Montreal, as the great commercial centre of the Dominion, may be very fairly shared in by the Intercolonial Railway in the interests of the entire federation. It would be acting rather an improper part to undertake to deny to the Intercolonial Railway, as a public possession, its fair share of the commerce of the country, and to endeavour to divert commerce into other channels than those through which it naturally flows. When the Intercolonial Railway was first projected, it was connected with the Grand Trunk system at Rivière du Loup, and there it was found that it received only a mere fragmentary portion of the trade from the west which passed over the Grand Trunk system to that point. At a later period, the government believed it in the public interest to acquire that section of the Grand Trunk extending from Rivière du Loup to the Chaudière curve. That was acquired, and the Intercolonial Railway was placed in a better position than that which it had before occupied, because it was at a commercial point, far less important than Montreal, but still a point from which some trade could be acquired The government have for several years held to the view that the Intercolonial Railway system ought to be extended westward to Montreal. That view was entertained and it was expressed by the Minister of Railways under the late administration. In his opinion, speaking he says for himself alone, it would be an advantage to the Intercolonial Railway to have been carried westward to the city of Montreal, in order that at that point it might have a better opportunity of securing a fair proportion of the traffic that was intended for eastern destination. That plan has been carried out under the present administration, and this bill is for the purpose of giving effect to that policy and to enable the Minister of Railways and those officers who are managing the Intercolonial Railway system under his direction to secure to the Intercolonial Railway a larger proportion of the trade of the country than it has hitherto obtained, with a view of making the road in the first instance self-sustaining, and in the second instance of lightening the public treasury from the burdens that otherwise would fall upon it. Any one who will take the trouble to look at the original cost of the Intercolonial Railway, at the sums that have since been expended for the extension of the road and the improvement of its condition, and the increase of its rolling stock, will see that, after due allowance has been made for those expenditures, there are large sums that have been charged during the period of twenty years to capital account that if the road had been made prosperous would not have appeared as a charge against it at all. Now, we are of opinion that the extension westward is advantageous. I assume that that is generally admitted by hon. gentlemen on both sides of the House, and that it is hardly necessary I should undertake to establish that the western extension is calculated to increase the traffic over the road and to make it more prosperous than it has hitherto been. The traffic that comes from the west and reaches Montreal over the two great railway systems of Canada, west of that city destined for the maritime provinces, may, when the Intercolonial Railway is fairly established in Montreal, secure the business that legitimately belongs to the maritime provinces. The hon. Secretary of State, in discussing the Drummond County Railway—which cost in its construction, according to the most satisfactory estimates that we have had, something over $2,000,000, and which has cost the original promoters, apart from the subsidies from the Dominion Government, from the government of Quebec and from the municipalities, $1,338,000, and which is 133 miles in length—pointed out that it is being secured under the contract made with the Drummond County Railway Company for $1,600,000.

Hon. Mr. DEBOUCHERVILLE—Does the hon. gentleman say that the Drummond County Railway is 133 miles long?

Hon. Mr. MILLS—Yes, with the branch, which amounts to a little more than $17,000 a mile. The testimony that was taken before a committee is that roads intrinsically inferior to the Drummond County Railway, as it is on being delivered up to the government, have cost those who have constructed those lines from $16,000 to $17,000 a mile. The evidence of Mr. Wainwright, taken two years ago before a committee of the House of Commons, was that the roads which they had constructed in the province of Quebec, cost them from $17,000 to $19,000 a mile, and which are certainly not superior in construction to the Drummond County Railway. I take it then to be well established, and I think I need say no more upon that point, that the amount to be paid for the acquisition of that road is not an excessive sum, if the Intercolonial Railway system is to be extended from Lévis to Montreal. It could not be done so cheaply to the public treasury in any other way as by the acquisition of this road as a portion of that extension. I need say nothing more on that question. My hon. friend has moved in this House the second reading of a bill to confirm the agreement which has been made between the Drummond County Railway Company and the government. That bill is before this House at the present time for its consideration. I have already stated the importance of this extension to the commercial interests of the Intercolonial Railway, I need but mention one fact, which will go to establish that, and it is that within twelve months the traffic secured by the extension of the Intercolonial Railway to Montreal has been about three-quarters of a million dollars, something more than two-thirds of which is east bound traffic, and which is certainly of great consequence to the maintenance of that road. I have, therefore, in this matter, in the first place, to consider the terms of the agreement entered into with the Grand Trunk Railway Company for the purpose of extending the connection from the western limit of the Drummond County Railway into the city of Montreal. The terms of that agreement, set out in the schedule attached to the bill, are that a half interest is acquired in the road itself from the Grand Trunk Company between Ste. Rosalie and St. Lambert station at the east end of Victoria bridge; also the use of the company's railway to Bonaventure station in Montreal, and that this half interest must necessarily be an undivided interest, subject, of course, to the confirmation of this agreement by the Parliament of Canada. It includes connections, appurtenances and terminals at Bonaventure, Point St. Charles, St. Henri and the Canadian Pacific Railway via Jacques Cartier Junction. Her Majesty acquires a half undivided share in the line of railway itself from and including Ste. Rosalie station, in the county of Bagot, to the Victoria bridge. It is also provided in this schedule that all rights, shares, titles and interests in the company's railway from the point on the west side of Chaudière bridge, at the proposed junction of the Drummond County Railway with the Grand Trunk Company's line, and including the Chaudière bridge, and similar rights over all the sidings, and to use all the stations, shall be secured to the Intercolonial Railway for a period of 99 years. It has been said that this is too long a period, but it does seem to me, if we are to acquire a proprietory interest in 33 miles of the connecting link between Lévis and Montreal, that the longer the interest that we can acquire from the Grand Trunk Railway in what remains the more advantageous it will be to the country; and so I hardly think that this House will take exception to the agreement which has been entered into between the Grand Trunk Company and the Railway Department, subject to the approval of Parliament because of the length of time for which that arrangement exists. It has been suggested that in a new country like Canada, where new settlements are being formed and new channels of trade opened, the traffic at no distant day may be so far diverted that an arrangement for a long period of time, whether over the way itself or in respect to its commerce, is not advantageous. It is impossible, I think, to maintain that position upon reflection. Every canal that is built is a permanent highway. Every railway that is constructed is a permanent highway, and if the government were the proprietor of the entire line, no one would think it would be an unwise thing to undertake to make such an arrangement, with reference to the traffic and travel that should pass over that road, as to continue for as long a period of time as possible If the Grand Trunk Company choose to enter into a contract with the government for the purpose of giving us a common right, absolutely free from interference, as capable of being controlled for our own purposes as if the road were entirely

and exclusively our property, it does not seem to me that it is possible to make such an arrangement, if it be a reasonable arrangement, for a period that can be regarded as too long. Now, let me invite the attention of the House to the provisions of the agreement. In the first place, Her Majesty is to pay the company for the use of their road and bridges to the extent that is required for the use of the Intercolonial Railway the sum of $140,000 a year. The Grand Trunk Railway Company agree to keep in good repair and in thorough working condition the tracks and bridges of this common highway. Her Majesty is to pay a share of the cost of maintenance, including the maintenance of the tracks, bridges, switches, &c., in such proportion that the combined engine and car mileage of the Intercolonial Railway trains made over each of the above mentioned joint sections bears to the combined engines and car mileage of the company.

Hon. Mr. MACDONALD (B.C.)—A bad arrangement.

Hon. Mr. MILLS—No one will question that that is an equitable arrangement—each pays to keep the road in proper condition in proportion to the extent of their user. It is further agreed that Her Majesty has the right, for all purposes of business and traffic of the Intercolonial Railway, on reasonable regulations, to the full and unlimited use and access the same as that enjoyed by the Grand Trunk Railway itself. Our traffic to-day, of course, over this joint property is much less than that of the Grand Trunk Railway Company, but we pay less for the user. So far as right to use the common way, our right is as absolute and as free from Grand Trunk Railway control as the Grand Trunk Company's right and use is from our control. Her Majesty is to have no claim against the company for damages on account of loss of accommodation, &c. In case of a collison between trains, the parties at fault shall be held responsible for damages done to the other party, and there is a plan provided in the schedule for the purpose of settling the amounts. In that regard the two parties stand upon a footing of perfect equality. In case of injury to persons or property on trains, the party at fault shall bear the full amount of the liability, precisely as in the case of collisions of vessels at sea. The superintendents, operators, agents, &c.—all the officers necessary for the working and management of the line of railway—shall be regarded as the appointed employees of both railways, and they shall render to each party proper service. They shall be subject to dismissal if they decline or refuse to serve either party. Each party is responsible for his own trains, and for the conduct of his own and the general employees as respects such trains. That, I think, is a perfectly fair arrangement, because all the officers on the Grand Trunk Railway are, so far as Intercolonial trains are concerned, the officers of the Intercolonial Railway and, as such, as subject to its authority as if they were the sole appointees of that company. The Grand Trunk Railway Company shall and will furnish standing room for the rolling stock of the Canadian Pacific Railway. The trains of Her Majesty shall be treated in every respect by the officers, agents and employees of the company, the same as the trains of a similar classs belonging to the Grand Trunk Railway Company. In every respect the Intercolonial Railway is to be on an equality with the Grand Trunk Railway in the use of the roads and sidings, and in the use of the tanks and stations, so that for all the purposes for which the railway can be used it is as exclusively the property of the Intercolonial Railway in that respect as if they were the sole proprietors. The time tables are to be arranged, in respect to the arrival and departure of trains, in accordance with the reasonable request of the Intercolonial Railway. The station masters, freight agents, ticket agents, baggage masters and other employees in the service of the Grand Trunk Railway are to be regarded as in the service of the Intercolonial Railway, and their officers as the joint employees of the Grand Trunk Railway Company and the Intercolonial Railway, and are to serve the Intercolonial Railway, so far as its business is concerned, in the same way as if they were its sole employees. The traffic secured by agents of the Intercolonial Railway, or carried in its trains, is accounted as the traffic of the Intercolonial Railway. The Intercolonial Railway is to have the right to carry on its through train traffic to and from all points on the line of railway between Ste. Rosalie and Montreal as completely as if it was the only road doing business over that

line, and rates and fares are to be the same as those charged by the Grand Trunk Railway Company. The Intercolonial Railway shall have the right to carry on its through trains, over the joint road, passengers and freight as freely as the Grand Trunk Railway Company. All moneys collected in the vehicles and trains of the Intercolonial Railway at any point between Ste. Rosalie and Montreal shall be deemed to be earned by the Intercolonial Railway. The tickets issued by the one shall be received on the trains of the other, and the party issuing them shall pay to the party who carries the passengers the full amount of money received. The Intercolonial Railway shall pay its proportion of the salaries and wages of the employees of the joint service. The engines, the vehicles and rolling stock in connection with the business of the Intercolonial Railway shall be manned exclusively by officials and employees of that railway. Her Majesty will be responsible for mileages on foreign cars carried over the joint sections by the Intercolonial Railway trains. The Grand Trunk Railway will house the engines of the Intercolonial Railway and, if required, will clean and fit them for the road, supply them with fuel and water, &c., and the company shall be paid therefor the net value. The Grand Trunk Railway Company will clean passenger trains and cars of the Intercolonial Railway, heat and supply them with water and small stores, and the Intercolonial Railway shall pay the cost. The Grand Trunk Company will make temporary repairs on engines and rolling stock of the Intercolonial Railway paying the actual cost. They will carry passengers on through tickets, and freight also. The Intercolonial Railway will supply their own stationery forms and tickets over the joint road. All rates and fares are to be divided on the basis of mileage except where the result would be inequitable. The Grand Trunk will, at its own cost, keep on sale at stations a supply of tickets for all points on the Intercolonial Railway. The Grand Trunk agrees to sell the tickets that may be asked for on points of the Intercolonial Railway. The Intercolonial Railway is to have the same privilege of displaying advertisements at all the stations on the Grand Trunk Railway as the Grand Trunk itself. The business and traffic of the Intercolonial Railway shall have all the facilities on the joint road and its appurtenances that the Grand Trunk has. The Grand Trunk shall furnish, if required, a suitable ticket office at Bonaventure station, and if the Intercolonial Railway maintains at its own expense a separate office it shall no longer be liable to the Grand Trunk for the maintenance of its ticket office. The accounts are to be adjusted every month, and all information necessary to this end shall be promptly furnished. A joint audit shall be had each month. Neither company shall be responsible to the other for the acts or defaults of the servants of the other. If the traffic shall necessitate the laying of a double track and additional siding, the Intercolonial Railway shall be entitled to the full and unlimited use of such improvements, and they shall form part of the leased premises and the proportional cost shall be borne by the Intercolonial Railway. The Grand Trunk Railway Company covenant that they have a right to lease the rights and privileges that are leased by this agreement to Her Majesty. Further agreements, if necessary, to carry out the terms of this contract shall be entered into.

Hon. Mr. WOOD—Would the hon. gentleman allow me to ask him a question just there? Referring to the 35th clause, does that apply to anything beyond the railway from Ste. Rosalie to St. Lambert? I think not.

Hon. Mr. MILLS—No. It applies to the road to which the contract and agreement refers. That is the road under the control of the Grand Trunk Company, and it specifically describes its terminals in this agreement.

Hon. Mr. WOOD—Between Ste. Rosalie and St. Lambert?

Hon. Mr. MILLS—Yes, and on to Montreal double tracking so much as may be necessary. The contracts are for ninety-nine years. Second and third terms of ninety-nine years are arranged for, subject to limitations and modifications by mutual agreement. Of course this agreement is subject to the confirmation of Parliament, and so it is being submitted to Parliament at the present time for that confirmation. Mutual traffic arrangements have been made of the dates of this agreement. Close train connections to develop the business of the Intercolonial Railway by the Grand Trunk are agreed to

at Montreal. The agreement also provides for the regulation of rates and fares. It regulates shipping to and from Europe through Halifax and St. John, and the rate is to be the same west of Montreal for passengers brought over the Intercolonial Railway, as for other passengers that are carried by the Grand Trunk Company. It is also provided that through bills of lading and forms for the receipt of goods shall be such as are agreed upon by the officials and are settled if not otherwise by arbitration. Her Majesty may deduct from the rentals agreed to be paid such sums as may become due by the Grand Trunk Railway Company, and of which the company is at any time in default. It is also provided that, for the settlement of difficulties, arbitrators may be named, one appointed by the Minister of Railways, one by the Grand Trunk, and a third by the two arbitrators so named. But if none should be named, then a judge of the Supreme Court may nominate the third upon the application of either party. In case of the death or refusal of an arbitrator to act, the other party may nominate another arbitrator, but if this is not done within a month, the Chief Justice, or puisne judge, as the case may be, may nominate a successor. The arbitrators so chosen shall decide all matters in dispute that may be properly referred to them, and the award made by a majority of the board, after arbitration so constituted, shall be final. The agreement that previously existed between the company and the Intercolonial Railway, made in 1879, is suspended during the operation of this agreement.

Hon. Sir MACKENZIE BOWELL—Not the whole of it. It only says, "Clause 20 of the agreement between the company and the Intercolonial Railway, dated 17th July, 1879, is rescinded."

Hon. Mr. MILLS—Besides this agreement to which I have referred, there is a supplemental traffic agreement.

Hon. Sir MACKENZIE BOWELL—What clause does this repeal?

Hon. Mr. MILLS—I have not looked it up. There is a supplemental traffic agreement, entered into on the 21st February, 1898, by which it is agreed that for traffic originating through the company's system, or on account of its connections west of Montreal, for shipment to any point on the Intercolonial Railway, Montreal is the junction point, and that the company undertake to route all traffic destined to points on the Intercolonial Railway. So that the Grand Trunk Company are not at liberty to carry traffic over their line, between Montreal and Lévis, or Chaudière, but they must deliver over all traffic, intended for any point on the Intercolonial Railway, to the Intercolonial Railway at Montreal. All business originating at Montreal, destined to points on the Intercolonial Railway, is to be considered Intercolonial Railway traffic. The Intercolonial Railway will, in turn, give all traffic destined to New England, east of Ste. Rosalie, to the Grand Trunk Company, and its connections at Chaudière Junction, the Intercolonial Railway being allowed Aston mileage. Traffic destined to points in the United States, reached by way of St. John, in the province of New Brunswick, or Rouse's Point, or Huntingdon, in the province of Quebec, or Massena Springs, N.Y., is to be delivered by the Grand Trunk Railway Company, at St. Lambert. All business originating on the Montreal joint section destined to points on the Grand Trunk Railway, east of Ste. Rosalie, shall be considered the company's business, and all business originating on sections destined for Intercolonial Railway points shall be regarded as Intercolonial Railway traffic.

Hon. Mr. PERLEY—Where will I find that?

Hon. Mr. MILLS—It is in the supplemental agreement.

Hon. Mr. PERLEY—Is it distributed?

Hon. Mr. MILLS—It was laid on the table the day before yesterday.

Hon. Mr. KIRCHHOFFER—I think it ought to have been printed.

Hon. Mr. PERLEY—There was only one copy of it.

Hon. Mr. MACDONALD (B.C.)—For how many years is that traffic agreement?

Hon. Mr. MILLS—I will state that presently. All business originating on the Grand Trunk east of Ste. Rosalie, or on the Intercolonial Railway between Ste. Rosalie and Lévis, inclusive, is to be changed at Chaudière Junction, or at Ste. Rosalie Junction. It is

also provided in this supplemental agreement that Her Majesty will bill via Montreal all west bound traffic controlled by the Intercolonial Railway to points west in connection with export or import traffic, Halifax, St. John, or any point in the maritime provinces. The Intercolonial Railway will accept 425 miles to Halifax, and 325 to St. John. That is to put the Intercolonial Railway in this respect, by this specific arrangement, on a footing to compete with the Grand Trunk from Montreal to Portland.

Hon. Mr. McMILLAN—What is the actual distance?

Hon. Mr. MILLS—It is very much more.

Hon. Sir MACKENZIE BOWELL—It is just double.

Hon. Mr. MILLS—St. John's rates are to be the same as those on the Canadian Pacific Railway and the same as quoted by the Grand Trunk to and from Portland, Halifax rates one cent per 100 lbs. over the road to or from St. John or Portland. This, of course, only applies to foreign traffic. It has no application to the local traffic, and the distance which the local traffic is actually hauled is charged. It only refers to foreign traffic. In the event of the Intercolonial Railway making arrangements with steamship companies to ply between Halifax and St. John, or any other port in the maritime provinces, and European points other than those covered by the Grand Trunk service from Portland, the company are to publish rates from stations west of Montreal. I take it those are the principal provisions of the supplemental agreement which has been made. This agreement is for a period of 99 years, renewable after the expiration of the period by those who may be living at that time, and that I think is a very proper agreement, both the renewal and the length of time. There can be no doubt whatever that this portion of the agreement is a portion that, hon. gentlemen will understand, is not insisted upon by the railway company, but by the government, for the purpose of protecting and securing a proper share of the traffic, which may be legitimately claimed by the Intercolonial Railway, to that road. I have already mentioned that the traffic obtained during the past 12 months by the Intercolonial at Montreal amounts to about three-quarters of a million, more than two-thirds of which is east bound traffic, and is carried over the Intercolonial Railway to the various points, within the maritime provinces, for which that traffic is destined. If there were no such arrangement, what would be the position of the Intercolonial Railway upon the expiration of any short agreement that might be entered into? Instead of delivering over the traffic to the Intercolonial Railway at Montreal, it would be the interest of the Grand Trunk to carry it on to Lévis and to deliver it to the Intercolonial at that point. The Grand Trunk might make an arrangement for a portion of the traffic to be carried from Sherbrooke over the Canadian Pacific Railway that otherwise, under this arrangement, would be secured to the Intercolonial Railway. The Grand Trunk Railway might carry traffic destined for the maritime provinces to Portland and ship it from there, which could be done successfully, in competition with the Intercolonial Railway, to various ports in the maritime provinces. So that the Grand Trunk Railway Company have actually at their disposal three other ways in which the traffic or the trade over their line from the west could reach the maritime provinces—by being carried to Lévis, by being handed over to the Canadian Pacific Railway at Sherbrooke, or being carried to Portland. This arrangement, so far as the traffic is concerned, is not an arrangement specially to benefit the Grand Trunk Railway, but is intended specially to benefit the Intercolonial Railway, and to secure to it the largest share possible of the trade that will pass eastward, or may be made to pass eastward over the Intercolonial Railway to the various points in the maritime provinces to which that trade is destined. Let us suppose you were to enter into an agreement for ten years If these measures are carried out we will have purchased the Drummond County Railway, 130 odd miles of this connecting link of 160 odd. What would be our position at the end of ten years with that road upon our hands, and with no satisfactory traffic arrangements in force with the Grand Trunk Railway? We would be at the mercy of the Grand Trunk Railway Company. We could not use our road, known as the Drummond County Railway, so advantageously with any other company as with the Grand Trunk Railway link which we lease for the period of ninety-nine years—the undivided half interest which we secured by that lease. The moment our

lease expired, our traffic arrangements would come to an end, and they would be masters of the situation. We would not be in the position we occupied when we stopped at Lévis We would have extended our road westward to a point that terminates practically nowhere, apart from the interests which we acquired in the Grand Trunk Railway section of the road. Besides that, very considerable expenditures might be made at our expense in the maintenance of a road in which, practically, our interests would have come to an end, because we would have no longer traffic arrangements with the company. I say, then, that it is of the first consequence to the Intercolonial Railway, and to the country, that these traffic arrangements provided for under this agreement should continue in force, and that they should not be terminated at a very early period. In fact, once you admit that it is a wise thing to expend money upon a highway, whether that be a waterway or a railway, you assume that the traffic over that is to continue for all time. No one expects, when you are making arrangements for the deepening and enlarging of your canals, that there is likely to come a period of time when any money that you expend, and any arrangement that you may make with a view to the future trade and commerce of the country carried over those canals, is to come to an end. We are proposing at the present time to deepen the harbour at Port Colborne, to fit it for the large vessels that ply upon the upper lakes. That refers, not to the present moment, but to the trade of the future. It is an important expenditure, extending over a long period of time—an indefinite period of time—and no one would think for a moment, once you make up your mind to expend money upon such an enterprise, that that expenditure can look forward to any other condition than that the commerce upon that line, or by that way, is to continue for all time. All your public works and undertakings in the interest of commerce and to facilitate trade between one section of the country and the other are based upon that assumption. If the government were the proprietor of the Grand Trunk as well as of the Intercolonial there would be nobody with whom traffic arrangements would be necessary. But your road is not a completed undertaking. It is a mere section of the commercial highways of the country, and you connect it with the Grand Trunk and also with the Canadian Pacific Railway, not for the purpose of promoting trade for five or ten or twenty years, but if your arrangement is a just one, the longer the period of time for which that arrangement can be made the greater permanency and security you give to traffic, and the greater assurance you give to those wishing to invest money in public works and undertakings or private works and undertakings, looking forward to the general commerce to be carried on over those lines. I say, therefore, I am unable to understand how any objection can be taken to the traffic arrangements between the Grand Trunk Railway Company and the government. Those arrangements, I say, have been reluctantly entered into by the company. They were made necessary conditions by the government; in fact the arrangements would have no value apart from these permanent arrangements.

Hon. Sir MACKENZIE BOWELL—Before the hon. gentleman leaves that point, I would like to ask where the Intercolonial connects with the Grand Trunk and the Canadian Pacific Railway, I have understood the hon. gentleman to say in the arrangement it connected with the Canadian Pacific Railway. At what point does it connect?

Hon. Mr. MILLS—It connects at the present time at Montreal with the Canadian Pacific Railway.

Hon. Sir MACKENZIE BOWELL—Yes, but the hon. gentleman was speaking of the arrangements into which they were to enter, and I understood him to say that the arrangement did enable the Intercolonial Railway to connect with the Grand Trunk and Canadian Pacific Railway. Where does it connect with the Canadian Pacific Railway?

Hon. Mr. MILLS—I did not say there was any arrangement made between the Canadian Pacific Railway and the government, or the Grand Trunk Railway and the government under this agreement.

Hon. Sir MACKENZIE BOWELL—I understood the hon. gentleman to say that by this arrangement it enabled the Intercolonial to connect with the Grand Trunk

and Canadian Pacific Railway. At what point does it connect with the Canadian Pacific Railway.

Hon. Mr. MILLS—I understand they connect at Montreal Junction, and I understand that when the bridge is completed over the St. Lawrence at Quebec there will be connection there also. I say that already the Intercolonial has begun to reap some of the advantages that are to be derived from this extension to Montreal. In fact, the figures that were laid upon the table to-day for the information of members disclosed that fact. The expense of maintenance and the like paid by the Grand Trunk Railway Company, and the government on behalf of the Intercolonial Railway, shows that the proportion of the Intercolonial Railway's interest in the trade over this line is constantly increasing, and that in April, 1899, it was very much larger than it had been in April, 1898.

Hon. Mr. McCALLUM—The trade on all railways is increasing.

Hon. Mr. MILLS—Yes, the trade may increase, but the trade would have been, if it had not been for this arrangement, wholly under the control of the Grand Trunk Company. The same beneficial change is shown by the difference between the credit and debit side of the Intercolonial account. Now, for the eight months ending March, 1895-96, the Intercolonial was run at a loss of $161,632, and in 1896-97 it was run at a loss of $209,000. If you include in that the rentals that had been paid for the additional railway mileage secured, or $140,000, as a net loss for those eight or nine months of 1896-97, the loss was $71,000 in running the Intercolonial for the eight months ending March, 1897-98. For the current year ending in March there is a gain of about $4,000, showing that the Intercolonial has commercially benefited by the arrangement that has been made, and that the benefit each month is increasing. I say then that the arrangement proposed, by which the Intercolonial is to be extended to Montreal, is one in the interests of the Intercolonial Railway, and one of advantage to the country, upon the revenues of which that road has, in spite of all efforts to avoid it, been a burden. The financial condition of the road has been improved, its commerce has been increased. The public burdens have to a limited extent been lightened. That condition of things we have every reason to believe will improve, and to-day the Intercolonial Railway is in a more hopeful condition than at any period since it was built, and that is mainly due to this arrangement by which it is proposed to acquire the property in the Drummond County Railway, and the arrangement that has been made with the Grand Trunk Railway Company, and especially the traffic arrangement that has been made that is to continue for a very long series of years.

Hon. Sir MACKENZIE BOWELL—Before the hon. gentleman resumes his seat, would he inform us if there is any supplemental arrangement in reference to local trains between St. Lambert and Ste. Rosalie.

Hon. Mr. MILLS—My hon. friend will see that the local trade is absolutely provided for in the agreement, a summary of which I have given and detailed to the House. Each is entitled to all the local traffic it can obtain, and the Intercolonial Railway is as free to solicit traffic within the common district as the Grand Trunk.

Hon. Sir MACKENZIE BOWELL—Could the hon. gentleman inform us what material difference there is between this arrangement with the Grand Trunk and the old agreement which we were asked to confirm two years ago. Are there any material differences, and, if so, what are the differences?

Hon. Mr. MILLS—I will have to leave that question to be answered by hon. friend the Secretary of State. I was not a member of the administration when that old agreement was made, and I tell the hon. gentleman frankly, that I have never looked at it—never read it. I cannot say what its contents were.

Hon. Mr. SCOTT—I think the general arrangement was the same, but this is more in detail. A material point was the knocking off of $6,000 at the Chaudière end.

Hon. Mr. FERGUSON—Is there no other?

Hon. Mr. SCOTT—Not that I can recall at this moment.

Hon. Mr. FERGUSON—The hon. gentleman's memory is bad.

Hon. Mr. SCOTT—Perhaps it is.

Hon. Mr. MILLER—What about the interest on the expenditure?

Hon. Mr. SCOTT—The difference is from five to four.

Hon. Sir MACKENZIE BOWELL—My hon. friend does not take the position the Minister of Railways did in the House of Commons, that there is no material difference, and that it is the same bargain in both agreements. That I understood to be his position—that we are asked to confirm exactly the same agreement and terms that existed in 1897. Is that the case?

Hon. Mr. SCOTT—Oh, no. There is a material difference—a very great deal of difference. For instance, there is the annual rental at the eastern end, of $6,000 a year. That is absolutely off.

Hon. Sir MACKENZIE BOWELL—He admitted that.

Hon. Mr. SCOTT—The amount, as we calculated it, $70,000 a year for the portion between Ste. Rosalie and Chaudière was reduced by the $6,000.

Hon. Mr. DEBOUCHERVILLE—How is that?

Hon. Mr. SCOTT—In the improved agreement made with the Grand Trunk Railway. Under that agreement with the Grand Trunk Railway we agreed to pay $6,000 a year from the Chaudière bridge. We took over that in the old agreement, but it is not in this.

Hon. Mr. WOOD- I should like to ask whether the agreement referred to in the 50th clause of the bill, which the hon. gentleman has just been discussing, will be placed on the table of the House, or placed within the reach of members. I have been unable to find it?

Hon. Mr. MILLS—It was placed on the table the day before yesterday.

Hon. Mr. WOOD—I mean the one of the 17th July, referred to in the 50th clause?

Hon. Mr. SCOTT—I was under the impression that it was attached to the paper laid on the table.

Hon. Mr. CLEMOW—They ought to be printed, and we should have them here.

Hon. Mr. SCOTT—The House can order them to be printed.

Hon. Mr. CLEMOW—I have not seen one of them.

Hon. Mr. WOOD—There are two agreements referred to, one in the 40th clause of the bill, and the other in the 50th clause. They are distinct agreements. They have not been printed. The first one, I understand, has been laid on the table of the House.

Hon. Mr. SCOTT—It is an agreement which has been cancelled by the new agreement. However, if the House desires it, I can order them to be printed in time for to-morrow.

Hon. Mr. WOOD—It does appear to be cancelled.

Hon. Sir MACKENZIE BOWELL—I should like to ask the hon. member what he meant when he said that, at the ending of the contract and agreement, the country would be at the mercy of the Grand Trunk Railway. Would the hon. gentleman kindly tell me what he meant by that expression? Does it mean after the 99 years, or had he reference to the general traffic arrangement, or the supplemental arrangement?

Hon. Mr. MILLS—I spoke of the condition of things that would arise if we had not the provision for the 99 years contract—if the traffic arrangements had been for a limited time, five or ten years. That is what I meant.

Hon. Sir MACKENZIE BOWELL—The address of the hon. Minister of Justice was delivered in a calm and judicial way, to which no one could take exception, no matter what opinion one may have of the deductions which he draws from the provisions of the agreement now before us. It consisted, in a great measure, of a synopsis, or a precis, of the agreement, which I think most of us have read. I would have preferred had he devoted more of his time, not only to presicing the provisions of the different sections and paragraphs of the agreement, but to explaining what will be its real effect upon the country after we

have entered into this agreement, provided we ever do so. We are to consider by mutual agreement, as I understood it, both the bills before the House, one being a part and parcel of the other, and as the hon. Minister of Justice very properly said, without the one we should be left in a position in which the acquisition of the central part of the railway would be of no use to the country. With the indulgence of the House, before entering into a discussion of the provisions of the contract, I shall refer briefly to the policy which the government has pursued, and then to the difference between the contract as it is now before us and the one which we considered two years ago. I must express no little surprise at the position taken by the members of the government in reference to this bargain. We were told, in the most positive manner, by the head of the department, whose duty it is to govern and control the railroad system of the Dominion, that there was no difference whatever in the bargain made in 1897 and the one which we are now asked to confirm. First of all, the policy of the government, in its endeavour to increase the benefits to the country from the Intercolonial Railway by reaching the city of Montreal, is not disputed except by a very few. The mode in which that could have been carried out is a question upon which we do differ, and differ materially. There are some members of this House who think that it was not necessary to reach Montreal in order to accomplish the object which the government had in view in securing western trade. Two years ago speaking on this question, I mentioned the fact that my own view, and the view of very many others, was that this object could have been accomplished without incuring the debt which we are asked to assume by the adoption of this policy. I stated then that I believed it would have been better eventually, in the interests of the country, in the interests of the Intercolonial Railway, and more particularly in the interests of the eastern bound freight, which has its origin in the western portion of Canada, had the connection been made by the construction of a bridge at Quebec, thereby connecting with the Grand Trunk Railway on the south, and the Canadian Pacific Railway on the north side of the River St. Lawrence. We are, if I am to accept the declaration made by the Premier, and others of both parties in this Dominion, morally bound to assist in the construction of that Quebec bridge, and if that be the case, the traffic destined for the eastern provinces, whether it was for use and consumption in the maritime provinces, or for shipment to Europe, could have been competed for by the Grand Trunk on the south side of the St. Lawrence, and by the Canadian Pacific Railway on the north shore of the river at Quebec. However, that is not the policy that has been adopted by the government. They have taken the position that they should have a distinct and separate road on the south shore in order to reach Montreal, and there tap east bound traffic from the west. We are told by the Minister of Justice now, that we are not to have a complete and independent road because we are at the mercy at both ends of this road, of the Grand Trunk Railway, and that it is only by making arrangements, almost in perpetuity, for ninety-nine years, that gives us that right under certain conditions. The policy which I advocated I think would have been better in the interests of the country, certainly financially. Neither is there any reason why a traffic arrangement could not be made over either of these roads had such a policy been entered upon. If this House does not confirm the proposition now before it, and if the House of Commons delayed the passage of the measure for the length of time that they did, I lay the charge to the government themselves for having created this delay, and for having, I will not say blocked, but having placed the Senate in a position, if they so desire to do it, to reject this proposition. I have already pointed out that on no less than three or four pages of the *Debates* it will be found that the Hon. Sir Oliver Mowat, when leader of this House and a member of the government, pledged himself distinctly and positively that if the appropriation which was then before the House to enable the government to lease these two roads and to run them for nine months—these are the words which he used—it would be an experiment, and would enable the government and the country to decide as to whether they should confirm the agreements which had been entered into. We have asked for that information so as to enable us to arrive at an intelligent conclusion upon this point. That information has been steadily refused, on the ground, as stated by the hon. Secretary of State, that it could not be procured, and Mr. Schreiber is given as authority for that statement. On

reading Mr. Schreiber's letter, from which the hon. gentleman made his quotations, it will be found that Mr. Schreiber's statement is, that owing to the manner in which the books are kept it is impossible to give that information. Now, no one ever denied that point. What we have contended is, that, a promise having been made, we should have certain information in reference to the earnings and expenditure connected with the working of that portion of the railway, the Drummond County, and between Montreal and Ste. Rosalie, to enable us to come to an intelligent decision as to the advantages which were to be derived from the purchase and lease of these two roads. It seems to have been, and must have been forcibly impressed upon the mind of every man who has read the debates in the other House, and the action of the government upon this question of furnishing information, that they have deliberately, on every occasion when attacked withheld information from the House of Commons, and consequently from the country. They seem to forget, at least I think so, that all communications, all public documents, and everything resulting from the action of the government, whether it be in a minor matter, or one of so grave importance as this with which we are now dealing, that the country is entitled to that information, and that it is not the private property of the government. Does the hon. gentleman want an illustration ? The House sat from three o'clock one day until four o'clock next afternoon, asking for a certain return, only a mere letter, which it was necessary to have before the House of Commons could deal with the question then under discussion; and for 28 or 30 hours they sat continuously until the government came down with that document. Since that time it was necessary, in discussing matters connected with the Yukon district and the projected telegraph line to Dawson City, that they should have the instructions which had been given to Mr. Charleson, whom some of us know by reputation, at least, to insist upon having the information. The government withheld it and kept the House sitting from 3 in the afternoon until 5 o'clock next morning, and finding the House determined to continue sitting until they got it, the government came down with the document. It seems to me the government's mode of dealing with this House is of precisely the same character. The leader of the House in 1897 made certain distinct promises. These promises have not been fulfilled, and the books of the railway have been so kept that they cannot furnish the promised information. I find in very agreement before us that there is a special provision for a monthly account between the Grand Trunk Railway Company and Her Majesty in connection with the mileage and the traffic on that portion of the road between St. Lambert and Ste. Rosalie. If that can be kept by these two companies, in order that the government can pay their proportion of the expenses connected with the running of that portion of the road, every month, surely it could have been kept in order to inform this House, in accordance with the promise made, of the results of entering into the lease of these two roads. I might repeat, in connection with this, because it is pertinent to the point which I am now discussing, the statement made by the Deputy Minister of Railways and Canals, Mr. Schreiber, before the committee investigating the Drummond County Railway affairs of the House of Commons, and the replies made by telegraph from Mr. Pottinger to Mr. Schreiber in reference to the furnishing of certain information. He did give the information as to the earnings and working expenses of these two roads for two or three months, and then he said that he could not procure the information for the remainder of the time for a couple of months. If they could do it for a portion of the time, could they not supply the information for all the time? That is one cause of complaint the Senate has against the government for not furnishing the information they had been promised. It would have enabled every member to arrive at a better conclusion than they can possibly do to-day, in dealing with this question. Let me refer for a moment to the financial aspect of this arrangement as it affects the Dominion. One hundred and forty thousand dollars is to be paid annually to the Grand Trunk Railway Company. It represents, capitalized at three per cent, $4,666,666. Then we are to pay in cash $1,600,000 for the Drummond County Railway from Ste. Rosalie to the Chaudière Junction. That makes a total amount of $6,266,666. In other words, we add, in order to accomplish the object which the government has in view by its policy, to the public debt of the country that amount of money. My hon. friend was

not able to tell us what difference there is between the old agreement and the one now submitted to the House. I shall venture a little information to him in that respect. When we look at the agreement as it is before us to-day, and then look at the declaration made by members of the government, that there is no difference between the old arrangement and the present one, hon. gentlemen will marvel at the position taken by the government, who should have come down to the House and stated all the facts in connection with it. Would it not have been much more manly, straightforward and honest?

Hon. Mr. MILLS—Unmanly, crooked and dishonest!

Hon. Sir MACKENZIE BOWELL—If that be the language the hon. gentleman applies to his colleagues, I have no hesitation in accepting it as correct.

Hon. Mr. MILLS—That is what the hon. gentleman uses as parliamentary language.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman will be kind enough not to attempt to interpret what he thinks I think. I am not in the habit of speaking by innuendo. I am more inclined to speak a little too plainly what I do think. I say that any man who is not overburdened with pride, and forgeting the position which he occupies in the country, the duty he owes to his constituents and to those who support him, and to those who are not in accord with him, would have come down in a manly way and said "The Senate rejected the proposition for certain reasons. We are delighted to know, and we claim credit for having made a better bargain to-day, and we ask you to accept it." That is what I mean, and what I do say. The Drummond County Railway Company was to receive $64,000, per annum for ninety-nine years. That represents capitalized at three per cent $2,123,000. Calculated, as it was calculated by the actuaries, at two seven-eights, it would be more than the amount I have stated. Any one who desires to see what that calculation is can refer to the report of the investigation on the Drummond County Railway. Now, we are asked to pay $1,600,000. That is an actual saving to the country, in that transaction alone, supposing that we accept the agreement, of $523,333. Would it have been derogatory to the head of the Railway Department to have admitted that, instead of having, when he was told he had made a better bargain than he had made before, denied it positively and claimed that it was the same thing? Then we have a saving of $6,000 per annum, which the country was to pay for the use of the Chaudière bridge and the entry into the town of Lévis. That represents at 3 per cent, no less sum than $200,000, which makes in these two transactions a saving of $753,333. If the Senate were prepared to rest on its laurels and say on this transaction alone we have saved the country three-quarters of a million dollars, I think they would stand in a very creditable position before the people of this country. Having said this much, I will reply to some statements made by the hon. Secretary of State, before dealing with the speech of my hon. friend the Minister of Justice. I do not know how it impressed itself on the minds of those who heard the hon. Secretary of State, but it seemed to me like an address delivered to an illiterate jury without any judge to correct the position that he had taken. I cannot conceive how a gentleman in his position could have made the statements that he did, and delivered the speech he made, unless he came to the conclusion that every man who listened to him knew nothing of the subject with which he was dealing. He spoke in the first place—and the hon. Minister of Justice also referred to it—of the deficits of the Intercolonial Railway, from the time of its construction up to the present day, and in order to swell the figures he added expenditures which were charged to capital account to the losses of the Intercolonial Railway, each year, and the Minister of Justice incidentally referred to it, and made this extraordinary statement, that had the railway been more prosperous in its earnings than it was, these charges would not have been carried to capital account.

Hon. Mr. MILLS—Hear, hear!

Hon. Sir MACKENZIE BOWELL—I do not understand that to be the true principle of railway book-keeping. It matters not how much a railway may earn: it may earn enough to pay large dividends, but if any additional road be added to the original line, or if any new structures be made, that is

always charged to capital account. The current expenses apply only to the replacing of that which has been formerly constructed. In other words, if you have one hundred cars and they are worn out, and you replace them by another 100 cars, that is charged to the current expenditure of the year and not to capital account.

Hon. Mr. MILLS—Not always.

Hon. Sir MACKENZIE BOWELL—They should be always, I am coming to that presently. I know you do not do it, but you should do it. If my hon. friend takes the trouble to look at the public accounts, he will see that certain changes of route, sidings, &c., were charged to revenue.

Hon. Mr. SCOTT—I think the hon. gentleman is scarcely fair. In all cases where there was extra mileage, I stated whether there was extra mileage or not. There were some years in which there was no extra mileage, and I called attention to the fact that there was still a large deficit. The hon. gentleman is rather misrepresenting what I said.

Hon. Sir MACKENZIE BOWELL—The system of railway book-keeping, if I understand it—and I have the best authority for the statement—is this, that if cars are worn out, whether freight or other cars, they are replaced and charged to the earnings of the road for that year; but if you add an additional 100 cars to the road that you had not before, you charge them to capital account. That is proper book-keeping, and that is the manner in which it has been done. Now, my hon. friend intimated to us when he spoke of those large amounts which were charged to capital account, that when he referred to them that there was certain additional mileage; and otherwise he took particular pains when there was a large sum charged to capital account to point out to the House that there was no additional mileage.

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—Had the hon. gentleman studied the question a little, and had he been desirous of giving all the information that should have been given on that point when dealing with capital account, he might have said that there were large expenditures in connection with the construction of bridges in different parts of the lower provinces, particularly in Nova Scotia, in which no mileage was added. Take, for instance, the bridge at Grand Narrows; there was a bridge that cost between five and six hundred thousand dollars. That was charged to capital account, but there was no additional mileage added to the Intercolonial Railway, and in many other cases precisely the same way. My hon. friend reminds me there is a very large expenditure in connection with the Dartford bridge at Halifax, which was swept away upon one occasion and had to be rebuilt. Then there was the construction of elevators in Halifax. These did not add to the mileage of the road, but it added to the charges in the capital account, and so it was in many other cases. Then the hon. gentleman led the House to believe that the losses in connection with the Intercolonial Railway had been so enormous that it was necessary every year to add to the capital account, in addition to the loss on the running expenses. But he failed to inform the House that there were a number of lines constructed which added to the length of the Intercolonial Railway. There was that section which forms now a portion of the Intercolonial Railway, running into Cape Breton, and we know that a portion of that is of a most expensive character. If you refer to the public accounts you will find that that road cost between three and four million dollars. Then there was the Oxford branch, and there was an addition made to the road from New Glasgow running into the town of Pictou, and many others, so that the length of the line was increased materially which that added to the expense. Then there was an extra line which forms now a part of the Intercolonial Railway—probably my hon. friend from Northumberland (Mr. Snowball) knows something about it—called the Indiantown branch. That had to be added to capital account and not to the current expenditures of the year. Then in calculating the cost to the country of the Intercolonial Railway, the hon. gentleman told us that it was about $48,000 per mile, and then he compared that with what they were paying for the Drummond County Railway. The actual cost of the Intercolonial Railway including all rolling stock, all the additions and everything connected with it, was $47,300 per mile. But when the hon. gentleman told us they were

getting the cheapest railway in the world, the Drummond County at $12,000 a mile, he did not know, when I put the question to him as to how much had been charged to capital account and which should form a portion of the expenditure in connection with it. I suppose the hon. gentleman knows they have had to purchase a large amount of rolling stock in order to operate that road. I suppose he knows also, that on some fifty miles of that road, they have been taking up the light rails, and placing down heavier ones. That would go to capital account. And if the hon. gentleman desired to give that information which he should have given, knowing all these facts, he should have stated them, because the public know very little about it; then we should have known exactly what the Drummond County Railway is costing the country. The unfairness of a statement of that kind is apparent to every one—to say that the Intercolonial Railway costs so much and then hold up the other as evidence of their economical management, in purchasing the new road, though when they received it, it was not worth a snap of your finger until they had repaired the track. They have changed some four or five miles of the route of the road in order to avoid the heavy grades which were upon it—grades greater than those on the Grand Trunk Railway, which was the great objection, they said, to their entering into the bargain—for running powers over their road.

Hon. Mr. SNOWBALL—Has the Drummond County Railway to pay for it?

Hon. Sir MACKENZIE BOWELL—Yes.

Hon. Mr. SNOWBALL—Then it cannot be charged to capital account.

Hon. Sir MACKENZIE BOWELL—They rebuilt some portions of the road and repaired the other. The statement of earnings given by the hon. gentleman and the apparent saving and expenditure was only for ten months. I do not find any fault with his giving the receipts and expenditures on the whole line for the three months only, for the simple reason that they could not very well obtain the other at the time the statement was made out, but it must not be forgotten that the two months for which we have no statement of the expenditure are the two months in which all railways have to spend the most money. It is just after the breaking up of the winter season after the upheaving of the track; and this case will be, I venture the assertion, similar to one which occurred on the Intercolonial Railway when the late Minister of Railways could show a large earning up to a certain period, but when he came to deduct the expenses of the two months which were not included in the statement, as in the case we have here, precisely the same two months, he found that the expenditure in keeping up the road to its proper standard cost nearly all the savings that had been made during the previous ten months. So it will be in this case, and if we live to examine those accounts after another year, I venture the statement that you will find that what I have stated is correct. Then I was not a little surprised to hear the statement made by the hon. gentleman that we had subsidized the road now known as the Short Line, operated by the Canadian Pacific Railway, as a competing line with the Intercolonial Railway. There was a period when I thought probably there was some truth in that statement. But what are the facts. If we are to accept the hon. Secretary of State's statement that the Intercolonial Railway, since the construction of the Short Line, has been earning more annually then it ever did before and that its earnings are gradually increasing, then its in evidence that the competition has not injured the Intercolonial Railway. Does it not suggest itself to the hon. gentleman that the road has given a great impetus to travel through the maritime provinces. Thousands of people go by the Short Line, take the Intercolonial Railway at St. John and go to Halifax and to Cape Breton, which they never would have thought of going if they had to travel 800 or 900 miles on the Intercolonial Railway. Such we know to be the fact, and although one might suppose and believe that that would be a competing line the question now arises as to whether, on the whole, it is not proving a benefit rather than a detriment. But that was not the reason which induced the government at that time to subsidize the road. We know, and every man more particularly in the maritime provinces knows, that it has been the fond dream of every commercial man in this country, that there

should be a winter port established in the lower provinces. The question has been agitating the mind of every politician and every commercial man for the last twenty-five years as to how that could be accomplished. I do not speak egotistically, but I say that when I was Premier a deputation from St. John waited upon me as to granting subsidies for the line of steamers between St. John and European ports. The question was then discussed, and I put it to the deputation in this way: "If you can show that you can by the Canadian Pacific Railway's Short Line deliver freight in the city of St. John at the same freight rate as it is now delivered by the Grand Trunk in Portland, you will have accomplished that which you are asking for, and have been endeavouring to accomplish since confederation." Their interview with the Canadian Pacific Railway was of this character: the managers of that road, the present Sir William Van Horne and Mr. Shaugnessy, being shrewd business men, saw that if they were to accomplish anything they would have to make the mileage rate to St. John, though over 200 miles further, the same as to Portland, and by that means furnish trade for the steamers that were to sail for the European ports. Upon that condition and for that reason alone we asked Parliament to give subsidies to the Beaver Line of steamers, and I am glad to know that it has succeeded to a very great extent. If, however, the government are to deprive the Canadian Pacific Railway of all the advantages which they are deriving from their connection with St. John by this traffic arrangement which they have entered into for ninety-nine years, good-bye to the winter port of St. John in the future. Look at it in another light. Railways are like corporations, they have very little conscience. They care very little more about one port than another, and while statesmen ought to look at these questions from a patriotic standpoint, the railway manager will look at it from the manner in which it affects the pockets of the shareholder. What I fear is that the Canadian Pacific Railway, through this discrimination which is being made against them, may be driven by necessity to look for an outport at some other place. If they can carry freight from the west and Montreal to Boston, as cheaply as the Grand Trunk will take it to Portland, then they will come into competition with them. They are now carrying it 200 miles further to a Canadian port in order to give traffic to a British line of steamers, which they may carry to a foreign port precisely as the Grand Trunk is doing to-day. This agreement does not prevent the Grand Trunk from taking their traffic to Portland, and St. John will have lost the benefit to a very great extent, which they are reaping now from the construction of the Short Line. We have watched the course of trade for a number of years past. We have noticed how traffic has been diverted from one port to another. Those who have studied the trend of trade in this country, or in any country, know that its outlet will be where the carriers can take it the cheapest, and that where there is discrimination against them at one point, you will find they will give the preference to any other port.

It being six o'clock the Speaker left the Chair.

After Recess.

Hon. Sir MACKENZIE BOWELL—Resumed his speech. He said:—I was when the House rose at six o'clock, pointing out what effect the freight tariff would have upon the business of the maritime provinces, particularly so far as relates to the establishment of a winter port. I shall occupy a few minutes and shall be as brief as I possibly can in referring to the clause to which I take the most objection in this contract. The 40th clause of this contract reads as follows:—

> In consideration of the rents and covenants hereinafter reserved and contained Her Majesty represented by the general traffic manager of the Intercolonial of the one part, and the company by its general traffic manager of the other part have entered into a mutual traffic arrangement in writing of even date herewith which traffic arrangement is hereby declared covenanted and agreed to be and form a part of and be supplemental to the contract and shall be read herewith and shall be binding upon the parties hereto during the continuance of his leasing contract, except so far as the same may be altered with the mutual consent of Her Majesty and the company. When and if the traffic arrangements shall be so altered from time to time, such amended contract shall be substituted for the supplemental contract of this date.

What the former contract was or what its provisions were, the House is not informed, nor am I aware that it has been laid before either House of Parliament. One thing we do know, that the supplemental contract,

with which we have to deal just now, was not laid before Parliament until after the motion had been carried which I placed upon the paper asking for that document. It has been argued that in the lower House the terms of that contract were known, and that it was fully discussed and not objected to. I have searched in vain to find any correctness in that statement. It is true, one of the leading men in the lower House called attention to this paragraph of the contract, and moved an amendment based upon the terms of this contract. But any one who will read his remarks and read the amendment can come to no other conclusion than that the amendment was based upon the general principle that the Department of Railways should not have the power to enter into any supplemental freight contract, perhaps I had better say freight arrangement, supplemental or otherwise, without first laying it before Parliament and having it approved by Parliament. Had he known that this supplemental contract existed, and that it contained the provisions which it does, his amendment would not have been in that direction. The idea which suggested itself to the gentleman in the lower House who moved that amendment, suggested itself, I confess, to me when I first read the fortieth clause. But when I came to consider the latter clause, that there was a supplemental contract and that it was necessary that we should know the terms and conditions upon which this traffic should be carried on, I placed the notice upon the paper, and until that document was laid before the Senate, none of those who took part in the discussion, as I can learn, had any knowledge whatever of its terms, or even its existence. What I object to most, is that it gives to the Minister of Railways and Canals absolute power to enter into any traffic arrangement, no matter of what character, and the moment they enter into that arrangement, that moment it becomes de facto the law of the land, and there is no means of abrogating or changing it except by the mutual consent of all the parties. If the supplemental arrangement into which they have entered at the present moment be to the advantage of the Grand Trunk Railway, as I think I will be able to show it is, though detrimental to the interests of Canada as a whole, then it is not to be supposed that the Grand Trunk having its own interests at stake, and desiring to pay a dividend, no matter how small it may be, will ever consent to a change in that arrangement. The same argument may be used and the statement may be made providing it is found to be in the interest of Canada, but not half as likely to be enforced, because there are always influences outside that prey upon —I use that word advisedly—a government that compels them sometimes, for many reasons, to do that which an individual in dealing with another individual never would think of doing or consenting to. I think any one who has had any experience in the administration of affairs will concede that point at once.

Hon. Mr. MACDONALD (B.C.)—Government secret.

Hon. Sir MACKENZIE BOWELL—Not exactly a government secret, most people who know anything of politics will know exactly what I mean, without my putting it in words. Let me call attention for a moment to the supplemental contract which my hon. friend from Westmoreland (Mr. Wood) declared had not been printed or circulated. The hon. Minister of Justice truly said it was laid upon the table. It was laid on the table, and I have it on my desk, because I desire to refer to it. What the other contract was I do not know. We have never seen it. And what is meant by repealing of the 20th clause of the agreement between the company and the Intercolonial Railway of the 17th July, 1879, I do not know.

Hon. Mr. MILLS—That was entered into by the government of which the hon. leader of the opposition was first a member, when the Rivère du Loup branch was taken over and the Chaudière Junction was made the place for transferring freights from the Grand Trunk to the Intercolonial Railway, and it refers to that particular contract, which, of course, is suspended, so far as the transfer at that point is concerned, by this one coming into operation which requires transfer at Montreal.

Hon. Sir MACKENZIE BOWELL—The question of suspending that contract is referred to in another clause. I understand that. Very likely my hon. freind is right, because at that period when they purchased the Rivière du Loup branch and the Grand Trunk owning the road into Lévis from Chaudière, and the connection being

made with the Intercolonial Railway at the Chaudière, that is in all probability the contract into which my hon. friend refers. But the supplemental contract with which we are now dealing reads as follows :—

All business originating in the city of Montreal or on the Montreal joint section——

That, I presume, means the section between St. Lambert and Ste. Rosalie. I think that is what is understood as the joint section.

Hon. Mr. MILLS—Certainly.

Hon. Mr. SNOWBALL—It will all be a joint section in Montreal.

Hon. Sir MACKENZIE BOWELL—We all understand that, but I am speaking of the contract. I am reading and endeavouring to understand what it means. It continues :

Shall be considered Intercolonial traffic, it being agreed that in connection with that consideration the Intercolonial Railway will give all the traffic from its system and connections that it can control destined to New England points, or any other point east of Ste. Rosalie, reached by the Grand Trunk system and its connections to the Grand Trunk Railway at Chaudière Junction, the Intercolonial being allowed on Aston mileage.

The latter part I suppose is an arrangement by which they arrange for the mileage, but I do not know why Aston is spoken of.

Hon. Mr. FERGUSON—It was one of the junction points.

Hon. Sir MACKENZIE BOWELL—Then the contract continued :

All traffic which can be controlled by the Intercolonial Railway destined to these points must be given to the Grand Trunk Railway.

Another paragraph reads :

Traffic destined to points in the United States reached via the gateway of St. John, P.Q., Rouse's Point, N.Y., Huntingdon, P.Q., and Massena Springs, N.Y., delivered to the company at St. Lambert.

That is the western terminus on the south shore of the St. Lawrence of the Intercolonial Railway road, if we term that portion of the Grand Trunk the Intercolonial, which it is, for all traffic purposes.

All business originating in the Montreal joint section destined to points on the company's line east of Ste. Rosalie shall be considered company's business, and all traffic originating on said section destined to Intercolonial Railway points shall be considered Intercolonial traffic.

The paragraph is fair enough, apparently, because there is no compulsion either one way or the other, but it simply declares that certain traffic shall belong to one road, and other traffic to the other. Then it continues :

All business originating on the company's line east of Ste. Rosalie or on the Intercolonial Railway between Ste. Rosalie and Lévis, inclusive, to be interchanged at the Chaudière Junction, Aston Junction or Ste. Rosalie Junction, or at other junction points as may be hereafter opened, the understanding being that such business is to be forwarded by both lines via the shortest route between the points of shipment and destination.

How that is to be carried out I scarcely know, not being a railway man, but I think I will be able to show presently that some freight is carried 200 or 300 miles further than other freight, and that the Grand Trunk receives a larger percentage for carrying it than if they had carried it only the shorter distance.

Her Majesty further undertakes to route via Montreal all unconsigned west bound traffic controlled by the Intercolonial Railway or its connections destined to points west thereof reached by the company and its connection.

It is to the last three lines the most serious objection can be taken. If is a provision that compels the Intercolonial Railway, or the government, to give all unconsigned traffic that arrives at any seaport in the maritime provinces that has any connection with the Grand Trunk Railway, to send it over that line when it reaches the western destination.

Hon. Mr. MILLS—My hon. friend will see it does not refer to external traffic at all.

Hon. Sir MACKENZIE BOWELL—It refers in another place to European traffic.

Hon. Mr. MILLS—No, no.

Hon. Sir MACKENZIE BOWELL—I think I can find it if I am not very much mistaken.

Hon. Mr. FERGUSON—It refers to all traffic controlled by the Intercolonial Railway.

Hon. Mr. SNOWBALL—On their line, but not foreign.

Hon. Mr. FERGUSON—No.

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman pretend to say that if a cargo of goods arrives at Halifax destined for British Columbia, unconsigned, and for-

warded by the Intercolonial Railway to Montreal, that the Intercolonial Railway is not compelled, under this arrangement, to hand it over to the Grand Trunk Railway to be forwarded westward?

Hon. Mr. SNOWBALL—Yes, because it s not a Grand Trunk Railway connection..

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is mistaken. The Grand Trunk has in Halifax a connection with all steamers arriving at that port. What I am endeavouring to illustrate is that goods, the freight of which is controlled by the Intercolonial Railway to any point with which it has connection, has to be handed over to the Grand Trunk Railway and its connections, so that if a cargo of goods arrived at any port for shipment over the Intercolonial Railway that the Intercolonial Railway controls, unless the goods are otherwise consigned to their future destination, westward. A cargo of goods carried to any of our eastern ports for shipment to British Columbia we will say—and we all know that that trade is increasing rapidly—the moment it arrives in Montreal it is handed under this agreement to the Grand Trunk. The Grand Trunk conveys it to Chicago over its own lines, because it has an interest in and owns the line between Port Huron and Chicago; then it is handed over to some of the United States roads until it reaches St. Paul, and from that point is sent by what used to be termed the St. Paul, Minneapolis and Manitoba road, or what is now called the Great Northern, to Tacoma or Seattle, to be transferred by steamer and forwarded to Victoria or Vancouver. There are two competing lines that are fighting for traffic to-day, the Grand Trunk Railway, and the Canadian Pacific Railway which sends all the trade and traffic it can through British territory, giving employment to workmen on the road, to those who supply the cars, and to Canadian railways in which this country has invested some hundred of millions of dollars in cash, and twenty-five million acres of land. What I object to is this, that an agreement should be made by the government which gives the whole traffic of the eastern portion of Canada to a line, partly Canadian, which throws that great increasing traffic into United States lines though it may come ultimately into Canadian territory. Let us take a practical case: supposing a cargo of machinery is shipped to Quebec over the Intercolonial Railway, destined for the Atlin district, or the Rossland district, how do you suppose it would be forwarded unless sent by water? I am assuming that it goes by railway. That machinery—a class of freight which is constantly being sent from the eastern provinces, particularly from the provinces of Quebec and Ontario to the mining district—the moment it reaches the western terminus of the Intercolonial Railway it would be handed over to the Grand Trunk, and the Grand Trunk Railway, in its own interests, would forward that freight through United States channels. I do not find any fault with the Grand Trunk Railway Company for doing so. It only shows the shrewd business ability and perspicuity of the head of that railway at the present moment, for which he deserves great credit. He has too much brain and knowledge of railway traffic to deal with the men who represent Canada in this instance. The Grand Trunk Railway would send it over its own line and through its United States connections to the Pacific Coast. Now, that is what we have to look at in considering this bill. It is not a temporary arrangement that can be dropped at any moment by the government. It is there, I was going to say, almost in perpetuity, for ninety-nine years, and nobody can modify or terminate it unless the Grand Trunk Railway Company consent to a change. It seems to me a most marvellous thing that any Minister of Railways, or those who guide him, would have consented to terms of that kind. They might have made an arrangement for five or ten years. It may be—in fact, I am rather inclined to think that a few years of it might possibly be to the advantage of the Intercolonial Railway, but when I contemplate, as every man must do, the rapid growth of the trade of western Canada—and when I say western Canada I mean Manitoba, the Territories and British Columbia—and compare the traffic which we have to-day with that which existed prior to the construction of the Canadian Pacific Railway, we cannot come to any other conclusion than the day is fast arriving when it will be a hundred fold, yes, a thousand fold, what it is to-day. The country is growing rapidly; trade is developing marvellously, and that trade which used to round the Horn, taking some three or

four months to reach British Columbia, can now cross the continent in about as many weeks. While it may cost the merchant, the miner and the manufacturer more to send their goods by rail instead of by water, the time saved in receiving the goods more than compensates for the extra freight they have to pay. I do not think it necessary that I should attempt to argue that question any further. It is so self evident to any one who has paid attention to the rapidity with which this country has grown within the last twenty years, more particularly in the western section since the Canadian Pacific Railway has been constructed. We are told by the Minister of Justice that the Grand Trunk Railway Company, did not want that clause inserted in the agreement, but that the Minister of Railways insisted upon it. The Minister of Railways and Canals told the country last year when he was discussing that now famous Yukon deal, that he himself insisted —you will find it in *Hansard*—that the company to which he was giving 3,750,000 acres of land to construct a narrow gauge road, nothing more than a tramway, that he insisted upon having a clause inserted in that contract that they should have a monopoly for five years; I have reason to believe that the parties interested refused to take the contract unless they got that monopoly. I leave it between them. One is Minister of Railways, the other the contractor. I leave the hon. gentlemen to draw their own conclusions. Under the circumstances, I should be inclined to believe the contractor, because the contractors who have to run and operate a road, particularly in a country where the traffic is supposed to be doubtful, would be more than likely to ask for a monopoly than the party who is paying them for building, and whose reason for having it built was that immediate entrance into the country, which was then not accessible by any other means except for two or three months of the year, was necessary. I said before 6 o'clock, that this agreement, solemnly entered into and unrepealable unless by those most interested, would be likely to drive the traffic in a direction outside of Canada to the detriment of the interests of Canada in every way. If it has the effect of taking away employment from our people and reducing the revenue of Canadian roads, then it must, to a greater or less extent, endanger the ports in the east, and more particularly that which I think every man in Canada has been working for, a winter port as an outlet to the ocean for the products of the west, and have the effect of providing employment for United States railways and steamboats at United States ports. The object of giving subsidies to steamers leaving St. John and Halifax has been to establish a Canadian winter port. The Canadian Pacific Railway carries from Montreal to-day, and has been carrying for some time, hundreds of thousands of bushels of grain, and cattle and hog products to St. John during the winter, which would otherwise have to go, as in the past, to Portland or Boston. If this agreement will have the effect of driving that traffic back to Portland and Boston, the government will have to take the responsibility of it.

Hon. Mr. MILLS—Hear, hear.

Hon. Sir MACKENZIE BOWELL—I have no doubt that the hon. gentleman is quite prepared, occupying the position he does, to assume the responsibility, or he would never ask the Senate to confirm this agreement.

Hon. Mr. MILLS—That responsibility does not arise in this case.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman said "hear, hear" when I said he would be responsible for diverting trade from Canadian ports. The hon. gentleman is in the habit of interjecting something that has nothing to do with the point I am trying to make, whether it is because he does not understand what I am saying, or to throw me off the track, I do not know. I am rather inclined to think it is the first.

Hon. Mr. MILLS—Hear, hear!

Hon. Sir MACKENZIE BOWELL—I am very glad the hon. gentleman approves. I was not in public life exactly, but I was in newspaper life, when the Grand Trunk Railway was built, and with what little ability I had, and from the time it has been in existence, I have always, as far as I possibly could, written and spoken on behalf of that great enterprise, believing, as I do, that it has done much in developing the resources of Canada. While I say that, I am equally convinced, having some little responsibility for the great assistance given to the Canadian Pacific Railway, I believe it is in the

interest of Canada that these two roads should be equally aided in every possible way they can be, consistent with the revenues of the country. But I think that any Canadian who loves his country will come to the conclusion that no distinct preference should be given to one or the other, as both are destined to develop the resources of this country to an enormous extent, and I repeat what I said a moment ago—when we contemplate the rapid growth of the country, when we look at Manitoba alone which this year will turn out in all probability over 30,000,000 bushels of grain——

Hon. Mr. PERLEY—Over 40,000,000 bushels.

Hon. Sir MACKENZIE BOWELL—My hon. friend says the calculation is 40,000,000 bushels. Most of that has to find an outlet to Europe, and the more of it that is consigned by our railways the better, not only for the railways, but for the country. The more the railways can earn, the better for the people, and the higher the stocks stand in the market, the better is the credit of the country and the best possible evidence we can have of its prosperity. Should we, as a Parliament, do anything to aid one of these roads to take the traffic from the other, when its ultimate destination, if we confirm this agreement, would be to United States roads. That is the question we should ask ourselves. In looking over the tariff rates of freight on the Intercolonial Railway to the eastern provinces, I find this extraordinary fact—extraordinary to my mind, it may not be to others. My hon. friend from Northumberland (Mr. Snowball), as a railway man, will perhaps be able to give an explanation which, with my limited knowledge, I am unable to furnish. I find, looking at the present division of rates between the Intercolonial Railway and the Grand Trunk, based on the proposed agreement, that the government is not contented with buying St. John's business from the Grand Trunk at a most extraordinary price, but is giving the Grand Trunk a still further consideration on this particular traffic, as will be noted from the following figures showing the percentage as allowed the Grand Trunk from the various districts on that line to Moncton and St. John. Freight taken from what is called the Champlain district—that is the district below Montreal to Moncton—goes part of the way on the Grand Trunk, and the Grand Trunk is allowed 15 per cent of the freight rates, but if it goes by the Intercolonial to St. John, which is about ninety miles further, the Grand Trunk gets 22 per cent. In other words, the Intercolonial carries the freight ninety miles further and allows the Grand Trunk for the distance which it carries the goods, 22 per cent, when, if it is delivered at Moncton, it gets only 15 per cent.

Hon. Mr. McDONALD (C.B.)—A discrimination against Halifax.

Hon. Mr. SNOWBALL—They get in proportion to the mileage it is carried.

Hon. Sir MACKENZIE BOWELL—It is quite the other way.

Hon. Mr. POWER—I suppose St. John is a competitive point, and Moncton is not?

Hon. Sir MACKENZIE BOWELL—Perhaps I can give another illustration which will make the point clearer, a car of goods taken from Windsor, Ontario, to Moncton. The Grand Trunk is allowed, for its haulage from Windsor to Montreal, where the freight is delivered to the Intercolonial Railway, forty-three per cent of the total freight paid. Then the Intercolonial Railway takes it from Montreal to Moncton and receives fifty-seven per cent; but if that car of goods is destined for St. John, N.B., which is ninety miles further, the Grand Trunk would get fifty-three per cent of the whole, and the Intercolonial only forty-seven per cent, though it takes the goods ninety miles further. That discrimination is carried on from the Chambly district, Kingston, Hamilton, Collingwood and all western points. There may be a reason for it which I do not understand. My hon. friend from Cape Breton (Mr. McDonald) suggests that it is a discrimination against Halifax. I think not, because if you read this supplementary contract you will find if the goods go to Halifax the Intercolonial is entitled to one cent more per one hundred pounds. It can be for no other purpose than, having entered into an arrangement with one company to discriminate against another company——

Hon. Mr. SNOWBALL—Is the hon. gentleman speaking of the tariff made a year or two ago?

Hon. Sir MACKENZIE BOWELL—I am speaking of the tariff as it exists to-day,

made under this arrangement within the last two years.

Hon. Mr. FERGUSON—The supplementary tariff is in force under the temporary lease.

Hon. Sir MACKENZIE BOWELL—Of course, the hon. gentleman knows that the Railway Department entered into a contract upon certain terms and conditions with the Grand Trunk Railway Company and with the Drummond County Railway Company, after the defeat of the measure in this House, and that has been going on since, and this is the result. Should the government be a party to an arrangement of this kind? I have always been on the most friendly terms with the Grand Trunk as a public man and a journalist, but I can see no reason why the government should deliberately enter into an arrangement with one company at the expense of the other, and more particularly when the one is exclusively a Canadian enterprise, backed up, as I have already said, by over $100,000,000 of Canadian money, in order to enable another company to take the traffic of Canada to enrich a foreign country, and give employment to a foreign people.

Hon. Mr. MILLS—Instead of carrying it across to the state of Maine.

Hon. Sir MACKENZIE BOWELL—What difference does that make? I know a great deal of our trade goes across the state of Maine. It is no fault of ours, and no credit to Lord Ashburton, who sacrificed our interests to earn a reputation.

Hon. Mr. MILLS—You subsidized a United States road in Maine.

Hon. Sir MACKENZIE BOWELL—It is not a United States road. It is a Canadian road, and the only means by which you can get a short line to the coast is by passing through Maine. There is only a short section of the Canadian Pacific Railway in Maine.

Hon. Mr. SNOWBALL—This being a lower province matter, I feel anxious to get all the information I possibly can. The hon. gentleman says that if a car load of goods started from Windsor and went to Moncton, the Grand Trunk would get 43 per cent and the Intercolonial Railway the balance. Now, suppose the freight for that distance is $50——

Hon. Sir MACKENZIE BOWELL—Say one dollar a mile, to get at it easier.

Hon. Mr. SNOWBALL—$50, is about the rate. I know, because I have had a good deal of experience. That would be $21.50 to carry it to Moncton. Supposing its destination is St. John, in that case the Intercolonial Railway would get $28. They would get a percentage, but more freight.

Hon. Sir MACKENZIE BOWELL—My hon. friend has not understood what I said. It is exactly the reverse. If a pound of freight was carried by the Grand Trunk from Windsor to Moncton and the charge for that was $1, the Grand Trunk would get 43 cents; but if it went to St. John the Grand Trunk would get 53 cents, though if it was carried only to Moncton it would receive only 47 per cent.

Hon. Mr. SNOWBALL—The freight would be $1.50 to St. John.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman knows very well there is a mileage rate on which railways carry freight. As an illustration, the Canadian Pacific Railway carries goods from Montreal to-day to St. John for shipment abroad at the same rate that the Grand Trunk charges to Portland, although the distance to St. John is 200 miles further, and according to this arrangement the Intercolonial Railway will have to carry goods 480 miles for nothing, at the rate the Grand Trunk is paid for that distance. I have given the rates as they are to-day, and I have shown, by this statement, that if the Intercolonial Railway carries freight ninety miles further, it gets less than if it leaves it at Moncton. That is the case according to the table I have been quoting from.

Hon. Mr. FERGUSON—It is the very thing this supplemental tariff would work out.

Hon. Mr. MACDONALD (B.C.)—They do more work and get less pay.

Hon. Mr. McSWEENEY—That has been the case for years. As the hon. gentleman from Halifax has remarked, St. John is a competitive point. For the last eight

years you get freight from Montreal to St. John for a lower rate than to Moncton.

Hon. Sir MACKENZIE BOWELL—I know what the hon.gentleman from Moncton says is correct—you get cheaper rates at competitive points. What I am pointing out is that the arrangement entered into under the supplemental contract is a direct discrimination against a Canadian road. I could elaborate this for an hour if necessary, but one or two illustrations are sufficient for my purpose. That is, under all circumstances, the most objectionable feature in this new arrangement, and I do not believe, when the people understand it, that they will justify any one in voting for its ratification. I admit that the present arrangement less those clauses, is better than the one we rejected before, for reasons which I mentioned in connection with the Drummond County Railway Bill, and the concessions which have been made by the Grand Trunk in reference to local traffic, and in reference to the percentage which should be paid on improvements, and some other points that it is not necessary for me to point out to the House. That is the duty of the hon. gentlemen who are asking us to ratify this agreement, and not of the member who is opposing it on the ground that it contains, to his mind, an exceedingly objectionable clause. If that were out, I cannot say, and do not say, what I would do in connection with this, speaking for myself as a member of the Senate, but that clause I do look upon as objectionable, more particularly when you consider that it is an agreement for ninety-nine years. There is another clause in this agreement which strikes me as unfavourable. It says at the end of ninety-nine years that the parties have the right, if they agree, to renew it for a second term of ninety-nine years. Let me ask the hon. Minister of Justice this question: supposing the development of the country is such that it may be to the advantage of the government, at that period, to abrogate this agreement and not to enter into another arrangement for another ninety-nine years, to whom will all the improvements that have been made during the term of this lease, in double tracking, building bridges and other improvements, belong? There is not a single word in the contract to show that the government, in case of the dissolution of the partnership (for such it really is), will receive a red cent. It all goes to the Grand Trunk. There are many points in connection with this that suggest themselves to one. Does any one believe it probable that we are to be confined for ninety-nine years to one or two railways running into Quebec? Why, at this very moment arrangements are going on for making a connection with the city of Quebec by way of the Canada Atlantic Railway, crossing at Hawkesbury and joining the Great Northern Line, and depositing western freight in the city of Quebec. The Canada Atlantic Railway and Parry Sound Railway have been in operation but a year or two, and when we look at the development of the traffic of that road and the millions of bushels of grain already carried over it from its western terminus by the means of boats that Mr. Booth's company has put on the upper lakes, what may we anticipate in the very near future?

Hon. Mr. MACDONALD (B.C.)—It shows how mad this contract is.

Hon. Sir MACKENZIE BOWELL—That is what I was trying to point out. If that trade grows, and grow it will, a large proportion of the grain traffic of Manitoba and the North-west, which is increasing by millions of bushels every year, will come over that road and down to Quebec, yet by this arrangement the Intercolonial will be compelled to send all the unconsigned freight that passes over its line westward to the Grand Trunk, depriving all other competing lines of any part of it, and sending it through the United States to the great North-west. The more I look at this agreement the more I am satisfied that it would be ruinous in its character, particularly in the future. I may not live to see it, but there are others sitting here to-dav who will reflect, if they retain their memory, and regret the day they ever put an agreement of this kind on the statute-books of the Dominion, particularly the Quebec senators. The city of Quebec has been going down, down, down, for years. It is now beginning to look up, and why? On account of the enterprise which has been exerted during the last eight or ten years in the construction of a railway to reach that port. It is sixty-six years ago this summer since my father landed in Quebec, and as a boy I remember that city very well. I hesitate not to say,

from my boyish recollection, that it was more prosperous than it has been for the last ten or fifteen years. They have been struggling, and so has the country been struggling, to build up the trade of that place, and I hope it may prosper; but if the members representing that section of the country are prepared to ratify this agreement and put another nail in the coffin of their city, on them must rest the responsibility. Statesmen cannot, in considering questions of this kind, think only of to-day or to-morrow. If I were to look at that contract as a Grand Trunk man or as a private individual, I would say that it would be to the advantage of the revenue of this country for a few years. I might not hesitate to say that for a moment, but looking as far as I can at it in the light of one who has had some little experience in governing the country, and as a statesman should look at it, I consider it as a most damnable, if I may use the expression, clause, which will ruin the future of this country. It is a strong word, but justfiable under the circumstances.

Hon. Mr. SNOWBALL—I did not intend to make any remarks at this early stage of the discussion, I do not know that I shall say much at the present time and I do not think that I should follow the hon. leader of the opposition. He, however, has made a few statements and dwelt on a few subjects which I think deserve some attention. The very last matter he has been dealing with, the section that reads:

Her Majesty further undertakes to route via Montreal all west bound traffic controlled by the Intercolonial Railway or its connections destined to points west thereof reached by the company, &c.

The hon. gentleman can not say that freight originating in Europe and landed at Halifax or St. John comes from a connection of the Intercolonial Railway. The freight that crosses the Atlantic, as a rule, is canvassed for and secured by persons in the interest of the different large corporations of this country. The United States lines all have their agencies, their travellers, and the Grand Trunk Railway and the Canadian Pacific Railway certainly have their agents also. They go to the manufacturing centres of Europe and make arrangements for billing freight through. This freight comes to Halifax, Portland, St. John or whatever port the vessel may arrive at, but it is billed from its point of manufacture to its destination. The Intercolonial Railway has no control over it after it arrives at Halifax. The parties that ship to this country ship by the route on which they can get the lowest rate of freight. This section has no connection with freight from the other side, because it is not referred to. Then, if there is no injustice done there, let us look at the next section, which has not been read. It reads as follows:—

In connection with the import and export traffic via Halifax or St. John, or any other port in the maritime provinces that may hereafter be selected, it is understood that during the life of the agreement, the Intercolonial Railway will accept 425 miles on Halifax, and 375 on St. John, the St. John rates to be the same as those quoted by the Canadian Pacific Railway to and from that port or West St. John, and the same as quoted by the Grand Trunk Railway to and from Portland, &c."

Hon. Sir MACKENZIE BOWELL—And yet it is 800 miles, and they get paid for 400 miles.

Hon. Mr. SNOWBALL—They have to carry it 481 miles against carrying it to Portland 297 miles. The Canadian Pacific Railway agrees to carry freight 200 miles further to St. John at the same rate, and apparently it pays, if the discussion extends till to-morrow I should like to show what position the Canadian Pacific Railway is in for carrying the freight those long distances at the low rate. They got a large annual bonus for extending the road from Montreal to St. John through the state of Maine. I believe that bonus is $185,000 per annum for running 180 miles of road. What was it given for?

Hon. Mr. PERLEY—To make St. John a winter port.

Hon. Mr. SNOWBALL—But that is not all the government does. They bonus steamers going to St. John and these steamers carry freight lower than they could if the bonus had not been given. To talk of the Cananian Pacific Railway being driven out of St. John is simply an absurdity. The Canadian Pacific Railway is bonused, and the steamers are bonused, and the rest of the country has to pay for it. I am not denying it at all.

Hon. Mr. SCOTT—$186,600 is the exact amount of the bonus.

Hon. Sir MACKENZIE BOWELL—What has that to do with it?

Hon. Mr. MILLS—It has to do with your argument.

Hon. Mr. SNOWBALL—The Canadian Pacific Railway receives $186,600 of a bonus annually to run from Montreal to St. John, and the other road run without assistance. They would be very foolish not to go on with their business. I am not at all sorry that we have bonused the Canadian Pacific Railway from the first to the present day. But the Canadian Pacific Railway is now on its own feet, and this country should not be required to carry it any longer. If there is anything to be gained by sending freight through the provinces of Quebec, New Brunswick and Nova Scotia to Halifax, via the Intercolonial Railway by all means let the country have the benefit of it. I say that the Intercolonial Railway can to-day carry freight from Montreal to Halifax, which is 740 miles against 480 to St John, in competition with the Canadian Pacific Railway and make money. We know that the curves and grades on the Canadian Pacific Railway, especially in that section through the state of Maine, are not such as they can risk trains to the extent they would risk them on other portions of the road. They cannot haul the immense trains that are now used up a ninety foot grade. The Intercolonial Railway has no grade over sixty-two feet. The Intercolonial Railway could start from Montreal with a train of fifteen cars and take it through without any hesitation, as against the Canadian Pacific Railway, taking ten cars and would earn more money in going even to St John. I tell hon. gentlemen that the life of the maritime provinces certainly depends on getting the Intercolonial Railway connected with the western provinces at Montreal. It was built by the government as a military road, as a government enterprise, and it has done wonders for the country. Stopping the Intercolonial, as it was stopped at Rimouski, the government of the day found their mistake. They found that that was not a proper terminus, and they extend it to Chaudière, which was a move in the right direction, but you might as well try to stop a steamship in mid-ocean and expect it to pay as to stop the Intercolonial Railway at Chaudière or any point east of Montreal and expect it to pay.

Hon. Mr. DEBOUCHERVILLE—The Intercolonial Railway never stopped at Rimouski.

Hon. Mr. SNOWBALL—Well, Rivière du Loup, which is about the same thing. I am satisfied that the Intercolonial Railway is better equipped to-day, and more capable of carrying freight between Montreal and Halifax at a profit, than the Canadian Pacific Railway is between Montreal and St. John. I do not want to appear in opposition to the Canadian Pacific Railway. Give them the benefit of their subsidies, but do not let us sacrifice Canada entirely. We want more than one outlet in the maritime provinces. The Canadian Pacific Railway has done a great work, but the Intercolonial Railway has done a greater work. The Intercolonial Railway, stopping at Chaudière or Point Lévis, is incapable of meeting the requirements of the day. It might have answered twenty-five years ago, when the government put it there, but now the traffic of the lower provinces requires it to go on to Montreal. It is all very well to make a tariff. We comply with the tariff very largely, but anybody who has a large amount of freight to move wants a special rate. You go into Truro, Moncton, St. John or Chatham and you ask a special rate, and they say, "We can only quote you to Chaudière; we cannot quote any further." And it takes days to telegraph and get the quotation from Chaudière westward. But the Canadian Pacific Railway can in the meantime quote a through rate and secure the business, the Canadian Pacific Railway do not want this road to be built into Montreal. They want it left as it is to the detriment of the Intercolonial Railway. The Canadian Pacific Railway can bill goods to any part of the continent without any other road being consulted, and the consequence is they are able to monopolize a larger amount of freight, because they are able to quote a rate immediately. Bringing the Intercolonial road into Montreal would remedy these evils. It will not remedy them at once, because the service of the Intercolonial is such that it will have to be largely reformed and the agents will require to have more control than they have. But we are moving in the right direction and, in the meantime, I would appeal to the House to let the Intercolonial Railway have a terminus at some point that they can quote for the business of the country, and meet the requirements of trade and be a blessing to the country. I have already spoken of the 3rd clause. It is in the event of the Intercolonial Railway

making arrangements with steamship companies. Well, they will no doubt make such arrangements, and then the agents will route the goods in the best interest of his company. We do not want our traffic sent west over the Grand Trunk Railway through United States territory nor do we want our business sent east over the Canadian Pacific Railway through the state of Maine. We want the people in our own provinces to receive all the benefit that is to be derived by carrying goods through our own territory. My hon. friend also dealt with the exchange of goods at Montreal as being unfair. I wish to emphasize the fact that it is not unfair. The government agree to give the Grand Trunk all the freight, originating on the Intercolonial, at Montreal in preference to any other road if unconsigned. Everybody is at liberty to consign his goods, and will consign them by the cheapest route. If the Canadian Pacific Railway can come in there and show better arrangements, they will get the freight, if the freight is consigned. But what do we get in exchange? The Grand Trunk Railway are bound virtually to close their road from Montreal to Lévis and give all their freight to the Intercolonial Railway. What is the position? We agree to give them the west bound freight and they agree to give us the east bond freight. The east bound freight to points on the Intercolonial Railway is ten cars to one. We give then ten cars going west and they give us 100 cars going east. Who benefits by the transaction? They can carry the freight to Richmond and down to St. John. They can go down the Temiscouata route, or they can take it to Portland and send it by water to all points in Nova Scotia the year round, but to the eastern section of the province they cannot.

Hon. Sir MACKENZIE BOWELL—Where does the hon. gentleman get the statistics which justify the statement that the east bound freight is ten to one more than the west bound?

Hon. Mr. SNOWBALL—We get at it in this way: What are our exports? Nothing but fish, coal and lumber.

Hon. Mr. FERGUSON—What has that to do with it?

Hon. Mr. SNOWBALL—These items do not go west.

Hon. Mr. FERGUSON—Except the coal.

Hon. Mr. SNOWBALL—The coal cannot go past Montreal. We have nothing to go west, therefore our traffic is comparatively nil.

Hon. Mr. PROWSE—They want fish badly.

Hon. Mr. SNOWBALL—If we get this road extended we can then send Ontario better fish food. How do I know? Well, my experience of the business of this country is such that I have an idea of everything that is done in the country. We have nothing to send west, and our custom-houses do not show the amount of revenue we pay to the Dominion.

Hon. Mr. ALMON—Do the maritime provinces not send fish from Halifax to Chicago?

Hon. Mr. SNOWBALL—Not very much. There are two or three car loads from Miramichi to one from Halifax. The coal goes only as far as Montreal and we have nothing else to ship. All we have to ship is the merchandise that comes from the European market, and it will go over any road that it is consigned by, and in return we get all our manufactured goods, pork, and even oats and hay—and these latter goods have largely gone through the province of Quebec for years. We do not raise enough for home consumption, and we draw on the western provinces for everything.

Hon. Mr. PERLEY—How do they pay for them?

Hon. Mr. SNOWBALL—In hard cash.

Hon. Mr. PERLEY—Where do they get the money.

Hon. Mr. SNOWBALL—From Europe.

Hon. Mr. PERLEY—What do they send there for it?

Hon. Mr. SNOWBALL—We send our lumber and other goods, and from there we get the money. I think I have made the point as to the easy grades and easy curves of the Intercolonial Railway. It is purely and simbly on Canadian territory. My hon. friend made the strong point that he does not want the railways of the United States to be assisted unnecessarily by us.

Hon. Mr. MILLS—He speaks of westward freights.

Hon. Mr. SNOWBALL—Well, eastward we give them more, and we are paying a heavy bonus besides. I want to avoid United States territory, as much as my hon. friend. I want to see everything go through the province of Quebec, and Canada receive every dollar in return.

Hon. Mr. KIRCHHOFFER—I wish, at the opening of my remarks, to deprecate the statement which I saw in a Toronto paper, to the effect that the opposition in this House was championing the cause of the Canadian Pacific Railway as against the Grand Trunk Railway, I wish to emphasize, in the strongest possible way, that we are not taking up the quarrel as between two rival railways. That the Grand Trunk should be getting an advantage over the Canadian Pacific Railway in some traffic arrangement which may be made between them and the government is absolutely of no interest to us, except for the fact that the interests of this country are going to suffer enormous damage should it happen by any chance that this bill were to become law. I am no advocate of either one of these railways over the other. The fact that the Grand Trunk was the pioneer Canadian road does not lead me to sympathize with that company any more than I do with its younger, its newer and energetic rival, and the incident that the Canadian Pacific Railway passes altogether through Canadian territory, and passes, as I may say, by my own door, is the only reason why my name should be mentioned as advocating its cause. If the names of the two roads should happen to be changed, my argument would apply equally well to the Grand Trunk. It has been stated that when this bill passed through the House of Commons the real effect of clause 40, which is the principal one in debate here, and which has caused the opposition to this supplemental agreement, was not actually discovered. I can scarcely wonder at that, because these traffic arrangements between railways are of such an intricate and complicated nature that they can only be really, thoroughly understood by experts. They need a special education in a man, and almost a special form of intellect, in order to make them clear and properly understood. And it is quite apparent, even from the discussion which has taken place in this House so far, that many of us have a great deal of difficulty in understanding at first blush what the real effect of such a clause as this would be. The hon. gentleman who introduced this bill set us the example of reading the clauses of the bill as it stood, and I am sure he will allow me to take some of the clauses in what I consider the most important part of the bill, which is the supplemental agreement, and discuss them as I go along. I will take clause number 1 of the supplemental agreement, which reads as follows :—

> Notwitstanding anything contained in any agreement between Her Majesty and the company heretofore made and now existing, it is agreed between Her Majesty and the company that during the continuance of the contract to which this is a supplement, percentage divisions via Chaudière Junction shall be suspended, and that with respect to all traffic originating throughout the company's system, or connections west of Montreal, and offered for shipment to any point on the Intercolonial Railway, or reached by its connections, Montreal shall be the junction point, and the company undertakes to route all traffic destined to points on the Intercolonial Railway and its connections, via Montreal and the Intercolonial Railway.

This clause imposes on the Grand Trunk an obligation to hand over to the Intercolonial at Montreal any traffic offered for shipment from any point on the Grand Trunk system, or its connections west of Montreal, and destined to a point on the Intercolonial "east of Ste. Rosalie Junction," and it cancels all divisions by way of Chaudière Junction, on such traffic. The only traffic to which this could apply is the traffic coming into the Intercolonial local territory, so that the Intercolonial Railway could at any time, by the mere cancellation of divisions via Chaudière Junction, accomplish just what this clause is intended to cover. It is quite proper, however, that the clause should appear in the agreement, because paying the Grand Trunk practically three million five hundred thousand dollars in cash for the joint use of the railway, bridge, and terminals the government had every justification for demanding that the Grand Trunk should deliver at Montreal the traffic in question. The amount to be paid by the government under the agreement represents, at least, the value of the entire Grand Trunk line from Victoria bridge to Lévis, and in view of this large sum the condition about the delivery of east bound traffic is one that the government naturally would have imposed. Indeed, this is the only traffic that was covered by the original agreement, as will be seen by reference to the bill discussed in the House in 1897. As I remarked above,

however, this business being practically all local traffic going into the territory of the Intercolonial the same end would have been accomplished by the cancellation of divisions via Chaudière Junction, on east bound business. The true definition of the term "Montreal Joint Section" in the main agreement was pretty clearly that this covenant is not intended to apply to the section of the line between Montreal and Ste. Rosalie Junction. Clause No. 2, reads as follows :—

All business originating in the city of Montreal or on the Montreal joint section, destined to points on the Intercolonial Railway, shall be considered Intercolonial traffic, it being agreed that in connection with that consideration, the Intercolonial Railway will give all the traffic from its system and connections that it can control, destined to New England points, or any other point east of Ste. Rosalie reached by the Grand Trunk system and its connections, to the Grand Trunk Railway at Chaudière Junction, the Intercolonial Railway being allowed Aston mileage.

It is not easy to see the necessity for this clause unless it be to furnish grounds for an undertaking on the part of the Intercolonial to deliver all New England business originating on its system to the Grand Trunk at Chaudière Junction, instead of carrying it through to Ste. Rosalie Junction. However, in view of geographical conditions this clause is not an unfair one. Clauses Nos. 3, 4 and 5 read as follows :—

Traffic destined to points in the United States reached via the gateways of St. Johns, P.Q., Rouse's Point, N.Y., Huntingdon, P.Q., and Massena Springs, N.Y., to be delivered to the company at St. Lambert.

All business originating on the Montreal joint section, destined to points on the company's lines east of Ste. Rosalie shall be considered "company's" business, and all traffic originating on said section destined to Intercolonial Railway points shall be considered "Intercolonial" traffic.

All business originating on the company's lines east of Ste. Rosalie, or on the Intercolonial Railway between Ste. Rosalie and Lévis, inclusive, to be interchanged at Chaudière Junction, Aston Junction or Ste. Rosalie Junction, or at such other junction point as may be hereafter opened, the understanding being that such business is to be forwarded by both lines via the shortest route between the point of shipment and destination.

These are ordinary traffic relations such as should exist under the circumstances. Clause No. 6 provides that :

Her Majesty further undertakes to route via Montreal all unconsigned west bound traffic controlled by the Intercolonial Railway or its connections, destined to points west thereof reached by the "company" and its connections.

To describe more particularly what is meant, this clause should read as follows :—

Her Majesty further undertakes to carry to Montreal all unconsigned traffic originating at any point on the government railway system and its connections, or arriving from any portion of the world by water at any port in the lower provinces reached by the Intercolonial and destined to any point west of Montreal in Canada or the United States, and there hand it over to the Grand Trunk for transportation over the lines of the Grand Trunk, or over the lines of the Chicago and Grand Trunk, Chicago and North Western, Chicago, Milwaukee and St. Paul, Northern Pacific, or Great Northern Railways, and this arrangement shall continue for ever.

So that if a shipper at Rivière du Loup, Moncton, or any other point on the Intercolonial forwarded a consignment of machinery or of material of any other description, to Winnipeg, Brandon, Portage la Prairie, the Kootenay country, Vancouver, New Westminster, or the Yukon territory, the shipment would be taken to Montreal by the Intercolonial, there handed over to the Grand Trunk, and by that company, in the ordinary course of business, handed to its connections at the United States frontier for transportation through the United States to its Canadian destination. If the shipper specified that the goods were to be consigned by the all-Canadian route, they might possibly be handed over to the Canadian Pacific at Montreal or North Bay, but in ninety-nine cases out of a hundred no route would be specified, and, therefore, the shipment being "unconsigned traffic" would be forwarded by the Grand Trunk and its United States connections. Import traffic by the Atlantic steamships lines and others arriving at Halifax, Sydney, or any other Intercolonial Railway port would be routed in the same way. Whatever new conditions might arise within the next ten, twenty, fifty or one hundred years, the government railway system would be bound, and through it, every town, village and community on the line of the government railway system would be tied up irrevocably to one railway route, other Canadian railway lines west of Montreal, now existing or that may hereafter be built, would be for ever deprived of any interest in the traffic of the government railways or in the business development of the territory tributary to them, because by a most exclusive and perpetual agreement they would be debarred from any participation in the traffic between Intercolonial territory and other sections of Canada. From the standpoint of the government the proposition is a monstrous one, and would not receive a moments consideration at the hands of a practical railway official. I can imagine nothing that would more certainly

prevent the possibility of any expansion of trade between the lower provinces and other sections of Canada than this improvident and unwise bargain. I need not refer to the effect that such a servitude would have on the value of the Intercolonial property in case the government should at any time hereafter desire to sell it. The consideration would, of course, be a most valuable one for the Grand Trunk. There might be some excuse if, in return, the Grand Trunk undertook to pay the annual interest on the cost of the government railway system. Clause No. 7 is an undertaking on the part of the government to accept about one-half its mileage rate on traffic from Grand Trunk points to St. John, Halifax, &c. On imports and exports the Grand Trunk does not undertake to send any of this business to the Canadian ports as against its own Atlantic terminus at Portland, Maine, but, if it should, the Intercolonial undertakes to carry the traffic at half rates. A very bad feature of this clause is the establishment for ever of a series of groups of stations in making rates. The agreement does not show these groups, although they are an essential feature of it. Whatever the groups may be now, they should not be fixed for ever, because, new conditions may make periodical changes desirable, if not necessary, from time to time. I will come to clause No. 8. The Grand Trunk has its own steamship connections between Portland, Me., and Liverpool, Glasgow, London, Bristol and other ports on the other side of the Atlantic. If at any time hereafter the Intercolonial should establish steamship connections between Halifax, St. John, or other ports, of the lower provinces, and European ports, the Grand Trunk are required to participate in such rates as are made to these ports by other lines. In the first place, the agreement excludes every good European port, because the Grand Trunk are sure to have their arrangements with these by way of Portland. In the next place, the publication of the rates to such ports does not mean anything, and is only put in for the purpose of leading the country to suppose that in making this absurb traffic agreement export and import traffic by way of Canadian ports was being looked after. The regular grouped percentage divisions mentioned in this clause deserve the same criticism as those referred to in the previous clause.

Hon. Mr. SNOWBALL—The hon. gentleman says that the Grand Trunk Railway has its own steamship connections between Portland, Maine, and Liverpool, Glasgow, Bristol and other ports in Europe. Will the hon. gentleman say whether he is positive the Grand Trunk Railway Company have those connections? They have one at Liverpool and one at Glasgow, but unless he has good authority, I do not know of any other.

Hon. Mr. KIRCHHOFFER—I know it has its agent at Cork.

Hon. Mr. SNOWBALL—What steamer goes to Cork?

Hon. Mr. KIRCHHOFFER—The hon. gentleman lives down by the sea and can tell what vessels go from Cork to the maritime provinces. If he asked me about the production of wheat in Manitoba and the North-west Territories, I could tell him about it. I am speaking from the information I have received, that they have those connections on the other side of the Atlantic.

Hon. Mr. SNOWBALL—I tell the hon. gentleman there is no steamship line or tramp steamer that goes to Cork.

Hon. Mr. KIRCHHOFFER—I come from there, and I ought to know. I have been there, not once, but many times. I said at the commencement that the proper effect of this clause can only be understood by experts, and I may say that when the result of this clause was pointed out to me, I was fairly astounded at it. I could hardly believe that the government could have knowingly incorporated such a clause in this bill; and I am informed that when the result of such a provision was pointed out to the government they themselves expressed great astonishment at it. There is no question about it, but this agreement and this supplemental agreement passed through the House of Commons and was not understood or questioned there, nor was any attention called to it by the government. I cannot but think it must have been because the points in it were so involved, so locked up that it was difficult for the ordinary lay mind to understand them. I cannot believe that the government understood the effect

of the clause. I cannot believe that the government would knowingly seek to barter away the birthright of the country in this manner. Now, although the government as a government, may not have been able to see through this clause, the Minister of Rail ways should have seen through it. That is his particular department. He himself is, or should be, an expert in these railway matters. He has as much right to be conversant with his business as Mr. Hays, the manager of the Grand Trunk, with whom he was negotiating and carrying on this agreement. If he was not able to see through it while he was negotiating with Mr. Hays, then he is not fit for the position which he enjoys, and the emoluments which he draws. I can think how that clever and astute manager of the Grand Trunk Railway must have chuckled to himself as he drew the wool over the eyes of the representative of the Canadian railways—how he must have enjoyed it. The manager—a very astute one, too—of the Northern Pacific Railway said, when he was entering into negotiations with the Greenway government, "the government is our meat." That was the way in which the manager of the Northern Pacific looked at the agreement which he was making with the Greenway government, and I have no doubt that Mr. Hays, as he saw the childlike and bland and blissful ignorance of the Minister of Railways, while he was bartering away the rights and the birthright of this country, must have felt equally that the Minister of Railways was his meat. I do not want to bring in a bill to make the Minister of Railways liable to a criminal prosecution, but I do charge that the Minister of Railways, if not criminally guilty, was criminally innocent. I say that he was criminally ignorant and negligent when he allowed this monstrous concession of the country's assets to be given away in this manner. A mortgage of the Intercolonial Railway, never ending, perpetual, ad infinitum. How do you like it, hon. gentlemen? What do you think of it?

Hon. Mr. McDONALD (C.B.)—I do not like it at all.

Hon. Mr. KIRCHHOFFER—If Canada were ever anxious to dispose of this road, she would be obliged to do it at half what you could get for it if this mortgage were not placed upon it. Now, one of the arguments of the hon. gentleman who spoke last was to the effect that the west bound traffic of the Intercolonial was so small that it was hardly worth while talking about, I am not questioning what the hon. gentleman says. He is a resident of that part of the country and knows better than I do what the conditions of business over the Intercolonial are.

Hon. Mr. SNOWBALL—An immense local traffic.

Hon. Mr. KIRCHHOFFER—But, as I said before, we are not legislating for the present. We are either bartering away, or we are going to protect the interests of posterity. We are living in a country of great extent and of vast possibilities, and those of us who think that a bill passed now with a limitation of 100 years is one that should not be altered ten times over during the continuance of that time, has no conception of the advance that has taken place in this country and that will take place in a far greater degree in the next fifteen or twenty years. Because this country is on the eve of a very great expansion. One has only to go to the north-west section of Canada to see how hundreds of thousands of acres of prairie are being added to the land that is broken up and cultivated. What a few years ago was merely an output of five or six millions of bushels of wheat has now increased to 40,000,000 of grain, as it was last year, and this year, with the extension of the area of land under cultivation, it will probably reach 10,000,000 higher than we have ever reached in the history of that country. With such a future as that, and with a traffic which is bound to come out to that western country, with our connection with a fast line of steamship as we will have, I presume before very many years—as soon as this government changes—we will have it——

Hon. Mr. McSWEENEY—Not before?

Hon. Mr. KIRCHHOFFER—We probably will not have it within the next two years. Then the quantity of freight which will be shipped to this county from Europe to the homes of the millions who have settled in the North-west and will have taken up lands in that western country, will all come out here and where will it go under this agreement? Why the traffic will go over the United States lines and the great amount

of money which is to be paid for the handling of that vast freight and the forwarding of it and all the expenses connected with it, with the exception of what the Grand Trunk will receive until such time as it passes over the boundaries of Canada and enters United States territory, will all go to western United States roads, and what will be the position of our Intercolonial, our government, its railway and its employees? They will be a set of agents in that eastern province for the western United States roads. That is the position that they will occupy. As I said before, this is not a quarrel between two railways; this is a fight for Canada, a battle for the future of our Dominion. I say that this simple clause, which has hardly been understood until it appeared here, contains a vast element to control the future of this country. I am given to understand that since this clause has been explained the members of the government have been anxious to devise some means whereby the bill could be altered. I do not see that there would have been any great difficulty in doing so, but it would have involved the necessity of their declaring that they had made a mistake, and that would seem to be a hard thing for them to do. I cannot see that it is so hard for any man, or for any government, if they have made a mistake, to admit it. I think that the most statesmanlike proceeding would have been for this government to have come down off their high perch, to have admitted that they had made a mistake. If they had come to this House and said "we are glad we have the Senate here to revise our measures, we are glad to have an opposition here to point out where we have made errors," and asked leave to withdraw this bill and after consultation with experts and a conference between the leaders on both sides,—because it is a matter in which they could take one another into their confidence—they could perhaps bring in a measure which would be fair to the railroads and an advantage to the country and to all parties concerned. I did not think, when the hon. leader of the Senate was introducing this bill, that he did it as if his heart was in it. I think he must, with the right instincts that he has in almost all those matters, as we have seen in the case of other measures he has brought before the Senate, in his heart agree with all I have said. But he has been put here to bring in those measures which he cannot possibly, with his high instinct, have his heart in. He has been obliged to advocate other objectionable measures of which he could not have approved. But this is not a bill for the expropriation of an Archie Stewart, or for making a criminal out of Burland; it has a far-reaching effect on the people of this country, and I would say now I am satisfied, from the feeling I have seen exhibited in this House, that it is not the intention of the majority of the Senate to allow this bill to pass. I am quite sure that when a motion is made to postpone the ratification of this agreement, you will find a majority of this House against the bill.

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

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Friday, 30th June, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

CONDITIONAL LIBERATION OF PENITENTIARY CONVICTS' BILL.

FIRST READING.

Hon. Mr. MILLS introduced Bill (T) "An Act to provide for the Liberation of Penitentiary Convicts." He said:—The object of this bill is to introduce into the administration of justice in Canada the indeterminate sentence system. It has been adopted in England and works very satisfactorily there, and has been introduced in many states of the neighbouring union, and I have no doubt it will prove satisfactory here. The bill is a short one and is an Act to provide for the conditional liberation of penitentiary convicts, for the issuing of tickets of leave indicating the districts in which they are to remain, and the sheriff or some other officer to whom they are to present their ticket for registration, and if they leave that district and go to another, they will be required to register there also, so

that the Crown may at all times know where they are. Being convicted of criminal offences, as long as their sentence remains in operation, even should they actually cross the border, their extradition may be secured the same as any other escaped convict. The system has worked satisfactorily in all the states of the American Union in which it has been introduced, and it has worked satisfactorily in the United Kingdom, and if we can permit the convict, under a ticket of leave, to remain at large, under surveillance, earning his own living, it would be a course less burdensome than that which at present exists. It is a measure which has been pressed on my attention for more than a year, but until recently I have not had time to consider it with a very great deal of care. I now introduce the bill for a first reading and shall proceed with it further in the session.

Hon. Mr. ALLAN—I am glad, indeed, that the hon. Minister of Justice has seen his way to introduce a bill of this kind. Similar legislation has been in force in England and the United States. The effect can not be otherwise than beneficial, and I am glad that the measure has been introduced.

The bill was read the first time.

GRAND TRUNK RAILWAY AND INTERCOLONIAL RAILWAY AGREEMENT BILL.

DEBATE CONTINUED.

The order of the day being called:

Resuming the adjourned debate on the second reading (Bill 138) "An Act to confirm an agreement entered into by Her Majesty with the Grand Trunk Railway Company of Canada, for the purpose of securing the extension of the Intercolonial Railway system to the city of Montreal."—(Hon. Mr. Wood.)

Hon. Mr. PRIMROSE—Senator Wood is unwell and is not able to be present.

Hon. Mr. KERR—I regret exceedingly the absence, as well as the cause of the absence, of the Hon. Mr. Wood, and I trust that his illness will prove to be of a very temporary character, and that before this debate closes I shall, in common with the other hon. senators, have the pleasure and satisfaction of listening to a speech by him upon the important question before the House. It will be very obvious to hon. gentlemen that, expecting the hon. senator to-day would resume the debate, I am a little taken by surprise at being called upon to speak this early in the discussion. However, it was not my intention to detain the House at any very great length with observations of my own upon the agreement now before the Senate. I should like to have the wisdom, as well as the gift of tongues, to be able to say something that might be of benefit in solving the important problem now before the House, and my remarks should, I think, be directed towards the possibility of arriving at some solution of the difficulty, so that hon. senators might be able to reach a decision that would be satisfactory to their own minds, satisfactory to the government and satisfactory to the country. Hon. gentlemen are aware—and I merely go back for the purpose of reference—that at the time of confederation it was part of the agreement which led up to that confederation that the Intercolonial Railway should be constructed. That seemed to be a necessary bond of union between the several provinces then about entering the union, and in a sense the Intercolonial Railway was made by the British North America Act part of our written constitution, binding upon all the provinces entering into that contract, and as such it has been maintained ever since it was constructed. Hon. gentlemen will recollect that according to the terms of the 145th section of that Act, the construction of that road was to be begun within six months after the Act came into operation, and was to be proceeded with without delay until the road was completed; but the Act specially stipulated that the road should commence on the River St. Lawrence and terminate at the city of Halifax. Hon. gentlemen know, and many of them are much more familiar with it than I can be by reason of residence and otherwise, that that road was constructed, so to speak, by instalments as the necessities of the provinces and the terms of the compact required. It is rather an unpleasant subject to contemplate the history of that road in its financial results, but I have a very warm side for the Intercolonial. It is a child of this Dominion. I do not suppose any hon. gentleman thought at the time that the great benefit to be derived from the construction of that road was the financial benefit alone. The construction of that railway enabled myself, as one of the residents of the province of Ontario, more readily to meet you in the capital of the Dominion, a privilege which I greatly

prize. It also gave you of the extreme east the facility for coming to the capital without using the circuitous route through the territory of our neighbours. The Intercolonial Railway, therefore, has a claim upon the sympathy of the Senate. Its history financially has been somewhat chequered. The country has put a great deal of money into that project, between $55,000,000 and $56,000,000 I believe of capital, aside—altogether and over and above the amount that has been expended in the operation of that road and in meeting the deficits from year to year. Why that road was not brought to Montreal in the first instance, or early in its career, is a question which I never could decide satisfactorily to my own mind. I do not profess to be a railway man. I do not profess to be as competent a judge of the importance of a railway as other hon. gentlemen in the Senate, but I profess to be equal to any hon. senator in my desire to see every railroad, ever canal, every public work as fully developed as possible, and that the greatest possible good shall come out of each and every one of these public works and thereby confer a great benefit upon the country at large. The Intercolonial, as we are told by the hon. Secretary of State, has had large deficits from year to year going back to a period, I think, which he named, some $11,000,000 of money in the shape of deficits. Well, it would be the dictate of prudence, it would be the course that any honourable man would take, and any business man would take, to try and stop that leak. According to my view of the road, financially speaking, it would have been better if the government could have handed it over to some company, or in some way or another got rid of the financial burden, but the duty of maintaining that road was cast upon this government and this country by the very terms of the Imperial Act, and therefore, we were not in a position to take that course. Now, what is the proposition? I need not enlarge upon that, and I am glad that the issues now between us are narrowed down very considerably. When this project of extending the road to the city of Montreal was first launched before the country, it created, at the time of its being launched, a large cloud of dust, or something worse. I am happy to say, and I am delighted as a member of the Senate and as a Canadian—that subsequent investigation and inquiry cleared away very much of the cloud that was then cast over it, and that we are now not obliged to see in it the ugly features which it first presented to this country, but that we are able now to look at it as an honest business transaction, and I suppose the sole question before the Senate and engaging the attention of this country is whether the arrangements which have been proposed and provisionally entered into are wise and provident arrangements. And from the discussion which has taken place since the matter has been brought before this House—I speak of this session—I am glad to find, and I hope I am not wrong in my inference, that we are all united as to the desirability, the expediency and the wisdom of extending that road from its present western terminus to the city of Montreal. Then the other question, as the hon. leader of the opposition told us yesterday, and with which I entirely agree, was the means of getting there. The present Minister of Railways has in his wisdom—and he has received the sympathy and support of his colleagues in that view—thought that the Intercolonial might reach Montreal by adopting two means, first to buy out another railway with a small branch, making a mileage of some 130 miles, known as the Drummond County Railway. Although I have told this Senate that I am not a practical railway man, I have since 1852 had more or less to do, as a provisional director or otherwise, in connection with railways, and I am told by men competent to form an opinion, that the price agreed to be paid for the Drummond County Railway, of $1,600,000, is fair and reasonable and, in fact, a moderate amount to be paid for that property. I take it from the discussion in the House thus far that that will not be combatted, or gainsaid, or disputed. We are within some thirty-seven miles of the city of Montreal when we get to the western extremity of that railway. Then we have to take another step to get to Montreal, a step of thirty-seven miles. How do we get there? Practically by an arrangement with the Grand Trunk Railway of Canada, for which the government has agreed to pay $140,000. Therefore, these two together amount to nearly 160 odd miles. By adding that 160 odd miles to the 1,154, the mileage of the Intercolonial proper, we have a railway practically of 1,300 miles. I do not propose to go into the earnings of these respective

portions of the road. If I did, I am afraid hon. gentlemen might say that I was amenable to the sarcasm of the poet Pope, who said that "Fools rush in where angels fear to tread."

Hon. Mr. MACDONALD (B.C.)—Tread in.

Hon. Mr. KERR—I do not wish hon. gentlemen to infer that I consider we are all angels here. In fact, most of us have been born a little lower than the angels, and we are somewhat of the earth earthy. But I can only give you my views as they may occur to me, in a simple and unsophisticated manner.

Hon. Mr. MACDONALD (B.C.)—And not as an angel?

Hon. Mr. KERR—Not as an angel.

Hon. Sir MACKENZIE BOWELL—It might be as one of the fallen angels.

Hon. Mr. KERR—In order that I might have an intelligent notion of the position of this thing, I have understood, and it has been stated here that the former Minister of Justice, Sir Oliver Mowat, suggested in his wisdom—and he has always been considered a very wise man in Ontario—that the experiment should be tried and that this Senate, before finally rejecting this arrangement, should await the result; so that up to the present the experiment has been only tenetative. I argue to this Senate that it has been a success. I find upon inquiry at the proper sources of information, that on the 30th April, 1898, there was a deficit in the operations for the year of the Intercolonial of $33,311. So that the new arrangement began with that deficit. What is the result on the 30th April, a year afterwards. That deficit of $35,000 in round numbers has disappeared. So far, so good. The government have been enabled, out of the additional earnings of the railway, to pay to the two companies, the Drummond County Railway and the Grand Trunk Railway, the large sum of $175,000 by way of rental, and, having wiped out the deficit of $35,000, having paid that sum, there is still to the credit of the railway, over and above liquidating these two large amounts the handsome sum of $62,569. I would say tally one for that. I think that is an encouragement. I am sure the former Minister of Justice, Sir Oliver Mowat, will be glad to know that his suggestion was wisely acted upon, and that the Senate should be encouraged and look with more favour upon this arrangement than they were enabled to do at the time it was discussed before. In round numbers the increased earnings of that road, adding the $62,000, the surplus, and the $35,000, the deficit, together, making $97,000, and the $175,000 of rent paid making $280,000 in round numbers, earnings of that road more than the previous year. Some hon. gentlemen say that that can be accounted for in a variety of ways. I do not know whether it can or not. I do not know, and no hon. gentleman within this chamber can say, whether it can or not, but a fair argument to be used, and I shall use it, and I think I have a right to use it, is that during that short period, that extended road, the road with its extensions, the whole road which I shall call the Intercolonial Road from Halifax to Montreal, shows an improvement in our financial returns of nearly $273,000. Is not that an encouragement? Just here I would like to refer to one fact. This matter was before the Senate on a previous occasion. Fortunately, or unfortunately for me, perhaps, I was not present, but I learned yesterday from the hon. leader of the opposition in this House that by the course the Senate took when this matter was before them on the first occasion, the country has saved over $700,000 of money. I am glad to hear it. That item stands to the credit of this Senate, and what I want to do is to see that that item is not blurred by anything we do now. I want that item to stand there to the credit of this Senate, that this Senate has been the means of saving to this country some $700,000. I am a member of the Senate and I intend from now to the end of the chapter to stand up for the rights and dignity of the Senate, and I will advocate its rights on every and all occasions, and I will give credit when I think credit is due. I am bound to say that the Senate has been the means of saving this country some $700,000 by the course that they took then. I submit further that the Senate ought to be satisfied with that.

Hon. Mr. PROWSE—Oh, no.

Hon. Mr. KERR—I mean that if the terms are so much more favourable now, I for one shall claim that the Senate is entitled

to the full credit of getting these better terms.

Hon. Mr. FERGUSON—You would not object to another $700,000 better?

Hon. Mr. KERR—Oh, no, I would not object if we could get it for nothing. I will modify that. I have always thought that governments and parties in dealing with each other ought not to aim to see how much they could get and how little they could give in return. I hope that price for that road is a fair and reasonable price, and that who ever is entitled to that reasonable price should get it; but I do not want them to get any more than it is worth. I have taken pains to inquire from railway men of practical experience—men who have built, and who have operated railways, and who do not care one straw for either of the political parties in this country, and they one and all tell me, that that road, well built as it is and was, is worth considerably more than the price agreed to be paid for it. Now, that is so or it is not so. It is the best information I can get upon it, and I give it to you. I have not any hesitation in endorsing it, because, from my knowledge of what the Northumberland and Cobourg to Peterborough cost us. I know that $12,000 a mile is considerably under rather than over the actual cost of building a railway. I need not enlarge upon this point any further. Then as to the rental to be paid to the Grand Trunk, I am equally advised, by competent judges, that the Minister of Railways has not stipulated or tried to commit this country to too large a rental, considering the privileges and the value he gets for the money. I am informed by competent judges that to build a new road would cost from a third to a half more than the price that is being paid to the Grand Trunk. I need not discuss that any more. I take it for granted, from the observations that have been made already, that no hon. gentleman in this House seriously disputes the wisdom of what has been done in regard to the Drummond County Railway, nor with regard to the amount to be paid to the Grand Trunk for the privileges which the country gets. These are two points. Hon. gentlemen might say we ought to have got a little better terms, but we are one practically upon those two points. We have the issue narrowed down, as we say in law, to one point, that is the traffic arrangement agreement. About that I do not intend to say a great deal. Both the ministers in this chamber have, I think, very fully and very satisfactorily explained that, as well as the general clauses of the agreement and the acquisition of the railway. I am sorry to say that a great many hon. senators differ from me in the view I take of what we call the traffic clause, but I take it that it is narrowed down just to that one point. Now, we ought to be able, between the government and the opposition side of the House, to solve that difficulty. If we are not able to do so, it seems to me we are not as capable and as patriotic as I believe the senators of this Dominion to be. My greatly esteemed friend, the leader of the opposition, had very strong views in regard to that agreement. In fact I got nearly frightened yesterday as I listened to him, because he emphasized it, and I think he concluded with as strong an expression as he could find—that it was a damnable agreement. I was very much shocked, but I understood the sense in which the hon. leader of the opposition meant it, that it was a condemnable agreement. It was a word which, while it rather shocked my nerves, was a proper word from his standpoint, because I do not know what other he could have employed to express his fellings on that occasion. We in this Senate think we are omniscient—all of us do not think it, but we are pretty wise men. I will not say that there are not some wise men elsewhere. In the first place, the Minister of Railways says that this is a provident and a good agreement for the country. I did hear yesterday, and I was sorry to hear it—I do not wish to use any unkind expression, I never will if I can help it, and if I seem to do it to-day I do not intend it—a member spoke from that side of the House, and I thought that he seemed to wish to belittle the Minister of Railways. Well, I intend, whenever I can, to vindicate the ability of that minister. I knew that hon. gentleman long before he was a member of this government. I have heard him in the Supreme Court and elsewhere years ago, and I have been led to believe that he was one of the ablest men—ablest professional men in the province of New Brunswick, remarkable for its clever men and bright intellects, as I have had evidence since I came here. I think it is due to the hon. Minister of Railways for me to say that, and I would rather

have his judgment on this railway transaction—I will not say than what, but I would rather have it than my own, at any rate—and he tells you hon. gentlemen that this is a good bargain, a provident bargain for the country, and one which he can justify. But what does the hon. leader of the opposition say? He says, "Mr. Blair, that is a damnable contract." As my hon. friends on the other side have, I thought, drawn on their imagination a little, I shall draw on mine a little. I have examined Mr. Blair and got his evidence. I have examined the gallant leader of the opposition and got his reply. I will examine the whole government now, and ask them, Do you consider that a good contract? "Yes." I ask the hon. leader of the opposition, What have you to say to that? "Just the same as I said before." I will not repeat the words. Then, I will remind the hon. gentleman that 120 representatives of this great Dominion endorsed that contract, representing 120 constituencies alone who fresh from their constituencies.

Hon. Mr. FERGUSON—Not very fresh.

Hon. Mr. KERR—Men who are prepared to go back and give an account of their stewardship, and they have endorsed this contract. Suppose I put them all in the box, what will the reply of the hon. leader of the opposition be then? I imagine him saying, and no better illustration comes to my mind than the Latin words upon the Vatican at Rome—I will not give the Latin, but I will give the English—it is this, and it is the position taken by the hon. leader of the opposition in the Senate, "Not one step backwards." Although the hon. gentleman has the views of the Minister of Railways and the government and these 120 representatives, and not one step backwards will he take from his position. Then again, in addition to all that, in this House, the hon. Minister of Justice and the hon. Secretary of State have fired the first shots in the battle in this chamber and what does the hon. leader of the opposition say to those shots? Now they are coming to close quarters and, in the midst of this battle, he looks around upon his veterans, the heroes of many an engagement and the victors of many a battle in this House, men who can move with the precision and steadiness of veterans, and what does he say in addition to all that he said before? He says: "No surrender, gentlemen, that is my position." But I hope he will modify that position. I think he will, because he is one of the best-hearted men in this Dominion, and I believe he is open to conviction. I only wish that I had the power to convince him. It is all narrowed down to one point and that point is the little agreement. Now, what about that little agreement? I was thinking of a little sarcasm, I do not use it in an offensive sense, but it illustrates what I have in my mind. It is this:

> The mouse that has but one small hole,
> Can't be a mouse of any soul.

I do not mean that offensively, but the opponents of this measure are confined now practically to that one view. Now, hon. gentlemen surely we can overcome that. I will say a word or two more on that traffic arrangement. I believe that that traffic arrangement for ninety-nine years, as it is, is a good arrangement for this country, and I fancy I hear, as I heard yesterday, hon. gentlemen scoffing at that idea. I ask hon. gentlemen not to dismiss that idea hastily from their minds If one of us was intending to make a large outlay, and make an arrangement by which we expected to get a return from that outlay for a long term of years, and would not have made that large expenditure except upon the faith of getting those returns, the dictates of prudence would be that some arrangements of a permanent character should be made, so that the other party to the contract would not be in a position, from mere caprice or some other cause, to put an end to that contract and deprive us of the fruits or the interest or the dividend or the benefits that we might have had for that large expenditure. But I am told that worse than the financial aspect of this question—and this seems to be the core of the objection to it—is the fact that while the east bound freight from the west comes down to the seaboard and the Intercolonial Railway gets the benefit of it, that peradventure the west bound freight from the seaboard to the great west is likely, in part, to go through the United States. I am sorry that that view was trotted out. There is only one thing that I could madover in discussing these questions, and that is if I think—I do not say any hon. gentleman thinks it, but it is capable of that construction,—because forsooth some of that trade may go into or through the United States,

therefore, the arrangement should not be entered into. I have no sympathy with that view of the matter. I will not yield to any man in my desire to keep everything that I can for Canada and Canadians, but I wish to remind those who are opposed to that arrangement that the Canadian Pacific Railway, as was mentioned yesterday, goes through a portion of an alien country—sometimes I almost feel a hostile country. I do not like to use that word, especially just now. I understand also that the Canadian Pacific Railway have a connection at the Sault with that country. There is no objection to that. These railways will run their lines and their branch lines like any prudent man would, where they believe they will get the greatest possible return for their outlay. I believe in my heart that this traffic arrangement is one which will be more beneficial to the Intercolonial Railway than it will to the Grand Trunk, and if I had anything to do with the management of the Grand Trunk I should be very glad not to have that traffic arrangement extend over the ninety-nine years. I would rather have the power reserved in that agreement that I might cancel it at an earlier date. That is my view of the matter. I hope and believe that this question will be discussed purely upon a business basis and upon business principles, and that we will not consider the question, will our lines go through any portion of another country or wholly on Canadian soil. That is my view. There is not a railway in this country, as I said before, that I cannot wish a hearty good speed to. I am told by people outside that this opposition proceeds entirely from the pressure of the Canadian Pacific Railway.

Hon. GENTLEMEN—No, no, no.

Hon. Mr. McCALLUM—Give us your authority for that.

Hon. Mr. KERR—I say I am told outside, and I will not mislead or do my fellow senators the injustice of imagining them capable of acting from such motives.

Hon. Mr. McCALLUM—Why bring it up then?

Hon. Mr. KERR—Because it was brought up yesterday, and it is merely to reply to that, I hope there is not an hon. senator, whether he agrees with my views or not, but will say I was perfectly right in bringing it up. I wish well to the Canadian Pacific Railway, I think, in a word, that it is a public work that is the pride of this Dominion.

Hon. Mr. MACDONALD (B.C.)—And deserves protection.

Hon. Mr. KERR—Yes, of a proper kind. I contend, further, that the Canadian Pacific Railway ought not to interfere with any arrangements between the Intercolonial and the Grand Trunk. I take that as an unassailable position, and I have yet to hear arguments to combat it successfully. That is a mere domestic arrangement between the government and the Grand Trunk. I thought in listening to the debate yesterday—perhaps it was not intended—that the Intercolonial received a secondary consideration. With me, that railway being a child of the government—when I say the government I mean the people of Canada—shall receive every consideration at my hand. We ought to make it, and I believe we are on the road to making it, a paying concern, and I feel that in five years from now men listening to the sound of my voice will say "Well, it has proven a success, though I did not think it would." It has stopped that drainage and that leak that has been so annoying, and if the Minister of Railways, by his judgment and foresight, has been the means of breathing into the somewhat torpid trade of the Intercolonial the breath of a more active and business life, all honour to the Minister of Railways. I am not reflecting upon anybody. I believe it would have been a grand thing for this country if that extension to Montreal had been made twenty years ago. What is the use of a railway practically beginning, or ending as you may call it, nowhere.

Hon. Mr. BOLDUC—Do you call Quebec nowhere?

Hon. Mr. KERR—I hope hon. gentlemen will not interpret my language literally. I mean, where I think it ought to go is to the city of Montreal, that being the objective point of the railway, and how any hon. senator—do not find fault with me, and think I am questioning your judgment—in or about the city of Montreal or the maritime provinces, can vote against this project, I cannot understand. That is my view. It may be worth much, or it may be worth little. I would expect, if I were a member

from Montreal, or a senator from Montreal —mind you, there are better men than I am among the senators from Montreal, men whom I will have to imitate at a long distance, but I could not understand—perhaps it is my obtuseness and want of comprehension, but I never could think, if I were a citizen of Montreal or of the maritime provinces, of doing other than holding up both hands to see if this arrangement would not bear some fruit—if it would not give us a live Intercolonial Railway. It is hard to speak to an unsympathetic audience, but I will say this—it is only due—that you have listened to me with more attention and consideration and forbearance than my poor words are entitled to; but I promise you this, from now to the end of my senatorial career, I shall listen respectfully to every word pro and con, and never do anything but act the part of a gentleman. This is a very serious matter; the country is looking to us. There was in my part of the country —Central Ontario—a very considerable amount of public indignation at the action of the Senate last year. I did not join in that. I always, lawyer-like, wait until I hear both sides, but the Senate are entitled to and should receive, and I believe will receive, credit for what they have already done and the only other consideration on this point of the question is to take care that the pail of milk is not kicked over. I use that simile because I, like some other hon. senators, was brought up on a farm. I am as satisfied as I can be that if this bill is voted down there will be a very considerable noise in this country. I believe there will be considerable dissatisfaction. I should like to have this country polled on that agreement, and I venture to say that there would be an overwhelming majority in favour of ratifying this agreement. This country is tired of paying out money for a loosing concern. We, in all our enterprises, want to get hold of something that will pay, and the balance should be on the right side, and since that road has been constructed until this year we have never been able to welcome such an item. May these items increase, and I firmly believe they will increase if this agreement is ratified. I should like, in discussing this, as all other questions, to bring ourselves nearer together, and I believe we can come together upon this agreement. I should like to be a humble member of this House that would contribute to that good time, when the present shall become the past, when the future shall have become the present, when some future Macauley may say of that period when I lived:

> Then none was for a party,
> Then all were for the state,
> Then the rich man helped the poor man,
> And the poor man loved the great.
>
> Then spoils were fairly portioned,
> Then lands were fairly sold,
> Canadians were like brothers
> In the brave days of old.

That is what I want said of us by some future Macauley, and let us all take part in ushering in that time. I want to see the Canadian Pacific Railway first, I want to see the Grand Trunk Railway first, and I want to see this Intercolonial, with its extention to Montreal, flourish abundantly, and I believe it will. I want to see more. I want to see Newfoundland brought into this confederation, and from the far Atlantic to the distant Pacific I want Canada to be united in one mighty happy home, and to see the words of the poet Tupper—not Sir Charles nor yet Sir Hibbert—but Martin Tupper the author of "Proverbial Philosophy," come true. In referring to the British Empire, he speaks of it as "a glorious whole of glorious parts." If that is true of the British Empire—and I am proud to say it is—it is equally true of this Dominion. We are glorious wholes of glorious parts. We are a united Dominion. We have seven grand magnificent provinces in that family, we want an eighth and will have it when Newfoundland comes in, and then we will be complete. I believe we are to-day the happiest, the most contented, the most industrious, the most law abiding land under the sun, and with the best institutions—in a word a land of brave men and fair women. In reference to this Intercolonial matter, let us not throw it back. I have yet to make up my mind that the hon. gentleman will not throw it back. What I ask the hon. gentleman to do is to help the government in this matter. Governments want help as well as individuals, and I think the country expects that we shall do so whether we are in favour of the government or opposed to the government, I hope to see the day—although perhaps I may despair considering how well the affairs of the country are managed—when I will be called upon in this Senate to consider measures of a Conservative government. The day may be

remote, but if I am called upon I promise you I will give them as fair and honest support as I will the measures of the Liberal party. I will try to do that. I ask the hon. gentlemen to help the government. If I were sitting as a senator and my hon. friend, my distinguished personal friend (Sir Mackenzie Bowell) were the leader of the government I would feel that I could not go back to the county whence I came and say that, although he had introduced a bill to bring the Intercolonial to Montreal, and although he brought arguments to show that that project was in the interests of the country, that forsooth for some reasons or another I voted it down. I have yet to believe that the Senate will vote it down. I ask hon. gentlemen to vote for it. If hon. gentlemen think it ought to be modified, try to modify it and I will assist. To vote it down would be a retrograde step. Let us give this country a mighty impetus upward and onward, and then our consciences will not trouble us hereafter.

Hon. Mr. PERLEY moved the adjournment of the dabate till Tuesday next.

The motion was agreed to.

PENITENTIARY ACT AMENDMEFT BILL.

IN COMMITTEE.

The House resumed Committee of the Whole for consideration of Bill (R) "An Act further to amend the Penitentiary Act."

(In the Committee.)

On clause 3.

Hon. Mr. MILLS—This clause is a supplement to section 45 of the Act.

Hon. Mr. FERGUSON—I do not quite understand that clause. It is a new provision, I think. It provides that the prisoners shall be deemed to be in the custody of the warden of the penitentiary immediately upon receiving sentence. Does that mean that immediately upon their being sentenced, perhaps in another province, they are held to be in the custody of the warden immediately? The warden is not there. He has no officer present, because the warden cannot be represented before the court, and the criminal is, after conviction, usually in the hands of the provincial authorities until he is delivered to the officers of the penitentiary. I cannot understand how he can be held to be in the custody of the warden during the time that intervenes from the time that he received his conviction until delivered over to the penitentiary.

Hon Mr. MILLS—I may say to my hon. friend that this subsection is suggested by the provision that already has beem made. Of course the warden situated under the law as it was in one province has no jurisdiction over the convict in another province. This provision gives the warden legally the custody of the prisoner. He is deemed to be in his custody from the time that he is convicted, and so he may through his officer, if it becomes necessary to take charge of him, although he is in another province, so as to exercise, through his officers, legal jurisdiction if he is within the district from which ordinary convicts are sent to the penitentiary. As a matter of practice, at the present time the sheriff takes the prisoner to the penitentiary. He delivers him up to the warden, and at the penitentiary he is given a receipt therefor. The sheriff at the present time terminates his responsibility when the prisoner is handed over to the custody of the warden. That is the present condition of things. There is some legal difficulty, in his capacity of sheriff, carrying the prisoner beyond the boundary of the province, because he is a provincial officer and has no official existence as such beyond the limit of his own province. Under this provision the intention is to treat the sheriff, so far as he has care of the prisoner after the prisoner's conviction, as a Dominion officer and subordinate in this regard to the warden of the penitentiary, so as to make the custody of the prisoner, during his transit, a legal custody in charge of the sheriff beyond the limits of the province in which he is sheriff.

Hon. Mr. FERGUSON—I understand now the reason of the clause. Will it go so far as to relieve the provincial authorities of any expense in forwarding the prisoner? The warden is understood to have legal custody immediately on conviction. Will that carry with it the obligation, on the part of the warden and the Dominion Government, to bear the expense from the time of the conviction?

Hon. Mr. MILLS—I do not think so.

Hon. Mr. POWER—The object of the clause is undoubtedly good, and the latter

part of the clause seems to be calculated to carry out the object, but I should respectfully submit to the Minister of Justice that the language at the opening of this proposed subsection may lead to difficulty. It reads:

For the purposes of this section any convict sentenced to be imprisoned in any penitentiary shall be deemed to be in the custody of the warden of that penitentiary immediately upon such sentence.

Unless the warden is present when the sentence is delivered, or is represented by some officer holding a warrant who has the right to the custody of the person convicted, it seems to me that, under the wording of these first three or four lines, there is no one who has a right to hold that convicted criminal if it happens there is no one there representing the warden. I do not mean to say that the Minister of Justice may not be able to so construe this proposed subsection as to show what its real meaning is, but the language ought to be made so plain that the ordinary citizen, like myself and, if I may venture to say, the hon. gentleman from Marshfield, will have no doubt about the meaning, and I would submit that perhaps it would not be unwise to allow the clause to stand to consider the first three or four lines.

Hon. Mr. MILLS—So far as the warden's custody is concerned, once a prisoner is in the hands of the warden, supposing he has escaped, no matter where he may be, the warden would have legal jurisdiction over him, and therefore it is intended to put the prisoner, the moment he is convicted, under the jurisdiction of the warden.

Hon. Mr. POWER—But if the warden is not there?

Hon. Mr. MILLS—But he is in the custody of his officer. It is a legal custody which the law creates.

Hon. Mr. CLEMOW—Have the provincial authorities not deputed certain men to receive the prisoners?

Hon. Mr. MILLS—So far as the province can give him custody, the sheriff has actual custody of the prisoner, and is not relieved from his responsibility until he is handed to the warden.

Hon. Mr. CLEMOW—The provincial authorities have appointed certain parties to receive the prisoners.

Hon. Mr. MILLS—They are deputed to receive them from the penitentiary.

Hon. Mr. CLEMOW—I know they have been sent down here from Kingston.

Hon. Mr. SCOTT—That is from the asylum.

Hon. Mr. MILLS—The object of this clause was, where the penitentiary district extended beyond the limits of the province and the sheriff could have no legal jurisdiction conferred by the province upon him.

Hon. Mr. SCOTT—It is quite evident that the object of this clause is to avoid the round about method which just now prevails. My attention happened to be called to it yesterday, when I was called upon to sign a number of warrants conveying prisoners from Dorchester to Kingston. They are constantly being changed, backwards and forwards, from one to another. No doubt that is the object—instead of sending them first to the provincial penitentiary and then transferring them to another, to allow the judge to send them, he being advised as to the best place, or as to where there are vacancies, because sometimes one penitentiary is overflowing and an another is comparatively empty, and they are constantly changing about. Sometimes they want to make a change from a particular province where a prisoner is sent to. It is all done by the Governor General's warrant and by the Secretary of State. A good deal of red tapeism is gone through with by parties who know nothing about the facts.

Hon. Sir MACKENZIE BOWELL—Those remarks are applicable to subsection 3?

Hon. Mr. MILLS—Yes; that is the provision I am adding.

Hon. Mr. FERGUSON—Sub-clause 3 is an application to the North-west Territories the same as sub-clause 2 is an application to the other provinces?

Hon. Mr. MILLS—Yes.

The clause was adopted.

On clause 6.

Hon. Mr. MILLS—It is sometimes necessary to transfer an officer from one penitentiary to another. Sometimes a man possesses certain qualifications, and because of his special fitness, in the public interest he is transferred, but we make provision

here that if he is so transferred he shall not be put in a worse position pecuniarily than he was before. That is to protect him against any wrong that might be done him in the transfer.

Hon. Sir MACKENZIE BOWELL—Experience has taught me that this amendment is absolutely necessary. Many cases have arisen in which the peculiar qualifications of a warden have rendered him better fitted for the management of one penitentiary than another; and cases have arisen of friction in a locality from which, in the interest of the government and the prisoners, the warden should be removed. I should like to ask an explanation on one point from the hon. gentleman. He says the officers are not to be prejudiced by the removal, in salary or perquisities. The idea, I suppose, is to raise the salary of the warden who has the greatest responsibility.

Hon. Mr. MILLS—Yes.

Hon. Sir MACKENZIE BOWELL—Supposing it should be found, in the interest of the service, that a warden should be moved to an inferior penitentiary, then his perquisites and the salary he received in the more responsible position is not to be interfered with?

Hon. Mr. MILLS—No.

Hon. Sir MACKENZIE BOWELL—Then it would necessitate equitably the raising of the salary of the officer who was removed from the inferior position. That, I suppose, would be the course pursued by the Minister of Justice in case he was called on to make these removals.

Hon. Mr. MILLS—It was not the warden, but inferior and subordinate officers in a penitentiary that were in contemplation when the clause was framed. Differences arise between officers in a penitentiary. Both may be very good men, and it is to the advantage of the institution that one of them shall be sent to some other institution, and you want to do so without affecting the compensation which he receives. Sometimes it is necessary to transfer an officer because he has special fitness. A man may be an architect, having special knowledge of the construction of penitentiary buildings. You want to send him from one institution to another, where work is required to be done, and under this section you can do so without his feeling that you are going to affect in any way the compensation which he has been receiving.

Hon. Sir MACKENZIE BOWELL—I fully approve of that, but the hon. gentleman did not meet the question I asked him. The officer receiving the inferior salary having been removed to a more responsible position, would it not necessitate, in equity, the raising of his salary, thereby increasing the expenditure. I do not object to it, but I want to point out that that would be the effect.

Hon. Mr. MILLS—It would be, if you were trading one officer for another.

Hon. Sir MACKENZIE BOWELL—But you would have to.

Hon. Mr. MILLS—There may be a vacancy.

Hon. Sir MACKENZIE BOWELL—Then the clause would not apply; but in case of trading, then it would necessitate an increase?

Hon. Mr. MILLS—It would if there was a difference in the salaries.

Hon. Mr. FERGUSON—The amendment in this clause seems to be called for, and I notice, by looking at the original Act, that there are three classes of officers in the penitentiary, some appointed by Order in Council, some by the Minister of Justice and some by the warden. This clause gives the Governor in Council power to remove the officers that it appoints itself, and it gives the Minister of Justice the power to remove to another penitentiary his own appointees and those made by the warden as well.

Hon. Mr. MILLS—Yes.

Hon. Mr. FERGUSON—I see also it is provided that this shall be done without prejudice in any case to the salary and perquisities that officers may enjoy in the first mentioned penitentiary. That means that the mere removal shall not prejudice the salary of any officer. There is nothing to prevent the minister giving a man promotion with his removal.

Hon. Mr. MILLS—It is to prevent him feeling that a wrong has been done him.

Hon. Mr. CLEMOW—Supposing a man receiving $2,000 salary is removed to a position where he gets only $1,600?

Hon. Mr. POWER—He cannot be prejudiced by the removal.

Hon. Mr. CLEMOW—You give him $2,000, though he should receive $1,600 only.

Hon. Mr. MILLS—Yes, if that were the case, but we have no such differences.

The clause was adopted.

On clause 7.

Hon. Mr. CLEMOW—This is a pretty hard clause. There is a great deal of difficulty getting insane persons removed from jail to any asylum and you are sending them back. I know our jails are often troubled by having insane persons confined for a long time, and after they do get rid of them they feel very bad if they are sent back. It is a hard problem I know.

Hon. Mr. MILLS—My hon. friend will see that in this matter we are simply doing our duty. With the care of the insane we have nothing to do. That falls under the local jurisdiction. It is the duty of the local authorities to make the necessary provision, and we have had cases of this sort—cases of parties who have been discharged from the insane asylums for some reason or other allowed to be at large. They have committed some offence. Take a case which I remember well, where an insane man who had been discharged, attempted to take the life of another. He was brought before the magistrate. He pleaded guilty and, without any inquiry, was sent to the penitentiary. When he arrived there, it was observed by the warden that he was an irresponsible man. That man ought never to have been discharged from the insane asylum, or, if he was discharged under the impression that he was cured, greater care ought to have been taken at his trial. It seems to me that in every case where a man commits an offence, and especially where there is apparently no motive, the mental condition of the party is at once suggested as a proper subject of inquiry, and one of the difficulties of allowing a man to plead guilty under the circumstances is that if he is insane it might not at the time be discovered. I am not complaining of the condition of these parties and the apparent want of care in considering that mental condition at the time that they are put upon their trial, but when they are sent to us and it is discovered that they are insane persons and incapable of committing the offence in contemplation of law, then they ought to be sent back to the place from which they have been received, after notifying the Attorney General, and it is his business and his duty to give instructions to the officer what shall be done with them when they are received. The proper course is to re-commit them to the asylum where they will be taken care of. We will discharge our duty, so far as it is in our power to deal with the subject, by the provision which I propose here.

Hon. Mr. POWER—Supposing an insane convict is dealt with under the proposed subsection 2 of section 45, the one which has been allowed to stand, how will this work then? The warden is to direct the removal of such insane convict from the penitentiary to the jail or other place from which such convict came to the penitentiary. If the same convict, immediately upon his conviction, is taken to the penitentiary, can he be said to have come from a place of confinement to the penitentiary? He has come from the court to the penitentiary. It is barely possible that some change may be required in that clause.

Hon. Mr. MILLS—I do not think so.

The clause was adopted.

On clause 8.

Hon. Mr. MILLS—We have in the penitentiary two classes of officers, one coming under the Superannuation Act, who are entitled to a superannuation payment, and the other a gratuity which they are entitled to on their retiring from their position. For instance, you take the case of a keeper: he is not entitled to superannuation, but he is entitled to a gratuity. He is allowed the value of one month's pay, I think it is, for each year's service. If you retire him at any time, he receives that gratuity, but if, instead of being retired, he is promoted to an office which is within the Civil Service Act, and he becomes a contributor and pays into the civil service fund, what I provide here, his civil service will count from the time he began to make payment and he, under the recent arrangement, will be entitled to

receive back the money obtained from him, with the interest upon the same at the rate fixed by the Civil Service Amendment Act. What I provide here is that what he has earned under the provision of the law which bestows a gratuity he shall not be deprived of because he begins under another Act, and under another provision, to earn some compensation in another way. He is entitled to both, and he ought, in my opinion, to receive both, and it is for the purpose of enabling him to do so that I have inserted this provision in the bill.

Hon. Mr. FERGUSON—Will this apply to those who have been made the subject of promotion before the passing of this Act. I think it ought to.

Hon. Mr. MILLS—Oh, yes.

Hon. Sir MACKENZIE BOWELL—It has this effect, if I understand the clause. Supposing a man has been in the service of the penitentiary for twenty years, not being on the civil service list. He is then entitled to a gratuity, if he retires, of a month's salary for each year that he has served.

Hon. Mr. MILLS—Yes; that would be twenty months.

Hon. Sir MACKENZIE BOWELL—If he were a young man going into the service, say at twenty years, he would be forty. Then he is removed to another position in which he is entitled to all the benefits arising from the Civil Service Act. Supposing he served twenty-five years more, at sixty-five years he would be entitled to claim superannuation, provided you let him go. Then he would be entitled to fifty per cent of his salary under the Civil Service Act, if he retires. You would add to that fifty per cent of his salary, a gratuity of twenty years in addition.

Hon. Mr. MILLS—Yes.

Hon. Sir MACKENZIE BOWELL—I do not know that that would be inequitable, but I was going to suggest that if you give him the advantage of the Superannuation Act for the full time, forty-five years—if he served thirty-five years altogether under the Superannuation Act, he would be entitled to have the highest allowance, that is, seventy per cent of the average salary three years prior to his retirement.

Hon. Mr. MILLS—Under the old system.

Hon. Sir MACKENZIE BOWELL—I am speaking of the Civil Service Act as it existed.

Hon. Mr. MILLS—My hon. friend is speaking of those who were under the civil service before.

Hon. Sir MACKENZIE BOWELL—I am speaking of the Civil Service Act as it was on the statute-book. You deal with the officer the moment you transfer him from one position to another, you make him a civil servant and bring him under the Civil Service Act. He is then entitled to all the advantages arising from that position. You are unable to retire him. He cannot be retired until he has served ten years, that is under the Civil Service Act, unless it be for economy or efficieny in the service. Supposing you want to remove him, what position would he be in then? Under the Civil Service Act the practice has been to retire him, if there is no charge against him, by adding ten years to his service, and thereby bringing him under the operation of the Act, but if he has not served for ten years, and it is not for the efficiency of the service or to effect economy, then you could only retire him by giving him a gratuity. Would you add that gratuity to the other allowance? You will find these questions arising all the time.

Hon. Mr. MILLS—My hon. friend will see that under the Civil Service Act as it existed, a party was entitled to contribute a certain sum.

Hon. Sir MACKENZIE BOWELL—In the case of gratuities.

Hon. Mr. MILLS—I am speaking of the Civil Service Act before it was amended. His duty was to pay a certain sum and he was entitled to superannuation after a service of ten years. That option is reserved to all who were paying at that time.

Hon. Sir MACKENZIE BOWELL—That expired, though, last year.

Hon. Mr. MILLS—He is entitled to receive what he pays in with interest, on his retirement. Now, that is the law that must necessarily apply to almost everybody in the penitentiary service at the present time, not

the older appointments, because a large number of these were retired under an older provision on account of age.

Hon. Sir MACKENZIE BOWELL—Under the provisions of the law, as amended by Mr. Mulock, is it compulsory now on all officers appointed under the government to allow a certain proportion of their salary to remain in the Savings Bank?

Hon. Mr. MILLS—Yes.

Hon. Sir MACKENZIE BOWELL—Then there is no payment to a man on account of that time. He gets the amount to his credit and the five per cent interest.

Hon. Mr. MILLS—Yes.

Hon. Sir MACKENZIE BOWELL—Does that apply to everybody?

Hon. Mr. MILLS—Yes, except under the old system.

Hon. Sir MACKENZIE BOWELL—Does it apply to all new appointments?

Hon. Mr. MILLS—Yes.

Hon. Sir MACKENZIE BOWELL—I know the old officers were allowed to accept the new provision or not, as they pleased.

Hon. Mr. MILLS—I think the hon. member will find it perfectly fair.

Hon. Mr. FERGUSON—There is just one point in connection with this clause that I do not quite understand. I think that the clause has reference almost entirely to officers of the penitentiary who are promoted from being ordinary officers to come into the civil service.

Hon. Mr. MILLS—We are not dealing with any other.

Hon. Mr. FERGUSON—If I understand this clause aright, supposing an officer who is in the class that is only entitled to a gratuity, is promoted, he would not receive his gratuity until he retired from the service?

Hon. Mr. MILLS—Not as long as he is in the service.

Hon. Sir MACKENZIE BOWELL—Would it remain at interest?

Hon. Mr. MILLS—No, it would not.

The clause was adopted.

Hon. Mr. TEMPLE, from the committee, reported that they had made some progress with the bill, and asked leave to sit again.

BILLS INTRODUCED.

Bill (137) "An Act further to amend the Act respecting the Protection of Navigable Waters."—(Mr. Scott.)

Bill (155) "An Act further to amend the Post Office Act."—(Mr. Scott.)

Bill (159) "An Act respecting the Jurisdiction of the Exchequer Court as to Railway Debts." —(Mr. Mills.)

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, 4th July, 1899.

THE SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

RAILWAY COMMUNICATION TO THE YUKON.

MOTION.

Hon. Mr. MACDONALD (B.C.) rose to move the following resolutions:

Resolved, That this House desires to express its approval of the declaration of policy contained in a portion of the speech of the Right Honourable the Premier of the 9th June, relative to Yukon Railway matters, of which the following is a summary:—

"Should it be decided in the future that the Lynn Canal does not belong to Canada, the *policy of Canada* will be to gain access to the Yukon, not by the Lynn Canal, but by building railways down to what are indisputably Canadian waters, to Observatory Inlet, through the Cassiar, Atlin and Yukon districts."

That this House desires to reaffirm the following portions of the resolutions unanimously adopted by it during last session relative to railway communication with the Yukon district:—

"Resolved, That it is desirable and necessary that an all-Canadian railway route from the Pacific coast to the Yukon district should be opened up without delay, in order to secure to the Dominion as much of the trade of that district as possible, giving continuous communication, cheap and safe transportation to passenger, food supplies, and other necessary articles of commerce, and safe and rapid conveyance of mails and bullion.

"That keeping in view the economical administration of that district, compatible with every possible encouragement to miners and the mining industry, there are good reasons, from present indications, for expecting that the revenues of the Yukon district

will be sufficient to defray the cost of establishing railway communication and other legitimate charges.

"That it is desirable that the mineral lands of that district should be reserved for the general public, and for revenue purposes, for on wise and judicious administration depends the progress and prosperity of the district.

"That the alternate blocks of mineral land reserved under government regulations in the richest known portions of the Yukon district, places at the disposal of the government property which can be readily converted into money and made available in the prosecution and development of necessary public works in that district.

"That with such valuable resources, together with a large annual revenue, the Yukon district can easily meet the cry, 'Let the Yukon build its own railways.'"

He said:—It may be thought by some hon. gentlemen that it may be unnecessary to bring up a question of this kind on the Yukon communication at the present time, that the issue is dead, that there is nothing before the country or before the House. I think this is a question which should not be allowed to die at any time. It should be forced and urged on the government at all times in a reasonable and proper way. I would not allude to it now but for the announcement of the Premier of the Dominion about three weeks ago of his policy with regard to communication with the Yukon and where he would start from—from an indisputable Canadian port. The opinions of hon. gentlemen here being in favour of an all-Canadian route, I thought they would have no objection to express their approval of that announcement by the Premier. That is one of the reasons why I have brought the matter before the House. We all know that the communication to the Yukon is very defective, and even from the humanitarian as well as from the economical and commercial point of view a road should be built in that country. The means of communication to the Yukon is very imperfect, expensive and dangerous. We have all read with horror of the loss of life on the Skagway and White Pass route. Men anxious to reach the Eldorado, pushing on regardless of the consequences, have met death from avalanches, and the breaking of treacherous ice in the lake and from other causes. Some improvement has taken place during the last year, but there is plenty of room for still more, and especially for an all-Canadian route. The St. Michaels and Yukon River route is a long circuitous one, uncertain on account of shallow water, and shifting sand bars and subject to the delays and annoyances incident to foreign customs regulations. Other roads, no doubt, will tap the Yukon from the east as it becomes more developed and its resources better known. In the meantime, the shortest and safest route is from the Canadian seaboard on the Pacific. Such a route could be worked all the year free from climatic interruptions. In carrying out such a necessary work as this, no time should be lost. Should there be no company in sight now to carry it out the government might do what was done in the case of the Canadian Pacific Railway. Select a strong company to carry out such an undertaking. I am sure the House has had much satisfaction in hearing or reading of the anticipated output of gold this year in the Yukon, not by the ounce but by the ton. The lowest estimate of the yield is twenty millions, and some persons think it will reach a much higher figure, all conducing to greater commercial activity and a larger revenue. The government is, no doubt, fully alive to the wisdom of securing to the Dominion as much of this wealth and commerce as possible by making the ingress and egress through our own country—thus preventing the present flow into a foreign country. In this connection the opinion given by the Premier is of much importance. We will always have strong competition in the United States coast cities, and it behooves us the more to use every means to hold what is really our own. Last session this House unanimously adopted a set of resolutions approving of an all-Canadian route to the Yukon, as distinguished from a half-foreign, half-Canadian route, and I hope it will, this session, reaffirm the policy it believed in and recommended last session, strengthened as it is now by the recent utterances of the Premier of Canada in favour of an all-Canadian route, which is in harmony with the opinion of the Conservative wing of Parliament, and in harmony with sound principles of internal development. I feel gratified that the government have come to think of an unmistakable all-Canadian route as the wise and proper course. I hope the House will agree with the resolution now brought forward, and express approval of the words uttered by the Premier about three weeks ago on this question. Of course, they were qualified to a certain extent; that is to say, should the Lynn Canal belong to the United States, we should build to some Canadian port further south; but

should the Lynn Canal belong to Canada, that being the nearest point to the Yukon country, that the government should build their railway there. In any event, it would be an all-Canadian route.

Hon. Mr. ALMON—I would suggest that the discussion of this question should be postponed until the more important matters which we have before us are disposed of. Should a discussion take place on this question, a whole day might be wasted which we should devote to a discussion of the Grand Trunk Railway agreement.

Hon. Mr. ALLAN—My hon. friend has asked me to second his resolution. I should be glad to do so, but I venture to suggest to him whether it would not be well, having brought it before the House, to let it stand for the present, because—I do not know whether others are in the same position—I have not had an opportunity to look into those resolutions as fully as I should like to do.

Hon. Mr. POWER—It is pleasant to know that some good can come out of Nazareth, even in the opinion of the hon. gentleman from Victoria. He admits that for once the Premier has said the right thing. I do not rise for the purpose of opposing the hon. gentleman's motion——

Hon. Mr. PERLEY—There is nothing before the House.

Hon. Mr. POWER—I understood the question was on the resolution.

The motion was allowed to stand.

SUPPLY OF BEEF FOR GOVERNMENT FORCES.

INQUIRY.

Hon. Mr. PERLEY inquired :

If the contract for the supply of beef for the government forces in the Yukon and elsewhere "that the hon. Minister of Justice, in answer to my question a few days ago, said was under consideration," if such supplies has been called for by public tender? And if so, in what papers have notice of such tenders been given?

Hon. Mr. MILLS—In the case of supply of beef for the militia regimental depots, or for the volunteer militia training in camp, tenders are called for by posters in each locality where the school is situated or where the camp is to take place. In the case of the Yukon militia contingent, arrangements for the supply of beef are left to the commanding officer to arrange locally. No tenders for this supply for the Yukon force have been called for since they left for Fort Selkirk.

Hon. Mr. PERLEY—In the locality—do you mean the Yukon?

Hon. Mr. MILLS—To arrange locally. The whole matter is left in the hands of the officer; he is on the ground and knows what supplies can be locally had, and what will be necessary to import, and so the matter has been left entirely in his hands. I think that is all the hon. gentleman's question.

Hon. Sir MACKENZIE BOWELL—That is a departure from the usual course pursued in asking for supplies for these camps. I suppose that that may arise from the fact of the peculiar circumstances of the Yukon as compared with other portions of the Dominion. I understood the hon. gentleman to say that the supplies are always asked for, not by the officers of the camp, but by the government.

Hon. Mr. MILLS—Certainly, but my hon. friend knows the Yukon is well nigh an inaccessible country, and an officer on the ground is in a better position than the officials here to state what is required, what can be had in the locality and what will be necessary to import from elsewhere, and so the officer in command of the force is left to arrange for the supplies.

Hon. Sir MACKENZIE BOWELL—Can he arrange for the supplies without advertising for tenders, and take such course as he thinks proper?

Hon. Mr. MILLS—Yes, he may take such course as he deems proper.

THE PENITENTIARY ACT AMENDMENT BILL.

IN COMMITTEE.

The House resumed, in Committee of the Whole, consideration of Bill (R) "An Act further to amend the Penitentiary Act."

(In the Committee.)

On clause 2.

Hon. Mr. MILLS—The clause as it was proposed here reads as follows :—

33. The Governor in Council may, from time to time, fix the sums to be annually paid to the warden

and the other officers and servants of any penitentiary established under the provisions of this Act.

I propose to add: "But such salaries shall not exceed the sums specified in the schedule of this Act."

The clause was amended and adopted.

Hon. Mr. MILLS—For the Kingston penitentiary there is a maximum and minimum schedule in the statutes of 1887 and there is a maximum schedule in the statutes of 1895. I have adopted very nearly the maximum schedule of the statute of 1887. The statute of 1895 was found in many instances below that which competent offices could be retained for. The maximum salary of the warden of Kingston penitentiary is $2,600.

Hon. Sir MACKENZIE BOWELL—Before proceeding any further, while upon that one point, how is it proposed to arrange the salaries of the different penitentiaries in case hereafter one should become more important than the other? Will that be left to take care of itself?

Hon. Mr. MILLS—Some are more important, but I recognize the present state of things. The schedule may require to be amended from time to time. I should have preferred to allow the schedule to stand for another year, but hon. gentlemen took a different view of the matter, and I am proceeding with it on the best information I have.

Hon. Mr. POWER—What was he getting before?

Hon. Mr. MILLS—It was $2,800 in the statutes of 1887. In 1895 it was $2,000.

Hon. Sir MACKENZIE BOWELL—Is that the maximum.

Hon. Mr. MILLS—Yes.

Hon. Sir MACKENZIE BOWELL—With the perquisites?

Hon. Mr. MILLS—Yes. The deputy warden, $1,500, the chaplain $1,200, surgeon $1,800, accountant $1,200, warden's clerk $900, storekeeper $900, steward $900, chief keeper $1,000, hospital overseer $800, schoolmaster $700, engineer $1,000, trade instructor $700, keeper $600, guard $500, messenger $500, stoker $500, matron $600, deputy matron $400.

Hon. Mr. SCOTT—Those are in many instances the same as before.

Hon. Sir MACKENZIE BOWELL—We could not ascertain whether if they were the same as before without knowing the number of years they had served.

Hon. Mr. SCOTT—I was taking the maximum, with the yearly increases.

Hon. Sir MACKENZIE BOWELL—I am not finding any fault with the sums.

Hon. Mr. MILLS—There will be no increase above these.

Hon. Sir MACKENZIE BOWELL—They can be appointed at a lower sum. Is it intended to raise salaries each year, until the maximum is reached, or will the government exercise their own discretion?

Hon. Mr. MILLS—I think we should increase it at our discretion.

Hon. Sir MACKENZIE BOWELL—Yes, that is the best way.

Hon. Mr. MILLS—The only one I was thinking of increasing was the schoolmaster's salary.

Hon. Sir MACKENZIE BOWELL—I think we would be justified in increasing the pay of the schoolmaster.

Hon. Mr. FERGUSON—The salaries which the hon. gentleman has just read refer only to Kingston?

Hon. Mr. MILLS—Yes.

Hon. Mr. FERGUSON—You are going back to the plan adopted in 1887 of having a maximum for each penitentiary in place of a general provision?

Hon. Mr. McMILLAN—How many hours a day does the schoolmaster work?

Hon. Mr. MILLS—It is very uncertain.

Hon. Mr. McMILLAN—I think the salary is very low.

Hon. Mr. FERGUSON—By the schedule of salaries provided in 1895, the offices of schoolmaster and hospital overseer were united in one person.

Hon. Mr. MILLS—They have been separate, but sometimes they are united and

we retain the power of giving two offices sometimes to one man. Sometimes you get a man specially well qualified for the work, and it is better to unite some subordinate office with his principal office than to lose his services. Those two offices were united in 1898.

Hon. Mr. CLEMOW—Has the schoolmaster been a long time in the service?

Hon. Mr. MILLS—No; I think not.

Hon. Sir MACKENZIE BOWELL—Has the work that has devolved upon these two offices rendered it advisable to have two officers?

Hon. Mr. MILLS—I think so. Mr. Macdonald had been for some time deputy warden in the Manitoba penitentiary. I think he was appointed there as hospital overseer, and he was specially well qualified, and the two offices were united for the purpose of giving him a better salary than he had before. He was specially qualified. We might not get another party possessing the same qualifications, and, while they were united in order to give him an adequate compensation, it was an arrangement not intended to be permanent.

Hon. Sir MACKENZIE BOWELL—The statute makes it permanent.

Hon. Mr. FERGUSON—I think under the law, at the present moment, there could be only $800 paid for the joint positions.

Hon. Mr. MILLS—The hon. gentleman will see in the schedule of 1887 how it was.

Hon. Mr. FERGUSON—I am speaking of the 1895 schedule.

Hon. Mr. MILLS—It was impossible to get men, because the salaries were so low.

Hon. Sir MACKENZIE BOWELL—Is Mr. Macdonald there yet?

Hon. Mr. MILLS—He has tendered his resignation. He was suspended when Sir John Thompson was Minister of Justice, on account of some difficulties in the Manitoba penitentiary, and he was without salary for a time. Then it was felt he had not been quite fairly treated, but another having been appointed to his office, he could not be restored, and he was sent to Kingston penitentiary and arrangements were made to give him the compensation there. His health has, in some measure, failed, and he has asked to be retired. He has been a long time in the service. He has also asked that the compensation he was entitled to in Manitoba should be paid him. Then, in the St. Vincent de Paul penitentiary, I propose the following salaries: Warden $2,400, deputy warden $1,500, the same as in the other place, the chaplain $1,200, the same as in the other case, surgeon $1,400, accountant $1,100, warden's clerk $800, storekeeper $900, steward $800, chief keeper $900, hospital overseer $750, schoolmaster $700, engineer $900, trade instructor $700, keeper $600, guard $500, messenger $500, teamster $400.

Hon. Mr. FERGUSON—I understand now that, as far as we have gone, we are dealing with Kingston and St. Vincent de Paul penitentiaries, and we are creating a separate office for schoolmaster and hospital overseer in these two at least? Therefore, as compared with how it stood in 1895, we are creating a new office in each case.

Hon. Sir MACKENZIE BOWELL—There was a schoolmaster and a hospital overseer in all the penitentiaries under the Act of 1887. Under the Act of 1895 these two offices were united in one in most of the penitentiaries. The hon. gentleman proposes to re-enact the old state of affairs and create a new office in each case?

Hon. Mr. MILLS—Yes.

Hon. Sir MACKENZIE BOWELL—I would like to know the reason of that.

Hon. Mr. MILLS—The hospital overseer has the hospital in charge and attends to the administration of the medicine, and so on.

Hon. Mr. McMILLAN—Is he a druggist?

Hon. Mr. MILLS—He may be a druggist. He is a party who has had some experience as an attendant, and acts as surgeon.

Hon. Mr. McMILLAN—He should be a druggist.

Hon. Mr. MILLS—Not necessarily, because the medicine is prepared by the surgeon of the hospital. The hospital overseer is the person who has the sick of the hospital in charge and sees to the administration of

the medicine. The surgeon sees them every day, of course, but if any changes take place in the condition of the patients, he reports to the physician, and to some extent discharges the functions of one having the care of the hospital, and sees to its hygienic condition. He is an officer who has always existed in the institution, and while it may be united with the functions of some other officer, the duties are essentially distinct. It is not new. It has always existed in the institution.

Hon. Mr. McMILLAN—The surgeon only receives $1,400 and at Kingston he gets $1,800.

Hon. Mr. MILLS—Yes.

Hon. Mr. McMILLAN—Why is that?

Hon. Mr. MILLS—I intended to have made it $1,600. I think he is entitled to that. But he has a good deal less work to do than the surgeon at Kingston, nearly 200 patients less. I think $1,600 is not an extravagant amount to allow the surgeon at St. Vincent de Paul. The intention was to make it as nearly as possible in proportion to the number of patients and the amount of work. I propose to make the salary of the schoolmaster in this case $800, the same as in Kingston, as he has very onerous duties to discharge. Then with reference to the Dorchester penitentiary, I propose that the warden's salary shall be $2,000. The number of convicts there is less than half, or about half, the number at St. Vincent de Paul. The deputy warden's salary will be $1,400, and if the offices of deputy warden and chief keeper should be united, then the salary will be $1,500, chaplain $800, surgeon $1,200, accountant $1,000, storekeeper $800, steward $800, and if the offices of storekeeper and steward are held by one person, the salary will be $1,000, chief keeper $800, hospital overseer $700, schoolmaster $700, engineer $900, assistant engineer $750, trade instructor $700, keeper $600, guard $500, messenger $500, teamster $400. Then, in the Manitoba penitentiary, the warden's salary is to be $2,000. This salary it may be necessary at no distant day to increase on account of the increase of population in that district. Deputy warden and chief keeper $1,200, chaplain $800, surgeon $1,200, accountant and storekeeper $1,100. These offices are not so enormous but what the two may be discharged by the one person. Steward $800, hospital overseer and schoolmaster $900, united into two offices, engineer $1,000, trade instructor $700, guard $600, messenger $600.

Hon. Mr. McMILLAN—I think I understood from the Minister of Justice that the guards in the Dorchester penitentiary were getting $500, the same as in Kingston and St. Vincent de Paul penitentiaries, but in Manitoba they are to receive $600. Why are they paid more in Manitoba?

Hon. Mr. MILLS—The difficulty is that the cost of living is greater, and they are miles away from any town or place to get supplies.

Hon. Mr. McMILLAN—I suppose they have to look after the same number of convicts?

Hon. Mr. MILLS—No, not so many, but there are fewer guards?

Hon. Mr. McCALLUM—But if they are away from the town they will not have a chance to spend their money.

Hon. Mr. MILLS—Then, in the British Columbia penitentiary the salaries will be as follows: Deputy warden $1,200, chaplain $800, surgeon $1,000. He need not be paid that sum if the number of convicts in the penitentiary does not warrant it. But at the time the surgeon's salary was fixed, at $600, there were fewer convicts in the penitentiary than at the present time. The population is rapidly increasing, and so I think it would be only a prudent thing to fix the salary of the surgeon at $1,000. It may be necessary to make it higher at no distant day. The accountant and storekeeper and schoolmaster are united in one office; that may be continued so at the present time. If the number increases at an early day, it will be necessary to increase these. Then, the steward $800, trade instructor $700, guard $600, messenger $600, teamster $600. There are a few parties to whom you are obliged to pay more, in order to secure the service of proper officers in the eastern penitentiaries. The guards in Manitoba and in British Columbia are paid $600 a year, that is $100 more than they are paid at Kingston, Dorchester or St. Vincent de Paul, owing to the cost of living and the

difference in the pay for which competent parties may be secured. I have now stated what I think are the maximum salaries which should be paid to these officers in charge of the penitentiaries, and I shall ask the committee to adopt this schedule.

The schedule was adopted.

On section 2.

Hon. Mr. MILLS—This clause was allowed to stand. The object of this clause is to enable parties to be sent directly from the jail to the penitentiary without being first sent to some other penitentiary or institution. We had a female convict in the province of British Columbia, but there are no female wards in that penitentiary. We are obliged to send a female convict to Kingston. Under the law as it stands it is necessary to send the convicts to the first penitentiary within the district embraced for persons convicted in that district, and so the prisoner had to be sent to the penitentiary in British Columbia, and from that point forwarded to Kingston. Now, when this provision becomes law, that convict would have been deemed to have been already in custody of the warden of the British Columbia penitentiary, and he could have issued his warrant to have her forwarded to Kingston without the cost or expense of first being sent to the institution. So that is the reason for these words:

For the purposes of this section any convict sentenced to be imprisoned in any penitentiary shall be deemed to be in the custody of the warden of that penitentiary immediately upon such sentence.

That is the case that is intended to be met by the provision of this section.

Hon. Sir MACKENZIE BOWELL—I notice in Kingston penitentiary and St. Vincent de Paul, and Dorchester also, the two offices are separate, while under this law they are to be one. In the other penitentiaries the present system is continued. The reason given by the minister for the additional increase at Kingston does not apply to the other two. There must be some other reason. The reason given by the Minister of Justice for uniting them in Kingston was in order to give a position to Mr. Macdonald at a greater remuneration. The remuneration in Kingston for the two offices was $800. What he received in Manitoba I do not know, so there must be some other reason for the separating of the offices in the other penitentiaries than that given by the minister. In reference to the last motion made by the hon. gentleman, for the adoption of that provision to place the prisoner immediately in the custody of the warden of the penitentiary, that is a good suggestion to avoid delay, trouble and expense, but who is to be the judge, at the time of the sentence, to which penitentiary the prisoner is to be sent? It is not to be presumed that the judge would be in a position to know the number of prisoners in the different penitentiaries of the country. Would the prisoner be sent to the penitentiary in the province in which he receives his sentence, and then have an investigation and inquiry made as to the expediency of sending him to another place. I can understand if the judge in sentencing a woman to any length of servitude, if he knew there was no woman's ward in the penitentiary in the province in which the sentence took place, he could then send her to another; but supposing it is a case of an overcrowded penitentiary, how would he know where to send her?

Hon. Mr. MILLS—It is not the judge; it is the executive government that decides finally the penitentiary to which the party is to go.

Hon. Sir MACKENZIE BOWELL—The executive in Ottawa?

Hon. Mr. MILLS—Yes; this is simply to avoid an intermediate step.

Hon. Mr. FERGUSON—That, of course, would have to be provided for under the first section of this bill. The Governor General, by proclamation, would have to declare the territories. At present we have the territories defined by law, but the Governor in Council may make changes under the present bill. That would, of course, be known to the judge and the officials in the court, and the prisoner would go forth to the penitentiary that would, under the last proclamation, be declared to be in the territory. That was a subject of some discussion at an earlier stage of this measure. I think that is a good provision, because it will obviate a good deal of expense in some cases—in the case, for instance, of New Ontario, which is a long distance from Kingston. Under the present Act a prisoner would have to be sent to Kingston, and thence to Stony Mountain, whereas, if New Ontario

is attached to Manitoba, the prisoner could go direct to Stony Mountain.

Hon. Mr. CLEMOW—Do I understand the schedule of salaries is based on the maximum?

Hon. Mr. MILLS—Yes; there is no minimum.

Hon. Mr. CLEMOW—Supposing a person should be appointed hereafter, would he commence, say at Kingston, at a salary of $800, or would there be discretionary power given to the government to regulate his salary? I can understand when a man has been a long time in the service of the government he is entitled to greater consideration, but in the case of a new appointment, would he commence at the salary of his predecessor?

Hon. Mr. MILLS—No, not necessarily. A minimum is sometimes very inconvenient, because it would prevent, sometimes, the getting of a thoroughly competent man. I know a gentleman who was highly recommended for an office in one of the penitentiaries, but I found that he would not touch any salary that we could give or that I could ask him to accept. We want the power, where a man is specially fitted for certain work, within reasonable limits, to secure his services, and so, while I have no objection to a maximum salary, I think a minimum salary is rather inconvenient. Where the service you require is clerical service, and the men employed are young men, it works well enough, but where you require special qualifications, men possessed of good judgment, who are thoroughly trusty, you have not any necessity for a minimum. Of course, Parliament is entitled to know what is being paid, and I do not object to saying that Parliament shall decide what the maximum sum shall be beyond which the minister shall have no discretion; but as long as it keeps below that, I think it will always be found advantageous to leave his discretion as free as it well can be.

Hon. Sir MACKENZIE BOWELL—I would suggest that the schedule be printed with the bill as it is. We can understand it better having it before us, and can have the third reading at the same time.

Hon. Mr. MILLS—I do not intend to ask for the third reading to-day, as I want to consider the schedule myself.

Hon. Mr. TEMPLE, from the committee, reported that the committee had made some progress with the bill.

PORTAGE DU FORT AND BRISTOL BRANCH RAILWAY BILL.

REPORT OF COMMITTEE ADOPTED.

The order of the day being read:

Consideration of the Report of the Standing Committee on Railways, Telegraphs and Harbours, to whom was referred Bill (42) "An Act respecting the Portage du Fort and Bristol Branch Railway Company."

Hon. Mr. VIDAL said:—Probably it would be well, before making any observations with respect to this report, I might intimate to the Senate the result which I have arrived at in my own mind, and which I propose to present to the House, asking them to adopt it in the shape of a resolution. I purpose, after having made some explanatory observations, to move that the report be returned to the committee for further consideration. I do not think there is a member of this House who has a higher respect for the decision of a committee than I personally have. I am exceedingly unwilling to appear to pass a judgment upon a decision which has been arrived at, but I feel, under the circumstances in which this bill has been presented to the committee, and their decision upon it, that it is my duty to submit the motion which I propose to make. In the first place, I may be permitted, by way of explanation, to say—though I believe it is perhaps a little out of order to speak of what was done in the committee—that the majority by which this decision was arrived at was a small majority,—a majority of four in a committee of twenty. Had it been a very decisive majority, or had there been anything like unanimity in that committee, I should have been exceedingly unwilling to question the judgment of the committee, but coming, as that bill did, from the House of Commons, where it had been very fully and very carefully and for a long time considered by the Railway Committee of that House,—coming to us in that shape, it appears to me to be entitled to much more careful consideration than perhaps might otherwise be given to it. We know that in that House a great deal of trouble was taken to arrive at a correct judgment with reference to this bill. There were no less than four or five sittings of the committee, and an opportu-

nity was afforded to a large number of persons interested, both for and against the bill to be heard, and so the bill was fully considered, and all the points which have since been brought out before the Senate committee, were just as strongly brought out before the Railway Committee of the House of Commons. When we think that, after all that careful consideration, the House of Commons passed the bill, I contend that the measure comes to us in a very different shape from one originating in this House. As a general rule, we are not disposed to treat the decisions of the House of Commons lightly. Where we find it necessary, as a duty of this House, to come to a decision contrary to that which has been arrived at in the lower House, we do so with great care, and with the certainty that in so acting we are safeguarding the interests of the country. We do so when there is some principle at stake—something of importance connected with the bill which influences our action before we venture to differ from the judgment carefully and deliberately arrived at by the House of Commons. In this respect I think the bill has been, perhaps, scarcely as carefully treated as it should have been in our committee, and it would not be a proper thing that a small majority of four in the Railway Committee of the Senate should condemn a bill which has received such careful consideration and approval in the other House. No matter what the majority might be in the Senate it would be considered a fair decision, but I do not think we should allow a small majority of four in a committee to throw out a bill which has come to us with the sanction and approval of the other House. That is my reason for asking that the bill be re-committed, with an instruction that the Senate has approved of the principle of the bill. Now, is it not generally the rule that at the second reading of a bill in this House, the principle is discussed, and when it passes is generally approved of. I know it is not considered an inflexible rule which we cannot depart from at all, but it is the general rule. At the second reading is the time when any objections to the bill should be stated in this House.

Hon. Mr. POWER—There was objection taken at the second reading.

Hon. Mr. VIDAL—I do not remember it, I had not at that time become sufficiently interested in the bill to be aware of it. At any rate, there was no objection in the shape of a vote of this House being asked upon it. There was no decision. There may have been some adverse remarks about it. In this case I think the bill should have received further consideration at our hands. In reference to what the committee has reported, that the preamble has not been proven, I may say there is not much in the preamble. It is a mere statement of facts that I fancy there is no question at all about. There cannot be any question about the facts recited in the preamble, so the essential feature of the report is that it is not expedient to grant the prayer of the petitioners. The reason assigned for the decision of the committee is simply this, that this road parallels an existing line. That is the whole sum and substance of the objection, and it is held that it would jeopardize an interest which has already been sanctioned by Parliament. Now, does it realy jeopardize this interest? Can it, in any sense, be said to be a parallel line? In my judgment it cannot. Here I come to a distinct issue with the views that have been advanced by those who oppose the bill. It does not parallel an existing line in any way to injure it. To consider this question properly, one must divide this proposed road into three distinct and separate parts, that part going from Pembroke to the Ottawa River at Portage du Fort, then from Portage du Fort on the Quebec side of the river to Quyon, and from Quyon to Ottawa. They are not exactly equal divisions. The 27 miles from Pembroke to Portage du Fort passes through the province of Ontario, and cannot by any possibility be considered as paralleling the Pontiac Pacific Junction Road, because between the two is the Ottawa River unbridged, and a considerable extent of territory besides. There is no possible connection between the Ontario side of the Ottawa River between Pembroke and Portage du Port, and the Pontiac Pacific Junction line, as it extends up to Walthan. I cannot conceive that any one can say that, there is any paralleling it in such a way as to injure it there. The Pontiac Pacific Junction Railway ends at Waltham. Before it could possibly reach Pembroke, there would have to be two bridges across the Ottawa River and a road across the Alumette Island also. The Pontiac Pacific Junction Railway Company have held the power to

build that particular part of the road and those bridges for some 18 years, and nothing has been done. They have held the charter and prevented anybody else from doing anything, while they have done nothing. It is a heavy and expensive work to do, and when accomplished, if it should ever be, very little would be gained by it, because Waltham is so far north that it would add considerable mileage between Pembroke and Ottawa. So I consider the Ontario section of this road out of the question as influencing our decision about the granting of this charter. The section from Portage du Fort to Quyon, in one sense may be considered a parallel line. But we are not asked to give this. The company already have that. They have a charter.

Hon. Mr. McMILLAN—Then why do they come here.

Hon. Mr. VIDAL—I will tell you presently. They have held a charter for a long time, and are not asking us to initiate a new line. Their charter was extended about five years ago, for its completion, up to next January, so that it is still extant, and it's power unimpaired. The parties holding that charter, you will observe, are not asking us to interfere with the other line. They already have the power, and all that they are asking us is that we shall allow them to build that line and extend it into Ontario, making it a Dominion work. They also ask power to build the third part of the line that I have spoken of, from Quyon to Ottawa. Is there any parallelism there? Has not the House of Commons very clearly and distinctly laid it down that they shall not have power to build a road from Quyon to Ottawa unless they are refused access by the Pontiac Pacific Junction line. The Act expressly says that while it gives them a charter, in the event of the Pontiac Pacific Junction refusing them right of way over their line or neglecting to make a connection between Aylmer and Ottawa, only in that case will the power be granted them to build the road. It is very carefully guarded, so that you cannot say there is any parallelism there. They join the Pontiac Pacific Junction at or near Quyon, and from that point would get running privileges over the existing line to Ottawa, these privileges being defined—consequently we may rest assured of their equity—by the Railway Committee of the Privy Council, the ordinary court to decide any question as to the value of the franchise which may be required or granted. So that the House will see in this way the rights of the Pontiac Pacific Junction are very carefully guarded by the other House. I have shown that not one of those three sections can be said to affect the well being or existence of the present Pontiac Pacific Junction. That part of the territory in Quebec lying between Portage du Fort and Quyon contributes little or nothing to the Pontiac Pacific Junction line, in fact I believe it is generally understood the line is run at a loss, because there is not traffic enough to make it pay. The rates are so high that in that section of the country the people prefer waiting till the winter and getting an ice bridge across the Ottawa and bringing their goods in that way.

Hon. Mr. McMILLAN—How far i Quyon from the Canadian Pacific Railway?

Hon. Mr. VIDAL—It is not very far, but the river runs between. The Canadian Pacific Railway does not object to this enterprise. The route is very much nearer being parallel with the Canadian Pacific Railway than with the Pontiac Pacific Junction Railway. They start at Pembroke together and diverge very slightly as they come eastward. If the Canadian Pacific Railway had objected I could have seen some force in it, because the line to Portage du Fort really parallels the Canadian Pacific Railway some five or six miles, widening as it approaches the city, but the advantage that would be gained by the making of this new road is that there would be a distance of twenty-eight miles saved between Pembroke and Ottawa.

Hon. Mr. McMILLAN—It would be twenty-eight miles shorter than the Canadian Pacific Railway?

Hon. Mr. VIDAL—Yes, shorter because the Canadian Pacific Railway diverges to the south a great deal. If the company could obtain running privileges over the Pontiac Pacific Junction Railway from Aylmer to Ottawa it would make a difference of four miles, for the distance from Quyon to Ottawa would be by that route twenty-seven miles, while by the new proposed line it would be twenty-three. I think, under

all these circumstances that the objection that this new road would be interfering with the rights and privileges of the Pontiac Pacific Junction should have very little weight. Why is it that the Pontiac Pacific Junction remains without any connection with Ottawa? It is a line beginning at Aylmer and ending up the Ottawa River some place, and having no great depot at either end. They have had the privilege of making that connection between Aylmer and Ottawa; and what has been accomplished? Nothing effectual has been done. There is a pile of rails there, and they have had a survey, but no actual work has been done in laying down the continuation of the Pontiac Pacific Junction Railway from Aylmer to Ottawa. So far from its being a hindrance to the Pontiac Pacific Junction, the construction of this road would be the best thing that could possibly happen to it. This line would bring to Quyon a large amount of traffic coming from the west, because I believe in a short time the saving of that 23 miles would cause a great deal of traffic to be sent from Pembroke to Ottawa by that line instead of by the Canadian Pacific Railway, and just as soon as it became known that this was to be a living road, that Portage Du Fort bridge was to be built and communication made to Pembroke, the proprietors of the Pontiac Pacific Junction Railway would have less difficulty in raising money on bonds for the completion of that eight miles from Aylmer to Ottawa. We can scarcely conceive it possible that an active company would allow so short a section to intervene between their present eastern terminus and Ottawa. I believe if it was known that this company was going to construct this road immediately, it would be seen that the necessity of it was great, and there would be no difficulty in obtaining whatever funds might be required for building the road into Ottawa. Of course, the Pontiac Pacific and the Ottawa and Gatineau Valley Railway Companies are the proprietors of the interprovincial bridge that is to be built from Nepean Point to Hull. It is proceeding very slowly. There are indications of its existence, and that is all you can say about it. But I believe that if it was known that this other road was coming in, money would be easily obtained for the completion of that bridge, and would thus afford access to a large amount of traffic and business coming in from the west by that new line. So that, altogether, the very best part of the Pacific Junction Railway would be that section lying east of Quyon, over which large traffic would pass. All these things being considered, I think it would be well before the Senate rejects this bill, which has been so well considered and fought out in the Commons, that it should at least give more attention to the subject. And I propose that it shall be remitted back to the committee, with the instruction that the Senate, having agreed on the principle, it no longer remains with them to say the preamble is not proved; that they will go through the clauses of the bill, and if any amendments are required in the clauses, by all means let them be made and reported to the House. I think it is not becoming to the Senate to reject a bill in that very curt way by the adoption of this report.

Hon. Mr. KIRCHHOFFER—I desire to say that, in seconding the hon. gentleman's motion, I do it with some hesitancy, because I have a natural disinclination to refer back a report to a committee which has been appointed by this House for the purpose of taking it into consideration. I would not do so, and did not do so, without first seeing the chairman of the committee and explaining to him the reasons why I supported this motion. Having done so, and having heard the very admirable presentation of the case from my hon. friend's point of view, I have very little further to say about it. The only objection which I really heard, which seemed of a tangible nature, before the committee was the fact that this road was supposed to parallel the Pontiac Pacific Junction Railway. As far as I could see, the only part of that line that it paralleled was the part not yet built, and we all know that, in getting out of a large city, there are certain channels which are common to all roads entering the city, and it is almost impossible for two roads to come into a city without paralleling one another. That is what is done here. The part that is threatened to be paralleled is the section which is not yet built. In referring this back to the committee, I would like to have it thoroughly understood that no hon. gentleman who votes to refer it back is necessarily bound to support the bill in the committee. All we ask to do here is to have it placed before the committee, when the parties can come there and lay their views before us. It does not bind me to support it in the committee.

Hon. Mr. POWER—The hon. gentleman has not read the motion, evidently.

Hon. Mr. KIRCHHOFFER—Yes, I have. It is to refer it back to the committee and for the committee to go through the clauses. I do not think any hon. gentleman is bound to support it.

Hon. Mr. McCALLUM—As a member of that committee I am surprised to see the hon. gentleman from Sarnia bringing up this question and giving us a lecture, and proposing a vote of want of confidence in the committee, as much as to say we did not consider every clause of the bill. Every hon. gentleman at the table read the bill and considered it. We listened for two hours to intelligent lawyers discussing the question, with maps on the wall showing us the locality, and now the hon. gentleman from Sarnia tells us that we did not know our duty and did not know what we were doing. We should consider, he says, that the Commons passed this bill. Is that a sufficient reason why we should pass it? The people that engaged with Mr. Beemer in the first place had to be bought out. Some of those fellows have Mr. Beemer's money in their pockets. I am tired of this business. We got rid of it once and that should be sufficient. If the Senate sends it back to the committee, what are we to do? We went into it as carefully as we possibly could and we decided to report against the bill. I dislike hearing the hon. gentleman say that the committee appointed to look into the matter did not thoroughly do its work. I know they looked into it carefully and came to a conclusion, but we did not satisfy the hon. gentleman from Sarnia. What has the senior member from Halifax (Mr. Power) to say about this, and what has the chairman to say about it? He occupied the chair in an impartial way, and was perfectly right all the way through. I should like to hear what they have to say. When an hon. gentleman rises in his place and casts reflections on me as a member of that committee, and says that I did not do my duty, I will not submit to it in silence. I say that the whole committee did their duty. There were about twenty members present, and the vote was eight to twelve. Of course, if the hon. gentleman desires to appeal to the House, he has that right, but I hope the House will not pass a vote of want of confidence in the committee.

Hon. Mr. MACDONALD (B.C.)—This Portage du Fort and Bristol Railway Bill received, in the committee, every consideration. We heard counsel on both sides, for and against it. We heard gentlemen interested on both sides and heard them patiently and quietly, and the committee came to the conclusion that it would be unfair to allow this road to be built, paralleling another road, and also to take part of its traffic and crush it out in that way, and interfere with the large financial arrangements the Pontiac Pacific Junction Company have to make to build their bridge across the Ottawa River. It has been a starving road, I believe now it is paying a little and to grant this charter would hurt that road. If we thought there was traffic enough, we would not have reported against it. If the bill goes back, it will not receive more consideration than it has already received. I move that the report of the committee be concurred in.

Hon. Mr. BAKER—Quite apart from the challenge thrown out to me by the hon. gentleman from Mouck (Mr. McCallum) it is my duty, as chairman of the committee, to say a word or two upon the motion before the chair. As to the position the hon. gentleman from Sarnia (Mr. Vidal) has taken, everything he proposes to the House is deserving of the most careful attention, and I am sure I shall not be considered uncivil, much less offensive to my hon. friend, if I say that the proposition which he is now submitting to the House, appears not to have engaged the careful attention which the hon. gentleman usually gives to matters which he brings before us. The motion, as submitted to the Speaker, contains a direct reflection upon the Railway Committee. It goes further than that. It refers the matter back to the committee with instructions that leave the committee no power to exercise its discretion. No one knows better than the hon. gentleman from Sarnia what the functions of a parliamentary committee are. The committees are the creatures of the House. Matters are submitted to them. It is true they are subordinate to the House itself and the reference back to the committee does not, if made in general terms, necessarily imply a censure upon the committee, but couched in the language contained in that motion, there is a direct censure upon the Railway Committee. As

the chairman of that committee, I feel that it is my duty to repel such an aspersion. It is nearly thirty years since I first took a seat in the Parliament of Canada, and I never, during that whole experience, had to do with a committee more keenly alive to the proper discharge of its duties than the Railway Committee of the Senate. There is not a matter that comes before that committee that does not receive the most careful and critical attention, and to say that that committee is to be censured because of the exercise of its power—and I may say in the exercise of its wisdom, it chose to reject that bill—is to cast upon that committee a censure that it does not deserve at the hands of the hon. gentleman from Sarnia, and which it will not deserve if the motion is carried in this House. What is the history of this enterprise? It was chartered by a local Act of the legislature of Quebec in 1888. It was charged with power to construct a railway over a great portion of the ground embraced in the present territory. It came some years afterwards to the legislature of Quebec and obtained an amendment to its charter, by which it was authorized to build a telegraph line as well as a railway. Subsequently it was subsidized by the Dominion Government to the extent of $3,200 per mile for fifteen miles of its railway, and yet with all those privileges it never showed a sign of life until it fell into the hands of its present promoter, who appears, from his own statement and what came out before the committee, to have come before the Parliament of Canada for the purpose of obtaining powers contained in its charter, which would enable him to exercise an undue influence on an existing corporation. What is the proper rule that has been applied to the construction of railways in Canada? It is, that power shall not be given to duplicate railways. Look at the map. Examine the plan produced before the Railway Committee and see whether it is not a fact that the object of the enterprise is to duplicate the Pontiac Pacific Junction Railway. It is true that at one portion of its line it is a considerable distance from it, but the object of the promoters of this enterprise is to duplicate the railway into Ottawa. The Railway Committee heard the parties by their able and astute counsel and gave them every opportunity to present their claims before them, and after sitting in judgment upon it, they decided that it was not expedient that the bill should become law, and they so reported. It is for this House to determine whether, by the adoption of that motion, they will pass a vote of censure on the Railway Committee. If it is passed, as the chairman of that committee, I shall sit in silence and listen to the verdict of the House, but I submit it would be an act of injustice, under the circumstances, to pass such a vote of censure. I submit there is nothing before this House to show that the committee acted in a manner to justify the reference back to them in the words of that motion. I submit that it will be an unjustifiable act if this motion should be adopted. It is no breach of confidence for me to say, as I do, that members of that committee who voted for the bill in committee stated that they would vote against the adoption of this motion, and I believe, when the votes are called for, if it comes to that, it will be shown by a majority of the House that it is not the intention of the House to cast an aspersion on the Railway Committee by the adoption of this motion.

Hon. Mr. POIRIER—I wish to second the motion proposed by the hon. gentleman from Victoria that this report be concurred in. I was not present when the report was made, but if I had been present, the majority would have been five instead of four. Before leaving for home, I gave some attention to that bill, and have done so since, and the more I look into it, the more I am confirmed in the conviction that the Railway Committee adopted the right and proper course. I would have no objection to confirm the privileges of the company, as originally chartered, so far as that portion of the road is concerned. I believe it would be a good and useful road, but from Quyon to Ottawa, the new line is certainly paralleling the other one, zig-zagging and dancing about it, but really parallelling it, and I do not believe, as a member of this House, that we should authorize the building of a railway for which there is no necessity. It traverses no new country. It answers no good purpose and simply has the one object, of hurting a railway against which nothing has been brought forward and nothing has been said, a railway which is not earning, I believe, extra dividends, and all this in contradiction of what has been all along the policy of the committee in this and the other House—to prevent the unnecessary duplicating of railroads.

Hon. Mr. MILLER—I do not think that this motion can be put to the House, because it contains a misstatement on the face of it. The motion is that the report be returned to the committee for further consideration with instructions to the effect that the Senate, having sanctioned the principle of the bill, desire that the clauses may be examined, &c. Now, the parliamentary rule is that the principle of a public bill is affirmed on the second reading, but the principle of a private bill is only affirmed contingent upon proof of the facts recited in the preamble. The bill was referred to the Standing Committee on Railways to take evidence of the facts set forth in the preamble, and the committee have reported to the House that the preamble has not been proven. Therefore, this motion is incorrect on the face of it, as must be evident to every hon. gentleman. The House did not affirm the principle of this bill, because it being a private bill, the House affirmed the principle only conditional on the facts stated in the preamble being proven. These facts were referred to the committee for investigation. The committee investigated them and reported that they were not proven; therefore, it would be absurd for the House, after investigation, to override the action of the committee and pass a motion of this kind. Besides, there is an objection to this motion that no notice of it has been given. It is not part of the notice on the paper. It requires notice.

Hon. Mr. KIRCHHOFFER—In seconding this motion, I had no intention to cast any reflection on the committee of which I am a member. The objection raised by the hon. gentleman from Richmond (Mr. Miller), is so well taken that I am quite content that it should go on that point.

Hon. Mr. POWER—The question is on the amendment of the hon. gentleman from Victoria.

The SPEAKER—If the hon. member insists on the question of order, I shall rule on it.

Hon. Mr. MILLER—I shall not take any exception for want of notice.

The amendment was adopted.

LIBERATION OF PENITENTIARY CONVICTS BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (T) "An Act to provide for the conditional liberation of penitentiary convicts." He said:—The principle of the bill is contained in the first clause. Hon. gentlemen will see, in examining this bill, that it is an adaptation of the principle of what are called indeterminate sentences in the United States, but which in England are usually designated as in this bill. You will see, by an examination of the clauses of this bill, that every one of them is taken from some English statute or other, and that, under the bill, a party may be liberated by order of the Governor in Council and granted a ticket of leave, or license, as it is called in the bill, when he reports to the sheriff or the chief officer of police in the county or city to which he may go, and that he is under necessary surveillance in respect to his good conduct during the period for which he has been sentenced. If he should, at any time, be guilty of any improper conduct—if he should at any time spend his time idly, or associate with those who are known to be disreputable persons, he is liable to have his license revoked, and to be committed to penitentiary to serve out the balance of the time for which he was sentenced. If he is guilty of crime at any time before his sentence expires, he may be convicted of the offence with which he is charged, and the period for which he is sentenced is added to the period of the time the sentence has yet to run, and he may be committed to serve out the balance of one sentence and the whole of the other in the penitentiary. This principle has been found to work satisfactorily in the United Kingdom, and it has been found to work satisfactorily in the States of the Union where it has been tried. Of course, old offenders, whose habits of mind and character have become fixed, who are disposed to crime and who have not the necessary self will to restrain them, when an opportunity offers, from committing crime, are not likely to receive any license under the operation of this measure, but young offenders, those who have committed offences for the first time, and especially where those offences are not of a very serious character, may be liberated upon license being granted them and upon their subjecting themselves to the conditions imposed upon them by the license. They are constantly acting under restraint during the whole period for which they have been sentenced, and so acting under restraint, having their good conduct

ever before them, an opportunity is given them to form better habits, those more consistent with the rights of others and with obedience to the law than have been previously formed in their case. I have no doubt that in this country it will be found by experience that the adoption of the rule will be advantageous in bringing about a reformation of the offender, advantageous in giving him an opportunity of continuing in the employment of those who are in the law-abiding class, and relieving him from all the disadvantages to which he would be subjected if he were kept in constant contact with the criminal classes. It is, in my opinion, much more likely that one to whom a ticket of leave is granted will reform while at liberty under that ticket of leave and under public surveillance, than if committed to the penitentiary. Further than that, in my opinion, the cost of the maintenance of the penal institutions will be proportionately diminished. That cost, at the present time, is not so great as it was formerly. It has been suggested—and was suggested under the late administration—that there should be a better classification of prisoners than exists at the present time. In that view I share, but that classification would entail, no doubt, further charges upon the public revenue. At the present time, old offenders and those who are offenders for the first time, men who are hardened in vice and crime and those who are not naturally disposed to crime who have nevertheless been convicted, are thrown together, and the opportunities for reform are very limited indeed, especially to those over the age of sixteen, and who have been convicted of offences which are punishable by confinement in the penitentiary. A great deal of attention has been given in England of late to the subject of criminology, and one thing, perhaps, more than any other has impressed itself upon those who have studied the subject, that the criminal classes there—and to some extent the same is true everywhere—are in a certain sense degenerates. They are those in whom physical vitality is less than in those who are law-abiding, and it has been found in many cases that no inconsiderable improvement has been brought about by attention to physical training as well as to moral instruction. I am not, however, going to discuss this subject generally. I may submit for the consideration of the House a measure framed on lines upon which a large experience has been had and where the results have been satisfactory. I, therefore, ask for the second reading of this bill, believing that it will tend to diminish the growth of crime, and to give those—especially the young—who have been convicted of serious offences another opportunity of reforming their habits under the aid and impulse of surveillance which cannot be otherwise than advantageous.

Hon. Sir MACKENZIE BOWELL—It does not give the person, under the circumstances, the right to leave the province. Does it confine him to the province or, if he leaves it, does he violate his license?

Hon. Mr. MILLS—The hon. gentleman will see that he is required to report himself to the sheriff, or to the constable, in the county to which he may go, and if he leaves that county and goes to another, he reports himself there also, so that he is under continuous surveillance.

Hon. Sir MACKENZIE BOWELL—But if he does not report himself?

Hon. Mr. MILLS—Then he will be arrested and committed.

Hon. Sir MACKENZIE BOWELL—How long does the ticket of leave last? If the person behaves himself for the balance of the sentence, he will be clear, will he not?

Hon. Mr. MILLS—It will last until his sentence expires, and then he is in the position of a free man. Of course, if he escapes to another country he can be extradited.

Hon. Mr. ALLAN—I am glad the Minister of Justice has introduced a bill of this kind. It is one which has been felt by those who take an interest in this subject, as one long needed. The subject has been discussed, more particularly among those who are members of an association which the minister knows very well, the Prisoners' Aid Association. Arguing from what has been done in England, and particularly of late in the United States, it would be a great help in reforming young offenders, if there was such a thing as a reformatory for first offenders. This bill will, to a certain extent, meet that want, because instead of a young offender who, perhaps for the first time, has lapsed from the straight path, and has been sent to the penitentiary where he

is brought in contact month after month with those who are older offenders and hardened in crime, from whose association no good could be expected, will now have an opportunity of seeing what he can do if he is given this conditional liberty and allowed another opportunity of improving himself, and if he so desires of abandoning his past habits and endeavour to become a worthy and upright citizen. I hope, therefore, that the bill will pass, because I think a very great good will be done by it, I think, at all events, the experiment is well worth trying, and I am quite sure that the results will be found to be such as to justify the adoption of this measure.

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

GRAND TRUNK RAILWAY AGREEMENT BILL.

DEBATE CONTINUED.

The order of the day being called :

Resuming the adjourned debate on the second reading Bill (138) "An Act to confirm an agreement entered into by Her Majesty with the Grand Trunk Railway Company of Canada for the purpose of securing the extension of the Intercolonial Railway system to the city of Montreal."

Hon. Mr. WOOD said:—In the discussion which has taken place so far upon this bill, very brief reference has been made to the question of the general policy involved in the extension of the Intercolonial Railway to Montreal. The hon. Minister of Justice and the Secretary of State rather assumed, in their opening remarks, that no reasonable objection could be urged to a policy of this kind. I desire to offer a few remarks on that feature of the question before addressing myself to any of the special features of this bill. In the discussion which took place two years ago, in 1897, I ventured to express the opinion which I entertained then, and which I entertain still, that it was not desirable, further than could be prevented, that the government should own and operate railways in Canada. I do not believe that, as a function of the government, a railway can be operated as economically or as successfully as it can be by private companies. My views upon this subject, I think, received very strong confirmation in some of the figures which were submitted to the House by the hon. Minister of Justice and the hon. Secretary of State. They read from the railway statistics a very complete statement, or general statement I would perhaps more properly say, of the result of the operations of the Intercolonial Railway for a period extending over some twenty years. The results showed, as they very properly pointed out, that there had been a capital expenditure, first for construction and afterwards for various extensions and improvements, amounting to some $50,000,000. That upon that expenditure no return of any kind, in the shape of interest, had been received ; that in addition to this, there had been a very large deficiency between the gross revenues and the operating expenses amounting to—I do not recollect very correctly and I have not looked to verify the figures—some $11,000,000.

Hon. Mr. SCOTT—That embraced part of the capital.

Hon. Mr. WOOD—It may not amount quite to that sum ; still I think there has been a very large deficiency.

Hon. Mr. SCOTT—Oh, yes.

Hon. Mr. WOOD—These results confirm the opinion which I have expressed myself, that a government could not successfully, from a business standpoint, operate a railway system under the condition of things that existed in Canada.

Hon. Mr. MILLS—There is one more point that the hon. gentleman might consider in connection with that—how far that deficiency of revenue is due to the very low rates, and whether those low rates have not inured to the benefit of the population through whose territory the railway runs.

Hon. Mr. WOOD—That is a consideration, and I will make reference to it later on. I should like to say, however, before leaving this particular feature of the question with which I am dealing now, that I think there might be other inferences drawn from the very same figures to which I have referred, which would strengthen the position I am taking upon this question. During the period which the hon. gentleman covered with the figures that he submitted to the House, the mileage of the Intercolonial has been very much increased. It has increased during some twenty years from about 700 miles to nearly 1,150 miles. These increases

have been by various extensions. One of the most important has been the extension which has been referred to in this discussion, from Rivière du Loup to Lévis, Que. That extension was made at the time, under the impression that it placed the Intercolonial Railway, as a system, in a better position. Another, and in my opinion, a very much more important extension, from a business point of view, was the extension from Truro to Pictou in eastern Nova Scotia, and also the extension from Oxford Junction to New Glasgow and Sydney, in the Island of Cape Breton. In these extensions an entirely new territory was opened up, a territory which, up to that time, had enjoyed no railway facilities. It is one of the very best portions of the province of Nova Scotia, and a territory which certainly furnishes a very large and lucrative railway traffic. During this period, as a result of these extensions, and partly also of the natural growth of business in the maritime provinces, the traffic of the Intercolonial Railway has very largely increased. During twenty years the receipts from freight traffic increased from about half a million to over a million and a half dollars. It increased three-fold in about twenty years. The passenger traffic increased in about the same proportion. Instead, however, of the net results improving under these conditions, it appears that the working expenses have kept pace with the increase of receipts from both freight and passenger traffic, and the net results from the extensions which have hitherto been made are no better, from a general point of view, than they were some twenty years ago. The Minister of Justice called my attention, a few minutes ago, to the fact that this was due to the very low rates which were charged in the maritime provinces. It may be that the rates there are lower than they are in some other parts of the Dominion, but I think if a comparison were made, it would be found that the general tariff on railways which are operated through the old and thickly settled country, will not differ so very much from those which prevail in the maritime provinces as one would infer from the hon. gentleman's remarks. At all events, I venture the statement that in my opinion,—and I believe my opinion will be confirmed by any person who has experience in railway business—that if the Intercolonial Railway as it is to-day, and as it has existed for many years past, were operated by private individuals, or by a company organized for that purpose, it would show a handsome profit, and that could be made without adding one dollar to the charges either for freight traffic or passenger service. I might, I think, make this point stronger, if stronger proof is needed, by a comparison between the results of the profits of the government railway and railways, under similar circumstances, that are operated by private companies. I do not wish to detain the House with any lengthened remarks on this point, but I will cite, for the information of the House, one case which I think bears specially on that point, and that is the case of the Dominion Atlantic Railway Company in Nova Scotia. This railway company is formed from the union of what was originally the Windsor and Annapolis Railway and the Western Counties Railway, the connecting link between Digby and Annapolis being built, if I remember rightly, largely, if not altogether at the expense of the Dominion Government. The railway runs from Halifax to Yarmouth, passing through the Annapolis valley. The different parts of this railway have been under the control of a private company. That company has exhibited a great deal of enterprise in developing the traffic of that country. They have paid special attention to the development of tourist travel in southern and western Nova Scotia. They have placed two magnificent steamers on the route between Yarmouth and Boston. They have placed a very fast boat in the Bay of Fundy between Digby and St. John. These boats are run in connection with the railway system, and the net result, as I find from examining the railway returns of last year, shows that they had a profit above working expenses of $118,000. This company has established for itself a very strong financial position. It is able to borrow money at the present time in London at four per cent interest, and last year it could pay four per cent interest on nearly $3,000,000 of capital. Three millions of capital would represent for the entire length of the line about $15-000 per mile, or about the sum that would be required to build a railway in a district like that which the Drummond County Railway passes through. With the cheap means of constructing a railway which we have at the present time, that would be sufficient to construct a railway.

Hon. Mr. MILLS—Can the hon. gentleman say how much of that earning is from passenger traffic and how much from freight?

Hon. Mr. WOOD—I could by turning it up in the railway returns. It is possible I could find it here.

Hon. Mr. MILLS—That is Longfellow's road. That is the road made valuable by the story of Evangeline.

Hon. Mr. WOOD—Yes, no doubt. For one year I have the statistics. The passenger traffic was $193,000, freight $204,000, mails and express $23,000. That, when compared with the Intercolonial Railway, furnishes a comparison of the results obtained from a railway operated by the government and one operated by a private company under similar circumstances. In my opinion, so far as traffic is concerned, the advantage is in favour of the Intercolonial Railway. It connects Halifax and St. John with Sydney and Cape Breton. On the main line of the Intercolonial Railway in New Brunswick and Nova Scotia, the railway passes through important cities and towns and agricultural villages. Besides that, I may also direct the attention of the House to another fact, that the Intercolonial Railway has the monopoly of the local traffic in the country through which it passes. There are no competing lines. I wish to call the attention of the House to the fact that it has the whole traffic, whatever it may be. I have always held the opinion, and my experience since I have been in public life certainly confirms me in the opinion that it is impossible to operate a government railway on strictly business principles, and the fact that the Intercolonial Railway is not paying dividends, is not due, as the hon. Minister of Justice perhaps may suppose, to the low rates which are established, but due to the fact that political consideration must, to some extent affect the operations of the road and influence the results. In saying that, I do not wish to reflect upon one party or one government more than another. Since this railway was opened, it has been under the control of both political parties and I have no doubt each one will make out a case, to their own satisfaction, at all events, that during their regime they have managed it more economically and upon better business principles than the other party. But looking at the whole result in a general way, the results are practically the same.

Hon. Mr. MILLS—Does the hon. gentleman think that public opinion in the maritime provinces would support any government in parting with the control of it?

Hon. Mr. WOOD—Certainly not. I do not wish the hon. gentleman to understand that I expected the government of which he is a distinguished member, would undertake to sell the Intercolonial Railway or place it under the control of a private corporation. I was rather making the argument for two purposes: in the first place, to give the reasons which influenced me to entertain the opinion which I do, unfavourable to the government owning and operating railways, and, in the second place if my views on that subject are sound, the same reasons would apply—on general principles, I mean—against any further extension of the government system of railways.

Hon. Mr. MILLS—If the public management is bad, and the rates are not lower than on roads owned by private corporations, on what theory does the hon gentleman explain that the public of the maritime provinces desire that that bad management should continue?

Hon. Mr. WOOD—Some person holding opposite views from mine would probably be able to answer that question better than myself. I am not putting forth the views of the public in the maritime provinces. I am expressing my own views, and if they are not in accord with the sentiment of the maritime provinces, I cannot help it. I entertain these views strongly, and I feel it incumbent upon me, when I present these views to the House, to give, as fully as I can the reasons upon which I based these views. I venture the hope that, to some extent at least, they may commend themselves to the consideration of other hon. gentlemen sitting in this chamber, and possibly, to some extent, to the public at large. The only conclusion which I wish to draw from the remarks which I have made thus far is that, on general principles, the history of the Intercolonial Railway in the past and our experience of government management do not justify further extensions of the government system of railways. Other arguments have been addressed to the House in favour of the

present scheme. It is of course possible, when one does establish a general principle or general rule, that that rule may have exceptions. Such is often the case, and it might be argued, and perhaps it will be argued by some, that the extension proposed in this present case is an exception to the general rule which I have just endeavoured to establish. I will note very briefly some of the arguments which have been presented in support of this bill. In the first place, a good deal of stress was laid upon the opinions which have been expressed by the Hon. John Haggart, late Minister of Railways, in the evidence which he gave before the Drummond County Railway Commission; also to the opinions held by Mr. Schreiber, the Deputy Minister of Railways, and Mr. Pottinger, the general manager at Moncton, who both signed a letter favouring this extension. That letter has been read to this House. I am ready to admit, at the outset, that all these gentlemen are gentlemen of great ability and great experience in railway matters, that perhaps no higher authorities could be quoted in this House with regard to the Intercolonial Railway than the two gentlemen to whom reference has just been made, and in differing from them, as I do, upon this question, I will only say this in regard to the opinions which they have expressed—I would call the attention of the House to the fact that Mr. Haggart was Minister of Railways in the late government for a number of years, that he had this question at one time under consideration, that he was offered the Drummond County Railway at a price considerably lower than the present government were proposing to pay for it under this arrangement.

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. FERGUSON—Yes.

Hon. Mr. WOOD—His evidence in the Drummond County Railway Committee was certainly to that effect.

Hon. Mr. SCOTT—No. When Mr. Schreiber's letter was read and he was asked to explain, he said the proposal made to him was for an unfinished road.

Hon. Mr. WOOD—Yes, that is quite true. Mr. Haggart, in his testimony before the Railway Committee, stated that he was offered the Drummond County Railway as it then stood for $500,000.

Hon. Mr. SCOTT—How much of it?

Hon. Mr. WOOD—The part that was then completed.

Hon. Mr. FERGUSON—Ninety miles. The section from Moose Park to Chaudière, forty-two miles had to be built. If you take $500,000 for the completed section, and add the cost of the parts which had been built, take the figures which were given before this committee of investigation, you will find that the road on that basis would have cost a little over $1,000,000.

Hon. Mr. SCOTT—No, not at all. Read page 153, where the question was put by the chairman, the last question, where Mr. Schreiber's estimate of the whole road was given as a finished road.

Hon. Mr. WOOD—Oh, that is certainly correct. Mr. Schreiber's estimate of the cost of building a new road from Ste. Rosalie to Chaudière Junction was $1,535,000, but the statement I was making, was that Mr. Haggart was offered the portion completed at that time, which was ninety miles of that road, for $500,000.

Hon. Mr. SCOTT—In the state it was then in.

Hon. Mr. WOOD—Certainly in the state it was then in, and in the state it was when the late purchase was made, and the expenditure since amounts to $685,000. Add that to the $500,000, which they were willing to sell the completed portion for, and you would have $1,185,000 for the whole road, completed as it is to-day.

Hon. Mr. SCOTT—You are speaking of the road as it was then, but a large amount has been spent on the uncompleted portion since.

Hon. Mr. WOOD—How much? If you refer to McLeod's report you will find that he estimates that $35,000 would be required to bring up this completed portion to the standard required by the government, and in the last arrangement, part of the agreement was that $100,000 was to be spent by the government on the railway, $35,000 of it to bring up the completed portion to the standard required by the government, and the other $65,000 on the new part of the

road to bring it up to the standard. Therefore, I think, if the hon. gentleman will look carefully into the case, he will find the statement I am making is strictly correct, that Mr. Haggart, in his evidence before the committee, testified that when he was Minister of Railways he had the option of purchasing that railway for $500,000. The figures show that the cost of the remaining few miles was between $600,000 and $700,000, making the whole cost from Ste. Rosalie to Chaudière, if it had been purchased on the basis Mr. Haggart mentioned in his evidence, between $1,000,000 and $1,200,000. I was referred to the opinion which had been expressed by Mr. Haggart before the investigating committee, as to the desirability of extending the railway to Montreal, and I was observing, in connection with that, that when he was Minister of Railways and had the option upon more favourable terms than it is proposed to purchase now, and when he was also given to understand that he could obtain access to Montreal over the Grand Trunk on favourable terms on the mileage basis, as he expressed it, that he did not consider this of sufficient advantage to the Intercolonial Railway to propose it to the House, or even to submit it to his colleagues in council for their approval. With regard to the opinions of Mr. Schreiber and Mr. Pottinger, I cannot say when these opinions were formed. I felt, when I heard this subject referred to the other day, somewhat curious to know what were the opinions of Messrs. Schreiber and Pottinger at the time this proposition was made to Mr. Haggart, and whether they gave him their advice upon the subject. I do not know any way of getting that information, I can only say, with regard to this, that I should attach very much more weight to the opinions which they express now had they been for some time past open and zealous advocates of this extension to Montreal, than I could attach to opinions which have been recently formed and only found expression since the negotiations commenced which have resulted in the proposition now before the House. There has been another argument presented to the House which is a plausible one, and I have no doubt has had a great deal of weight with very many gentlemen who compose this House, and that was the argument that it was desirable, on general principles, that any railway system should have its terminus in a great commercial and distributing centre like the city of Montreal.

As it is six o'clock, I move the adjournment of the debate.

The motion was agreed to.

BILL INTRODUCED.

Bill (130) "An Act respecting the London and Canadian Loan and Agency Company, Limited."—(Mr. Allan.)

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, 5th July, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

GRAND TRUNK AGREEMENT BILL.

DEBATE RESUMED.

The order of the day being called :

Resuming the adjourned debate on the second reading Bill (138) "An Act to confirm an agreement entered into by Her Majesty with the Grand Trunk Railway Company of Canada, for the purpose of securing the extension of the Intercolonial Railway system to the city of Montreal."

Hon. Mr. WOOD said :—In the observations which I addressed to the House yesterday afternoon, I endeavoured to give the reasons why, in my opinion, a government railway under the conditions which exist in Canada could not be operated as economically and as satisfactorily, from a business standpoint, as a railway operated by private companies, and also to show from the past operations of the Intercolonial Railway that, from a business standpoint, we were not justified in further extending the government system. I have nothing to add to that branch of the subject to-day, except this remark, that the reason which originally existed for building the Intercolonial Railway as a government work, and for operating it as such, no longer exists. The construction of the Intercolonial Railway was one of the conditions upon which the four original provinces entered into confed-

eration. At that time the cost of constructing railways was very much greater than it is to-day, and their earning power for some years was not supposed to be very great. It was impossible to have this railway constructed by any other means than as a government railway. No private individuals could be induced to place one dollar of capital in an enterprise of that kind. Those reasons, however, do not exist to-day, and so far as extensions of the government system are concerned, they must, in my opinion, be justified on business grounds, and the arguments which have been addressed to the House in support of the present proposition have all been, I believe, of that character. The most important of these was the argument which has been used, I think, by every hon. gentleman who addressed this House, that any railway system of any importance found it desirable to have its terminus in some commercial centre, some large distributing centre like the city of Montreal. That is a proposition which I think will be generally recognized by railway men and by business men throughout the country. As a general proposition it is undoubtedly a sound one, and I am quite free to admit that there will be to the Intercolonial some advantages from having its terminus in the city of Montreal. It will certainly be an advantage, so far as the arrangements for running its trains are concerned. It can make the time tables and other arrangements regarding its trains without being obliged to consult the convenience of other railways. It is possible, too, that having the terminus in Montreal, those who control the Intercolonial Railway may be able, to some extent, to develop a tourist travel in the summer time between the upper provinces and the provinces down by the sea. I think, however, that, with these exceptions, there can be no very material gain, and that those who regard the proposition which I have just referred to as a sound one in the case of the Intercolonial Railway, probably over-estimate its advantages. It must be borne in mind that the Intercolonial has already connection with Montreal, and, so far as its traffic is concerned, the principal effect of the proposed change will be that the traffic will be carried 175 miles farther by the Intercolonial than it is at the present time, and the Intercolonial will, on the other hand, have this 133 miles to maintain, and its proportion of the maintenance of the other forty miles. It must also be borne in mind that, by this extension, there are no new industries created, no country opened for traffic which has not already railway facilities, that there will be no more flour, provisions, or manufactured goods sold for consumption in the maritime provinces than there is at the present time, that there will be no more of the products of the maritime provinces sold in the west than there are at the present time. There may be—I hope there will be, and I have not any doubt there will be—a very considerable development of trade in both directions in the future, but this will be due to the natural growth of business and trade throughout the country, and cannot in any sense result from the extension of the Intercolonial Railway to Montreal. In so far as through traffic is concerned, I do not hope for any satisfactory results to follow from this extension. The hon. Minister of Justice, I think it was, read a statement to the House showing the increase of traffic during the last year—during the period that the Intercolonial has had its terminus in the city of Montreal. This appears to have been entirely local traffic, for by the return laid on the table of the House, I find that the whole traffic carried from Montreal to Halifax for export during that period amounted to only 1,050 tons, scarcely two respectable train loads. I wish to discuss this question fairly, and while I am free to admit that there will be some small advantage from extending the Intercolonial Railway to Montreal and making its terminus there, I at the same time express it as my opinion that these advantages are not sufficient to justify the extra expenditure involved, for it must be borne in mind that if these bills pass, and this policy is carried into effect, we add at once $1,600,000 to the permanent debt of the country, and add, at the same time, one or two hundred thousand dollars, and possibly more, for the purchase of the rolling stock to operate this extension; that we also bind ourselves in the near future to make further expenditures for double tracking the line between Ste. Rosalie and St. Lambert, and for additional expenditures for improvements and accommodations at the terminus in the city of Montreal. The net result, therefore, is that we take over a business or a traffic which has hitherto been done by the Grand Trunk Railway, and which it appears, from what has taken

place during these negotiations, that the company has not and is not to-day unwilling to abandon, and that for that privilege, besides the expenditure on capital account to which I have referred, we are going to pay annually $140,000. It must also be borne in mind in considering this whole question that in the near future the position of affairs with regard to the Intercolonial Railway will very materially change. I believe it is the settled policy now that the River St. Lawrence near Quebec is to be spanned by a railway bridge. If the reports in the newspapers are correct a sum is to be placed in the supplementary estimates this year to aid that project. When this project is brought about, whether it is sooner or later, the Intercolonial Railway, besides the connections which it has at the present time with the Grand Trunk to Montreal, with the Quebec Central to Sherbrooke and the eastern townships, will have connection across the St. Lawrence River with the Canadian Pacific Railway, and in the near future I believe with the Canada Atlantic Railway and Parry Sound Railway through the extension of the Great Northern to the city of Quebec. In the peculiar position which the Intercolonial Railway occupies—for in my opinion its position is somewhat singular and unique, having an absolute monopoly of all the railway traffic in the territory through which it passes—it is not in any sense a competitive railway, and therefore does not require to have its terminus in a great commercial centre for competition purposes; but controlling its traffic, as I have pointed out, I cannot conceive how any railway system could be in a better position than the Intercolonial Railway will be, when that bridge is built and these connections are formed, for making arrangements of a most favourable character for the exchange of its traffic with all the great lines with the west. Now, a word with regard to the development of foreign traffic—that is, traffic which is intended to be forwarded to Great Britain or the continent of Europe. The hon. member from Miramichi (Mr. Snowball) I think it was, referred to this subject, and from the tenor of his remarks led us to believe that he entertained the idea that by getting into a business centre like Montreal, the government would be in a position to control a very considerable quantity of this business and divert it from its present route over the Intercolonial Railway to the seaports of the maritime provinces. I must say that I cannot concur in that opinion. I do not see what possible advantage the Intercolonial Railway will have for securing through traffic when it has its terminus in the city of Montreal, which it has not at the present time. In my opinion, the Intercolonial Railway can never expect to carry through traffic to Halifax or St. John, or any maritime province seaport, destined for Great Britain in competition with the Grand Trunk and Canadian Pacific Railways, with their terminus at Portland or Boston or St. John. If the Intercolonial Railway ever does succeed in becoming a thoroughfare for this foreign traffic, it must accomplish that end, not by entering into competition with these great lines, but by securing their co-operation.

Hon. Mr. MILLS—That is what we are doing.

Hon. Mr. WOOD—I beg the hon. gentleman's pardon. That is what they are not doing. Take the Intercolonial Railway as it has been in the past, with its terminus at Lévis; if the Grand Trunk has any object whatever in sending its freight to the maritime provinces for export, it would get a larger proportion in the division of the rates for carrying that freight if delivered at Lévis than it will at Montreal. In my judgment, by extending the Intercolonial Railway to Montreal, under this arrangement, you actually cut off any possible interest the Grand Trunk may have in sending freight by that route.

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. WOOD—The hon. gentleman perhaps differs from me in that. I am expressing it as my opinion. I am glad to say—for I like to agree with hon. gentlemen who differ from me in politics, whenever I can—that if the hon. gentleman from Miramichi (Mr. Snowball), and the hon. Minister of Justice differ from me upon this point, I believe that the hon. Minister of Railways and Canals himself is thoroughly in accord with this view. In a speech which he delivered in the city of St. John, and in another speech which he delivered in the city of Halifax, during the last year, he stated plainly that, in view of the distance which the Intercolonial Railway had to haul freight between Montreal and the

maritime provinces, he could not hold out to the people of those provinces any hope that they could successfully compete for the foreign traffic between the west and Great Britain. I entirely agreed with the minister when he made that statement.

Hon. Mr. SNOWBALL—Did he make it?

Hon. Mr. WOOD—He did. He made it on two occasions. He is so reported in the newspapers. I desire, on this point, to say that my view with regard to the foreign traffic of Canada—which I am as anxious as any person here to see diverted to the seaports of the maritime provinces in the winter time—has been this, that instead of extending the Intercolonial Railway and adopting a policy the basis of which is entering into competition with these other railways, the government should adopt a policy which would make the Intercolonial Railway open and free to all—more in the nature of a common highway for all the great railways which control the traffic originating in the west, sending it over this line to the maritime provinces. The Intercolonial Railway, with its terminus at Lévis, and with a bridge built across the St. Lawrence at Quebec, would be in the character of a great national highway between Lévis and the seaports of the maritime provinces and any railway company that was willing to do so should have the privilege of sending its traffic for export over the Intercolonial Railway, paying barely the cost of carriage. I do not think it is possible, under present conditions, that the Intercolonial Railway can ever hope to carry that sort of traffic with any profit. The distance is too great as compared with other routes. It has appeared to me possible and I have entertained the hope that at some time in the future the great railway companies of Canada might be induced to take some interest in shipping the freight which they have to send to Great Britain over the Intercolonial Railway to seaports in the maritime provinces. To accomplish that successfully we have to depend upon the active efforts of these great railway companies. They will have to arrange for the establishment of the steamship connections. I should like to see them make their own terminal facilities in any part of the maritime provinces they may select, and it appears to me that if they can be interested in doing that, instead of seeking to make any profit out of this traffic (for I feel we cannot hope to do so) we should offer them the free use of the Intercolonial Railway as a highway for the transportation of their traffic at the bare cost of the carriage.

Hon. Mr. MILLS—I should like to ask the hon. gentleman whether he thinks the Canadian Pacific Railway would be disposed to deliver their traffic at Quebec rather than carry it over their own line to St. John?

Hon. Mr. WOOD—I might answer that question, perhaps, by asking the hon. gentleman a question whether he supposes the Grand Trunk will deliver their traffic to the Intercolonial at Montreal rather than carry it over their line to Portland?

Hon. Mr. McDONALD (C.B.)—Hear, hear.

Hon. Mr. MILLS—They do not stand in the same position at all. The Canadian Pacific Railway runs to the maritime provinces and the Grand Trunk Railway does not.

Hon. Mr. SNOWBALL—The country is paying $150,000 a year for carrying this freight at a low rate.

Hon. Mr. MACDONALD (B.C.)—That is where the folly comes in.

Hon. Mr. WOOD—What has that to do with it? Does the hon. gentleman wish me to understand that ocean freights are cheaper from Halifax than they are from Portland?

Hon. Mr. SNOWBALL—They should be.

Hon. Mr. WOOD—But are they?

Hon. Mr. SNOWBALL—What do they pay the $150,000 for?

Hon. Mr. WOOD—Is it a condition of the payment of that $150,000, that freights are to be cheaper from Halifax than from Portland? I know that the hon. gentleman knows too much about it to venture the assertion that freights are cheaper from Halifax than they are from Portland or Boston. If the hon. gentleman could discover some way of making them so, he would be doing a good thing for the country. If the hon. gentleman will establish a steamship company, we will give him the preference, if other conditions are the same, and he can get the bonuses.

Hon. Sir MACKENZIE BOWELL—He will take the highest rates he can get.

Hon. Mr. MILLS—And the bonuses are thrown away.

Hon. Mr. WOOD—I do not see how the question of bonus affects the matter. I do not agree with the Minister of Justice that the bonuses are thrown away. Without the bonuses we would not have the steamers at all. The bonuses are to secure the steamers and oblige them to make regular trips to the seaports of the maritime provinces. They are not to regulate the rates of freight. I was endeavouring to place before the House, when this interruption took place, the views which I hold personally. They may be worthy of consideration, or they may not, but they certainly are views which I have personally held with regard to the best methods to be adopted for securing for the maritime provinces some portion of the export trade from the western provinces to Great Britain or the continent. I believe, myself, that the advantages which these railway companies would enjoy under a policy such as I have outlined would be of great benefit to them, for it must be borne in mind that they would have no capital invested. They would have no interest on capital to pay, they would have no fixed charges of any kind whatever. These are enormous advantages and, in my opinion, they should be sufficient to overcome the difference of distance which the companies would have to haul their freight in order to avail themselves of the maritime provinces seaports as a place of shipment. I have just one remark further upon this branch of the subject, and that is this: If I am wrong in holding out the hope that, under an arrangement based upon the conditions which I have named, the traffic could not be carried to the seaports of the maritime provinces by these railway companies, I am sure I am safe in coming to the conclusion that the Intercolonial Railway, as an independent and competitive railway, could never hope to carry it except at an enormous loss. I have perhaps dwelt too long upon these phases of the subject, but I have had for some time my own views upon this question. I have given it some thought and consideration, and I thought it only right, in the course of this discussion, to place them frankly before the House. I will not detain the House longer, except to offer a few observations with regard to the two agreements which are now submitted for confirmation. The 2nd agreement, which I shall refer to first in my remarks, is an agreement for the purchase of the Drummond County Railway. The proposal now is to purchase this railway for $1,600,000. That is certainly a very much more favourable agreement, so far as the government and the country are concerned, than the agreement which was submitted to us two years ago. The difference, as has been pointed out by several hon. members, is a saving to the country of over half a million dollars.

Hon. Mr. DEVER—How much is the loss to the country?

Hon. Mr. WOOD—I will leave the hon. gentleman to point that out himself when he makes his speech. I am not quite prepared to say that this is a price that the government is justified in paying. If it is true, as hon. gentlemen have pointed out, that it is as cheap as the government could build an independent line, there is that much to be said in favour of it, but the position I took in the discussion two years ago, was that, so far as the constructed portion of the Drummond County Railway was concerned, the government should have bought it on the basis of its market value, and not on the cost of construction. The market value of that road can be easily fixed by the price that the company offered to sell it for, which was at one time $500,000, and another time $400,000. That fixed the market value of the ninety miles of the completed portion of the road.

Hon. Mr. SNOWBALL—I would like to ask the hon. gentleman a question.——

Several hon. MEMBERS—Order, order.

Hon. Mr. SNOWBALL—I have a right to ask a question. Would the hon. gentleman place the value of the Cape Tormentine road at the same amount that the people who owned it twenty years ago valued it at?

Hon. Mr. PROWSE—The hon. gentleman says he has the right to ask a question. He has no right to ask it without the consent of the Speaker, and I do not think these premeditated interruptions are commendable.

Hon. Mr. WOOD—I do not object to ordinary questions, but I do object to

questions which are entirely irrelevant, and I do not propose to take any notice of the question which was last addressed to me. I was saying that, in my opinion, the government could have purchased the completed portion of the road for its market value—the price which the company offered to accept for it. The uncompleted portion of the road should be purchased at the cost of construction. That is quite right. If the purchase had been made upon this basis, the road would have cost, as was pointed out yesterday by the hon. Secretary of State, between $1,100,000 and $1,200,000. This would have included the rolling stock. However, I am not going into details.

Hon. Mr. SNOWBALL—At page three of the evidence it will be seen that it was valued by Mr. Schreiber at $1,365,000.

Hon. Mr. WOOD—That amount is the estimated cost of construction from Ste. Rosalie to Chaudière. Mr. Schreiber submitted a written report of the cost of construction from Ste. Rosalie to St. Leonard, 45½ miles, $595,000, and from St. Leonard to Chaudière, 70 miles, $770,000. The cost of construction of a new line from Ste. Rosalie to Chaudière would be $1,365,000, according to Mr. Schreiber's estimate. And if that estimate is correct, where is the justification for paying $1,600,000?

Hon. Mr. SNOWBALL—One of those sums is the amount actually spent by the company.

Hon. Mr. WOOD—I beg the hon. gentleman's pardon. This is the estimate of the cost of construction of a new line made by Mr. Schreiber.

Hon. Mr. PERLEY—Ask another question.

Hon. Mr. WOOD—Unless the hon. gentleman wishes more information, I shall not dwell any further on that branch of the subject. With regard to the other bill, which refers to the agreement between the Grand Trunk and the government, this, too, has been amended in several very important particulars. Under the old arrangement, the government were to pay $6,000 per year for the Chaudière section—that is the section between the bridge and the Chaudière Junction. Under the present arrangement, this amount is included in $140,000 which they pay for the use of the terminals at the city of Montreal, effecting thus a saving of $6,000 a year for all time to come. Another very important alteration is the readjustment of the proportion which the government is to pay for the betterments on the line between Ste. Rosalie and St. Lambert and the terminus in the city of Montreal. Under the old arrangement, the government was to pay 5 per cent on one-half the actual cost of any improvements or additions that were made. So far as the government are concerned, that placed them in no better position than if they had undertaken to pay the whole cost, for they could borrow the money at between 2½ and 3 per cent—it would place them in nearly as bad a position as if they had undertaken to pay the whole cost, for they could have borrowed the money at a rate of interest which would represent the same annual charge, or about the same annual charge as 5 per cent upon half the cost. As this was an arrangement which was to last for all time to come, I have no doubt that, in the long run, the annual charge of the whole cost at the rate of interest the government would have to pay would be even less than five per cent upon half the cost. Under the new arrangement they pay, not the interest on half the cost, but the interest on a proportion of the cost based on the relative amount of traffic done by the two roads, and upon this proportion they pay four per cent instead of five, or have the alternative of paying their portion of the cost in actual cash. It is very difficult—it is of course impossible to make an accurate estimate of what this change amounts to. So far as I can estimate, from any returns which have been submitted, the amount the government will pay under the present arrangement will be less than one-fifth of the cost of permanent improvements. In my opinion it would be not more than one-tenth. It cannot exceed one-fifth or one-sixth of what they would have to pay under the former arrangement.

Hon. Mr. MILLS—That is at the present moment, but if the traffic grows the result will be different.

Hon. Mr. WOOD—If the traffic of the Intercolonial Railway was to develop so that it would be larger than the traffic of the Grand Trunk, the hon. gentleman would be quite right, but I scarcely think the hon. gentleman seriously entertains the idea that

the traffic of the Intercolonial Railway at Montreal will ever approach the traffic of the Grand Trunk.

Hon. Mr. MILLS—I am speaking of the proportion. If it relatively grows of course the payment will be in proportion.

Hon. Mr. WOOD—Whether it will grow or not remains to be seen. In my opinion, the traffic of the Grand Trunk will relatively increase very much more rapidly than the traffic of the Intercolonial Railway, for it has a very much larger mileage and a very much larger field to draw traffic from. The changes to which I have referred are changes which are certainly to the advantage of the government. There is one change which, however, I think had been made in the wrong direction, and that is the change which has been made in section 40 of the agreement. Section 40 of the old agreement provided for the equalization of rates between Montreal and Chaudière. It provided that the Grand Trunk, in rating freight for the maritime provinces, should not, in any way, discriminate against the Intercolonial Railway in favour of its own line via Richmond. That section has been dropped, and a section has been substituted as part of the bill making for all time to come a permanent traffic arrangement. It appears to me that this is an unnecessary and, I might say, a very objectionable feature of the bill. I scarcely see what object the government has in making this arrangement as it now stands. The Minister of Justice, in explaining the bill the other day when he was referring to this clause, spoke of the necessity of permanence in arrangements of this character, between railways. I quite agree with the Minister of Justice in the position which he took with regard to a great deal of the expenditures which railway companies have to make. They are of a permanent character and they must be permanent in their nature. Any railway company must permanently secure its right of way. It must make permanently its roadbed and its bridges, and secure its terminal facilities. Those are expenditures which, from their very nature, must be of a permanent character but the hon. Minister of Justice will, I think, admit that traffic arrangements between railways for the exchange of freight are arrangements of an entirely different character. They are not, and should not be, and cannot be, of a permanent character. They are governed by changing conditions, and must be changed from time to time as new conditions arise, and as changes are necessary. In my judgment, the incorporation of any agreement for the exchange of traffic in a bill of this character is an entire mistake. I do not think it should he there. In this traffic arrangement, for instance, there are provisions that during the life of this agreement the Intercolonial Railway will accept 425 from Halifax and 370 miles from St. John. That is making that divisional rate for traffic permanent for all time to come. It is impossible for any man here to say——

Hon. Mr. MILLS—As to what traffic?

Hon. Mr. WOOD—As to through traffic.

Hon. Mr. MILLS—As to traffic from abroad.

Hon. Mr. WOOD—Certainly. The same principle applies to the whole. I say any arrangement of that character for the carriage of traffic must be subject to alterations from time to time, as changing conditions arise. If any change in conditions arose, so that that was a disadvantageous arrangement for the Intercolonial Railway, what position would they be in? They would be bound to the Grand Trunk Railway for all time to accept the division on those terms, and they are bound besides to hand over every pound of their freight to the Grand Trunk when it reaches Montreal.

Hon. Mr. MILLS—We can not make an arrangement to alter the geography of the country. The Grand Trunk have a terminus at Portland, and whether the freight was landed at Halifax or taken to Portland would depend upon an arrangement of this sort. My hon. friend, at the beginning of his speech to-day, spoke of the geographical disadvantage of the maritime provinces. This is simply a recognition of that fact.

Hon. Mr. WOOD—I entirely agree with what the hon. gentleman says. I will not raise a question as to whether that is an equitable arrangement under the conditions which exist at the present time.

Hon. Mr. MILLS—And always will exist.

Hon. Mr. WOOD—The hon. gentleman may see into the future. He may be able,

from his extraordinary power of predicting the condition of things yet to come, to say that these conditions will always exist.

Hon. Mr. MILLS—My hon. friend will see that this is not a matter of prediction, because the distance between Montreal and Portland and between Montreal and Halifax are permanent matters of geography and are not going to change.

Hon. Mr. WOOD—Let me suggest this to the hon. gentleman: supposing that, under any troubles which might in the future unfortunately arise, the United States were to refuse us the bonding privilege, there could be no traffic sent via Portland, and there could be none carried over the Canadian Pacific Railway. Would it be right that the Intercolonial Railway should be bound, under these circumstances, to hand over all its freight at Montreal to the Grand Trunk and receive pay for carrying it one mile for every two miles it actually hauled it? I simply mention that as a possible and not a probable condition to arise.

Hon. Mr. MILLS—The freights could be altered to meet the different circumstances.

Hon. Mr. WOOD—That is just what you cannot do under this arrangement. Whatever the freights may be, if this bill passes, under these circumstances the Intercolonial Railway gets precisely the same amount for carrying that freight 850 miles, that the Grand Trunk Railway gets for carrying it 425 miles.

Hon. Mr. MILLS—Quite so.

Hon. Mr. WOOD—That is an unalterable arrangement, and I say, under the conditions I have spoken of, it would be a most unjust and unfair arrangement to be entertained by any reasonable person. I do not wish to get into a controversy with the hon. gentleman, but I think, if he really considers my point, he cannot differ from me. Traffic arrangements, in their very nature, are changeable from time to time, and must be changed as changing conditions arise, and in my opinion it is a very grave mistake to incorporate any permanent traffic arrangement in a bill of this character and make it perpetual. There is another clause which fixes the rate to Halifax, at one cent per hundred pounds more than the rate to St. John. It might, at some future time, be found advisable to change that, and to make the two rates equal, but if this bill passes, it is fixed for all time, unchangeable and unalterable. I might also point to the fact that this traffic agreement refers to certain divisional rate percentages. It refers to the regular rate percentage division. This, as hon. gentlemen will understand, is a division of territory into certain sections, over each section of which the rates are the same to any particular point. There is a certain division existing to-day. No one can say in ten years time that it will be desirable that the division of to-day should be maintained, but if this bill passes it fixes the present division permanently for all time to come. In my opinion, at all events, whatever may be the opinion of other hon. gentlemen, it is a vital error to incorporate in a permanent arrangement of this kind, traffic arrangements of that nature. I entirely agree with the hon. gentleman that when you make the purchase of the Drummond County Railway you are making a permanent investment. When you lease the Grand Trunk from Ste. Rosalie to St. Lambert you are making a permanent investment, and it is right and proper that you should do so. It is simply completing or purchasing a new line, and when you make your terminal facilities in Montreal, they are of a permanent nature; but what I am trying to point out is the distinction between arrangements of that kind and arrangements for traffic, and the terms on which it must be exchanged which are not of a permanent character, but are liable to change from time to time as new conditions arise, and in my opinion should not be permanently incorporated in a measure of this kind. There is a clause in this agreement with regard to unconsigned west bound freight. I can only say I agree with the observations which have been made by some of the speakers before me, that that is a condition which, in my opinion, should not receive the sanction of this House. The very object, if there is an object, in extending the Intercolonial Railway to the city of Montreal, is to place it in a better position to make arrangements for the exchange of traffic with the various lines that converge there. If this bill passes, that power is taken away. It is bound for all time to come to deliver all its west bound freight to the Grand Trunk Railway.

Hon. Mr. MILLS—No; the unconsigned.

Hon. Mr. WOOD—I should have said all the unconsigned, and that of course is the only freight over which it has control. With regard to the other clause, referring to the east bound traffic, in my opinion that is of a permanent character, and should be incorporated in the bill.

Hon. Mr. MILLS—Does the hon. gentleman suppose that the Grand Trunk Railway would make an agreement to incorporate the east bound traffic in the bill and get nothing in return?

Hon. Mr. WOOD—In my opinion they should do so, and if they did not do so, I certainly would not consent to enter into any agreement with them. That is my view of it. Just look at the question of that east bound traffic for a moment. The Intercolonial Railway can, if it chooses, control that traffic. As I have pointed out more than once, it has a monopoly of the traffic between the portion of the maritime provinces through which it passes. All traffic, either east bound or west bound, arising on any point on the Intercolonial Railway must use the Intercolonial Railway, and that places the government road in a position to say where it will receive that traffic and the terms and conditions upon which they will receive it. I believe this is a power which, in railway parlance, is called an arbitrary power. Beside this, as I view this transaction, it is a part of this whole arrangement that the Intercolonial Railway, if it is extended to Montreal as proposed in these measures, is to do the business that passes between the west and the maritime provinces which has hitherto been done by the Grand Trunk between Montreal and Lévis. That is a separate arrangement, and in support of that view I might refer hon. gentlemen to what took place in the investigation before the Drummond County Railway Committee. I quote the following evidence of Mr. Wainwright to be found on page 62 of the report:

Q. Beside the change you have already mentioned as a difference between the agreement of this year and that of last year, is there any other?—A. There is some difference with regard to traffic.

Q. Could you briefly state what it is?—A. The principal one I think I could tell you; there are other minor changes. The principal one is this: The Grand Trunk held that if our line between Lévis and Richmond was to be destroyed, that we could not be expected to offer the traffic to the government at Montreal, and the agreement did not allow for that. We proposed to use our line to Lévis whenever we had the opportunity, but the government insisted on having the traffic from the west handed to them at Montreal. In other words, that we should abandon and take away our Chaudière rates, and that is most important.

Q. They insisted upon having the western business given to them at Montreal to the exclusion of your line?—A. Yes.

Q. Besides that there are some minor changes in the agreements?—A. Yes.

Q. These are the two principal ones?—A. Yes.

Q. That is embodied in the agreement now made?—A. Yes.

Q. Do you regard these changes as important?—A. Yes I regard the change of handing over the traffic at Montreal and shutting up our line to Lévis as a great concession to the government.

By Mr. Haggart:

Q. That entered as part of the consideration into the bargain?—A. We did not think it did. We did not have that idea at the time when we agreed to it.

By Mr. Blair:

Q. We claimed that was the true and proper interpretation. Did I not claim that was what the language was intended to mean?—A. You certainly claimed that.

So whether I am right or wrong in this contention, I have to support me, the Minister of Railways himself. That was certainly according to the testimony of Mr. Wainwright the understanding which the Minister of Railways had of the first agreement that was made, and I entirely agree with the minister that that should have been the understanding if it was not, and that this agreement should not have been entered into unless that was a part of the understanding. It is practically, as I said before, buying the business of the Grand Trunk between the maritime provinces and the west, carrying it in future over the Intercolonial Railway instead of over the Grand Trunk. That was really the object, the main object the government had in view in extending the Intercolonial Railway to the city of Montreal. There is one other point to which I should like to invite the attention of the Minister of Justice and the Secretary of State. It is rather a suggestion which I am submitting for their consideration. As I understand this agreement, it is permanent, so far as the government is concerned. The point I wish to raise, for which I would ask the consideration of the minister when he has time to look into it, is whether it is sufficiently permanent, so far as the Grand Trunk is concerned. I am referring now to the permanent part of the agreement, the agreement to run over the line from Ste. Rosalie to St. Lambert, over Victoria bridge and into the Montreal terminus. Is it not possible that

the present bondholders, if they at any future time should take actions to realize upon their bonds, would deprive the government of the advantages which they secured under this agreement? The hon. Minister of Justice laughs. He probably considers it a point not worthy of consideration. But I will tell him what suggested the point to my mind, and here again I must refer to the Minister of Railways. He certainly, in his remarks to the House, made the statement that it would be more advantageous for the government to pay interest at 4 per cent upon any amount that was expended in connection with the road from Ste. Rosalie to St. Lambert, or the Montreal terminals, rather than pay their share in cash, because if they paid it in cash they made a permanent investment, which they might at some future time be deprived of by such action of the bondholders as I have referred to. If the Minister of Railways was right in making that argument in support of his position, I make the same argument in support of mine. I did not do it with the idea of raising a contentious point, but simply of calling the attention of the Minister of Justice to it, and perhaps if he consults the Minister of Railways, they may consider it worthy of consideration.

Hon. Mr. MILLS—Does my hon. friend think the road would be more valuable to the bondholders if the government would withdraw?

Hon. Mr. WOOD—That is not the point. But their road will be made more valuable to the bondholders by the improvements which may be made a portion of which the government will pay for, and the question in my mind is whether it would not be proper and necessary, in a measure of this kind, to have some provision for any expenditure which the government has to make in that connection, so that in case, under change of circumstances, the bondholders ever foreclose their claim and sell out the road, the government would not entirely lose any amount which they had permanently invested in the shape of extensions and other improvements.

Hon. Mr. SCOTT—I may inform the hon. gentleman that the government of Canada have a lien on the Grand Trunk Railway Company's line which takes precedence of the liens of the bondholders, somewhere in the neighbourhood of $15,000,000 or $20,000,000.

Hon. Sir MACKENZIE BOWELL—They have foregone their claim and allowed bonds to be issued to the extent of millions.

Hon. Mr. SCOTT—No, those bonds have not been issued. There may be certain preferences, but no preferences at all commensurate with the value of the road.

Hon. Mr. WOOD—Does the hon. gentleman mean seriously to assert that the government could make use of the preferential claim he is referring to for the purpose of protecting any subsequent investment which they made under this arrangement?

Hon. MILLS—Why not?

Hon. Mr. WOOD—The Minister of Railways does not think so. I merely make this suggestion. I find that the hon. Minister of Justice and the hon. Secretary of State hold views on this point entirely in opposition to the views of the Minister of Railways, and I merely suggest that they should consult.

Hon. Mr. McSWEENEY—I am astonished to find that the hon. member from Westmoreland (Mr. Wood) is opposed to the extension of the Intercolonial Railway into Montreal. He is about the last man I would think would oppose it. He is also opposed to the government ownership of railways. He would in all probability not object to see the Intercolonial Railway sold or given away. I can tell the hon. gentleman that the maritime provinces are a unit upon the question of retaining the Intercolonial Railway as it is, in Moncton particularly, the place where I belong, and the place in which my hon. friend who has just spoken has a large interest, and a great many friends, I think that he will find that his course in opposing the extension of this road will not meet with their approbation. We know that the Intercolonial Railway has had many trials and tribulations. There have been deficits time and again, and I must confess that I gave the hon. leader of the opposition in the House credit for trying, when he became minister, to lessen the deficits. The first year the deficit was only $97,000. In the four subsequent years he had a surplus of some $20,000 but he took a remarkable way to lessen the deficits. There were 360

men employed in Moncton when he took charge, and in midwinter they reduced the force by 120, bringing it down to 240 men. That very time he ordered some $500,000 worth of rolling stock, $150,000 of which was procured outside of the Dominion, and some of those very men who were dismissed in midwinter went to the States and helped to build cars and locomotives for the Intercolonial Railway. That is how he helped to reduce the deficit. He also superannuated Alex McNab, a man 46 years of age, giving him $1,700 a year, and he went and lived in London and died there. He also superannuated Mr. Thomas Foote, who was the accountant. Mr. Foote went to the United States and lives there still. When he was superannuated he was only 44 years of age. The hon. leader of the opposition speaks of bringing the Intercolonial Railway traffic over the bridge at Quebec. Well, we have no bridge at present, and we do not know when we will have one. We think the cost now of the Drummond County Railway compared with the cost of other roads built by the government, is very reasonable. We bought the road from Rivière du Loup to Lévis at a cost of $12,000 a mile, and they paid $5,000 a mile additional for ironing the road. We know that the St. Charles branch was to have been built at an estimated cost of $370,000, including land damages. As a matter of fact, it cost $1,700,000 for fourteen miles. The Oxford and New Glasgow branch was built by the government at a cost of $33,000 a mile, and the Prince Edward Island Railway, a narrow gauge road, cost some $16,000 a mile. So that if we get a railway like the Drummond County road, 133 miles in length, for $1,600,000, I think we are making a very good bargain, when we compare it with the St. Charles branch, 14 miles, which cost $1,700,000. We have heard from various speakers that the net profit on the Intercolonial Railway for the ten months ending 1st May, was $62,500, and that they have spent some $175,000 in paying the rental for the various approaches into Montreal. That was all taken out of the traffic returns. The Drummond County Railway Bill and the bill which is now before us, were well debated in the House of Commons, and we find that they were supported by the hon. gentleman from Compton, who is opposed to the government, and also by the hon. members for East Toronto and Stanstead. They thought it was a good bargain and in the best interests of the country. The only opponents of the bill we have seen around the corridors—the Canadian Pacific Railway Company—have been in evidence to a considerable extent. We have had the whole outfit here, and their complaint is about the traffic agreement which has been in their hands for months past. They have known for some time exactly what it is, but it does not suit them till just this particular time to bring pressure to bear upon the Senate to reject this bill. Considering the way the Canadian Pacific Railway has been treated, it makes a very poor return coming here to the Senate and trying to block these bills. The country has done pretty well for the Canadian Pacific Railway Company. We have given them 25,000,000 acres of land, $25,000,000 in cash and 700 miles of completed road—in all $135,000,000 for a road that cost, from all accounts, $100,000,000. Besides that we have given them a subsidy on the Short Line, passing through United States territory of $115,000; passing through Canadian territory $71,000 in all $186,000. They are trying to scare us by saying that if this supplemental agreement passes, the Canadian Pacific Railway will withdraw from St. John. I do not think that they have the remotest intention of doing any such thing. They have splendid facilities in St. John, paid for by the city. They have cost well up to a million dollars. At what other port can they get such facilities? They are shut out of the city of Portland by the Grand Trunk. They cannot get into Boston without paying enormously for it, and in New York they are in the same position. There is an agreement now about terminating between the Canadian Pacific Railway and the Intercolonial Railway between St. John and Halifax, in regard to running powers over the Intercolonial Railway, and the Canadian Pacific Railway has had the best of the bargain. It is computed by the Intercolonial Railway that they lose some thousands of dollars by the agreement, and I strongly suspect that the Canadian Pacific Railway people want to force the hands of the government to get a renewal of the agreement upon the same terms. A great deal is said about the Grand Trunk or its connections passing through United States territory. Some 300 miles of the Soo line of the Canadian Pacific Railway pass through United States territory. All the roads have connections, more

or less, with United States roads. Now, I will read you some freight returns between the Intercolonial Railway and the Grand Trunk, which will show which road has the best of the bargain :

Intercolonial Railway earnings from freight for Manitoba, North-west and British Columbia by the Canadian Pacific via St. John for 12 months ended 31st May, 1899, were, $3,202.58 ; weight of above, 2,109 tons.

12 mos. ended 31st May, 1899.	Weight.	I. C. R. Earnings.
	Tons.	$ cts.
Freight delivered to G. T. Ry..	126,110	200,739 52
Freight received from G. T. Ry.	187,289	520,031 66
Total	313,399	720,771 18
12 mos. ended 31st May, 1899.		
Freight delivered to C. P. Ry..	24,061	.. ..
Freight received from C. P. Ry.	41,342	... .
Total	65,403	91,338 79

In 22 years the earnings exceeded the running expenses by only $57,512.05, while the losses were $4,939,592.

In that time vast sums spent on capital account, upwards of $20,000,000. Taking 14 years from 1885 :

The profits were	$ 29,835.09
The losses were	3,186,822.99
Spent on capital account in 14 years .	12,136,513.00
Add difference between profits and losses.	3,156,987.00
	15,293,500.00
Deduct 207 miles at $20,000 per mile..	4,140,000.00
	11,153,500.00

GRAND TRUNK RAILWAY SYSTEM.

Comparative statement of Interchange Traffic with Intercolonial Railway from 1st March, 1898, to 1st March, 1899.

Station.	Received from Intercolonial Ry.		Delivered to Intercolonial Ry.	
	1898-9.	Increase or Decrease.	1898-9.	Increase or Decrease.
	Tons.	Tons.	Tons.	Tons.
Chaudière Jct.....	29,701	38,868	8,907	111,592
Aston.....	23,369	9,293	488	2,774
St. Hyacinthe.....	6,481	27,255	343	6,320
Montreal....	25,334	25,334	132,442	132,442
Total.....	84,885	50,082	142,180	11,756

If this arrangement had not been made, the Grand Trunk would have been free to compete with the Intercolonial in Montreal, and all along its own lines, and the lines in connection west of Montreal, for traffic for all points on the Intercolonial Railway and its connections, and having long occupied the field and having a staff of employees at every point, it would have great advantages over the Intercolonial Railway in securing traffic. The figures which I have quoted show how important it was that the Intercolonial should secure the interest of the Grand Trunk in turning over to the Intercolonial the business at Montreal. The concession made by the Intercolonial to the Grand Trunk and which is complained of, really injures no one, for it is only the unconsigned traffic controlled by the Intercolonial that is to be routed via Montreal, and senders of freight are not compelled to route their freight by way of Montreal and the Grand Trunk, but are left entirely free to send it by any route they wish after it leaves the Intercolonial. In regard to freight destined to Manitoba, North-west Territories and British Columbia, being sent through the United States instead of through Canada, it is only necessary for the senders of the goods to specify the route they wish them to take after leaving the Intercolonial, and their wishes will be carried out. The hon. ex-Minister of Finance and the hon. member for Westmoreland, Mr. Powell, strongly supported that supplemental agreement with the Grand Trunk in the House of Commons. The ex-Finance Minister said :

There is one point in the matter of the traffic arrangement to which I wish to refer; you put the traffic arrangement alongside this bill. You say that this contract shall continue for ninety-nine years and, longer, if not then broken. One of the essential points in the argument is that in the supplementary agreement you have got the Grand Trunk Railway to agree to transfer freight at Montreal instead of at Lévis, which is a great advantage. That is not the ordinary traffic arrangement in which rates play a part and all the like of that, but is a generic feature in this whole thing, and we pay what we pay, if we agree to pay it in the ultimate, because we suppose we have got that concession to run as long as we pay these rentals and these other sums of money. But whilst the contract itself goes on, and our $140,000 must be paid each year for ever, and our maintenance on the mileage basis and our improvements on the basis of half the cost at 4 per cent—whilst these are to run on for ever, within ten days, after this bill is passed, the Minister of Railways may sit down with the manager of the Grand Trunk Railway and make a further agreement by which the point of transfer will be Lévis instead of Montreal. There is no doubt about that, and that is not as it ought to be. I say that this is a generic

part of the scheme, which gives to it very large value, and for which we pay, should be made a substantial and permanent part of it just as well as our payments are. As you cannot change the payments without an Act of Parliament, you ought not to be able to change this feature of the traffic arrangement without the consent of Parliament. I do not see why the hon. minister did not put that in. It ought to be there. If it is not to be there, let us know it, and we will find out that we have no compensation such as we thought we had, through that transfer point being at Montreal rather than at Lévis. I think that that is of great moment, and ought to be a part of the contract. That came down to us with the schedule, we passed it with the schedule, but when we come to the bill we do not find it; but we find instead a provision authorizing the railway company and the government to change that any moment they like, after the bill is passed, and after we are committed to these immense payments for ninety-nine years, or in perpetuity. Before the discussion is over, my hon. friends on the treasury benches ought to consider that point and agree to insert it in the measure itself. If it is intended that we should have this advantage, if it is not a mere makeshift, let it be put in the bill as a permanency. It is of great moment. We are paying great sums for these privileges, let us have the compensation as permanent as the payments. At least, let us have it permanent this far, that if a different arrangement be made it shall be made with and by the consent of Parliament, and not simply with and by the Minister of Railways and the government. It may be fair to say that circumstances might arise which would make it necessary to have a change. Then, leave it in the power of Parliament, which will be a good and conscientious judge, just as competent as the minister and the government, to make the change.

Hon. Mr. PERLEY—This, to my mind, is more than an ordinary bill. If it was a bill of small importance I would not claim the indulgence of the House to give my views upon it, but as it is a measure of very great importance, and I have endeavoured as best I could to carefully read the bill and all the conditions connected with it, and listened to all the speeches made in this debate on both sides, I have formed an opinion as to its merits. In support of the bill the speeches of the hon. Secretary of State and his colleague were not of such a laboured and exhaustive character as they should have been, considering the importance of the question, if the hon. gentlemen had been as much in sympathy with the bill as they ought to have been. The opponents of the bill have done remarkably well and deserve the gratitude of the Senate for the exhaustive manner in which they went into the details of the measure. The hon. gentleman for Westmoreland (Mr. Wood) I am sure has spent a great deal of time over it, and with his ability and his experience in railroading, and living as he does in that eastern part of Canada through which this railway runs, he is quite capable of giving an opinion, and his opinions are valuable. If that is the case, hon. gentlemen will have very little difficulty in coming to the conclusion that this is not a bill which should receive the approval of the Senate. So far as I am concerned I shall vote against it, and I shall give the reasons why I propose to do so. I have heard some hon. gentlemen say that it is not good for the Senate to veto too many government measures. I disagree with that view when the merits of the measures are not such as to warrant us in supporting them. This is a measure which has been before the Senate twice. While I should like to vote for government measures they must be of a character that I can support; but when they are not I care not how many they may be, I shall vote against them, and that, I think, is the principle on which hon. gentlemen should act—to vote only for measures which are calculated to advance the interests of the country, and to oppose all measures, no matter how many they may be, that are not in the interest of the country. We have exercised our judgment in the past on this project, and I think, in many respects, the proposition now before us is more objectionable than it was when presented on the first occasion, because we are asked to hand over to the Grand Trunk the privilege of carrying the traffic of Canada into the United States. That is opposed to one of the cardinal principles of the Conservative party, whose policy has always been to foster the trade and the industries of Canada in every way we possibly could. We are asked to sanction a bargain to transfer the business of the Intercolonial Railway to the Grand Trunk to be carried through United States channels to Canadian points beyond. That is a bad policy which would justify any one in opposing the bill.

Hon. Mr. MILLS—Then the hon. gentleman's position, as I understand it, is this, that no arrangement could be made with the Grand Trunk on any terms, because their western connections are in the United States. Is that so?

Hon. Mr. PERLEY—I did not say that. I might say, in this connection—and I do not want to be rude—that I am not a lawyer or a great parliamentarian, but a farmer, and I cannot answer questions of that kind on the spur of the moment as some hon. gentlemen can, but if I did not make a better fist of it than some hon. gentlemen who support this measure, I should hold my tongue.

However, I will show further on, that the hon. gentleman's question does not apply to my remarks. When we fought this bill two years ago, we did not know what the expense of the operating of the new portion of the road was likely to be. We objected to that here, and the leader of the Senate at that time, Sir Oliver Mowat, promised us to make an experiment and let us know the result. The experiment has been made, and the government report that they are not in a position to give us any information as to what it costs to operate the Intercolonial Railway extension. Either they do not understand their business and are not good accountants, or they are not giving the information, because it will interfere with the ratification of their bargain. The argument of the hon. gentleman from Westmoreland (Mr. Wood) tends to show that any further outlay on extending the Intercolonial Railway would be an improper expenditure. He shows that only a small portion of the freight on the Intercolonial is through freight, and he tells us that if the government think that by this extension they are going to materially increase the traffic of the Intercolonial Railway, they are mistaken. I wish to make a few remarks in reply to my poetical friend from Cobourg (Mr. Kerr). He says he appreciates the Intercolonial Railway, because it brings the genial, honest faces of the senators of the maritime provinces to the capital. With his associations, I can understand it will be a great enjoyment for him to look upon honest faces; but it is not necessary to have the Intercolonial Railway extended to Montreal for that purpose, because none of those gentlemen he is so fond of associating with come by the Intercolonial Railway to Ottawa. They come by the Canadian Pacific Railway, because it is 250 miles shorter. Therefore, that portion of the hon. gentleman's argument is of no use.

Hon. Mr. POWER—The hon. gentleman is mistaken. All the Nova Scotia members and half the New Brunswick members come by the Intercolonial Railway.

Hon. Mr. PERLEY—It is only the honest faces I am speaking of. The hon. gentleman also made a reference to this bargain as compared with the last one. It was amusing to me to hear his honest confession. I realized that it was the admission of an honest man, and I could understand and appreciate his statement that he liked to look upon honest faces. He told us that this was a very much better bargain than the last one we rejected. He said it was at least a $700,000 a better bargain. In that respect he differs from the Minister of Railways who said it was not a better bargain, and from the Secretary of State, who said, in his opening remarks, that it was only $6,000 a year a better bargain. We will take the opinion of the hon. gentleman for Cobourg (Mr. Kerr), because he is an honest man, and this is what he honestly believes, although, perhaps, he did not receive all the information from his friends that he desired. He says there is a saving of $700,000 by the rejection of the first agreement. He adopted the homely comparison of the old cow. He did not want us to be like the old cow that gave a good pail of milk and then kicked it over. The Senate, at the time the old agreement was rejected, was the cow who gave the good pail of milk. The hon. gentleman did not want us now to kick it over, showing that in his opinion this bill is much better than the bill of two years ago, and that the Senate, by its action on that occasion, saved the country $700,000.

Hon. Mr. KERR—My attention has been called to the fact that my remarks at that point of my observation have been misundertood.

Hon. Mr. McKAY—Do not spoil it.

Hon. Mr. KERR—What I said was this, and the official report will confirm my statement: I said the hon. leader of the opposition has said that by the action of the Senate the country had been saved $700,000, I did not profess to speak from my own knowledge, because I knew nothing about it, but I took it from what the hon. leader of the opposition said, and of course I had a right to assume that he was correct; but I do not know that he was correct, and I do not acknowledge that his statement was correct. I was merely repeating his statement. All my subsequent remarks were based upon the statement of my esteemed friend the leader of the opposition.

Hon. Mr. PERLEY—In support of my understanding of it, I would say further, the hon. gentleman remarked that the Senate had been like the good old cow which had given a good pail of milk, referring to our former action, and appealed to us not to

kick it over now. He said there was a cloud of dust over the eyes of hon. members, I can tell him in that particular there was no cloud of dust over the eyes of the senators who rejected the bill. The cloud of dust was over the eyes of those who supported it. There was a great deal of dust at the time; it was not the kind that disturbs people's vision, but the kind that goes into pockets. The hon. gentleman also went on to say that we could not sell the Intercolonial Railway, I think the same principle should prevail in public affairs that prevails in private matters. Any gentleman who has an opportunity to sell a property that is unprofitable should be able to sell it, and the same rule should apply to government property, even the Intercolonial Railway. I quite agree with the hon. gentleman from Westmoreland, who is not in favour of the government operating this road. My idea would be to let the government sell or lease the Intercolonial Railway. Then the hon. gentleman said the agreement to pay $1,600,000 for the Drummond County Railway was a good bargain. If I am any judge of a road of the character of the Drummond County Railway at the time the government proposed to take it over, I should say it was not at all in keeping with the other roads with which it connects. Both the Intercolonial Railway and the Grand Trunk Railway are said to be first class railways. The Drummond County Road was built for local traffic and was not of a character to carry such trains as run on the Intercolonial and Grand Trunk. Therefore, when we pay $1,600,000 for such a road as that, we make a bad investment of the public funds. The hon. gentleman from Cobourg made another remark which I think was equally at fault. He said that because 120 gentlemen in the other branch of Parliament voted for this measure, we should not reject it. Does not the hon. gentleman know that the same 120 men voted for the bill two years ago, while the Senate rejected it, and the whole country praised our action on that occasion? The 120 men that he asks us to agree with now are the same men; therefore that was not much of an argument. To my mind the Grand Trunk is getting by far the best end of the bargain in this deal. The hon. gentleman said he would like to see the country polled on this question. Well, I should like to see it polled too, and I am sure there would be no doubt as to the result. It is a question involving the addition of at least $6,000,000 or $8,000,000 to the national debt. The hon. gentleman knows that the late government, when they went to the polls at the last election, promised not to increase the national debt. I do not see how they can support a proposition to increase the public debt by $6,000,000 or $8,000,000. I have no fear, therefore, of the result of a poll of the electors on this occasion. The people would not support the government in violating their promises. By this bill there would be an addition to the public debt of the country, and the annual expenditures of the country would be largely increased. Therefore, there need be no fear that the country will find fault with us for rejecting this bill if the government should go to the country on the question, because the hon. gentlemen opposite would have to contradict one of the foremost planks in their own platform. I am not opposing this bill because I live in the western country. I am by birth a native of New Brunswick. I lived in that province until I passed the meridian of life, and I have the strongest affection for the people of New Brunswick, so much so that when a few years ago the Conservative party was in power and a bill was introduced by which it was proposed to divert the trade from St. John to Halifax, I was one of those who took an active part with other Conservative members of the Senate to defeat that bill, and I do not hesitate to say that we were the means largely of St. John to-day being our winter port. I have always favoured St. John being a winter port. It has a fine harbour and, with improvements which the government are putting on the wharfs, breakwaters, &c., it will make one of the finest harbours in Canada—in fact the only available winter harbour we have on the Atlantic.

Hon. Mr. POWER—Hear, hear.

Hon. Mr. PERLEY—Yes, and I can prove that before I am done. The Intercolonial was built under the terms of the agreement between the provinces at confederation. It was built, not like a road that was intended for commercial purposes. It was projected as a military road. It was built in the wildest part of New Brunswick, the hardest section in which to build a railway and the one which affords the least traffic, local or through, because in building in by

that road it greatly increased the length of it. It was built as a military road, but there is no longer any prospect of war arising between Great Britain and the United States. As a military road, therefore, it has lost its importance, but it will be there in the future if it should ever be necessary to transport troops from the maritime provinces to the west. We are living in a progressive age, when saving of time in transportation is of the first importance We have passed the stage coach period, and the Intercolonial Railway, while it serves a good purpose for local traffic, cannot compete for through traffic because of the great distance it has to haul goods. A few hundred miles of voyage by water does not amount to much, but every mile by rail costs. There is the outlay for construction, for maintenance and for running expenses; therefore, I say we are living in an age when we have to get the shortest possible route to the seaboard in order to compete with others in the markets of the world. Hon. gentlemen are aware that from Montreal to St. John by the Intercolonial Railway is 740 miles, by the Canadian Pacific Railway it is 489 miles a difference of 251 miles in favour of the Canadian Pacific Railway. Is there any man of ordinaay business intelligence who from patriotic motives would haul his goods 251 miles further than he need haul them?

Hon. Mr. DEVER—Can not he tap it on the River St. John?

Hon. Mr. PERLEY—The hon. gentleman does not tap it when he comes here. The hon. gentleman only taps it for one purpose. Therefore, with all due deference to the character and necessity of the Intercolonial Railway as a local road, that is the only thing it is useful for to-day and for that it will always serve a useful purpose; but to increase the capital account by seven or eight millions of dollars to extend it to Montreal would be to made a great mistake. I am interested in cheap transportation. In the North-west we are a producing people, and our surplus products must find a market at the seaboard, and the important thing for us is to get it to the seaboard as cheaply as possible. If we were not patriotic enough and willing to be taxed $150,000 or to subsidize the Canadian Pacific Railway to carry our products to the seaboard, we would ship it to Portland and it would be better for us, particularly so in the case of live stock. When we ship by the Canadian Pacific Railway to the east live stock arrive at the seaboard very much fatigued, and every mile of transportation is a loss to the shipper. When the cattle are on the ship they do not lose much, if anything, but the great object for us is to get them to a seaport by the shortest possible route. I would not ship stock by the Intercolonial; it would materially injure them if I did.

Hon. Mr. MILLS—It is British territory.

Hon. Mr. PERLEY—I know, but it is 251 miles more of British territory.

Hon. Mr. DEVER—So much the better.

Hon. Mr. PERLEY—I am willing to vote a subsidy to the Canadian Pacific Railway to make St. John a winter port rather than go to Portland and Boston. I want to call the attention of hon. gentlemen to the trade of the country as I understand it. It is no use having a railway unless you have something for it to do. This bargain should be based on business principles. The great article of produce in New Brunswick is lumber, and next to that smelts; (laughter) I did not say that disparingly. The smelt is a good fish, but the two great articles of commerce in that province are lumber and fish. You deplete the forest when you cut a tree down; it does not grow again. That is not so with us in the west. We reap a harvest on the same ground every year. In New Brunswick the timber has been cut down until now logs are marketed that are not more than seven or eight inches in diameter. Even if there was freight for the Intercolonial Railway in lumber, the amount of it would be decreasing; but not a single thousand feet of it goes over the Intercolonial Railway. Some shingles may go over it, because they are carried for next to nothing.

Hon. Mr. SNOWBALL—The hon. gentleman is entirely mistaken. There are dozens of train loads going daily.

Hon. Mr. PERLEY—I am free to admit that there are from one little station to another, but there is none from Miramichi to Montreal.

Hon. Mr. SNOWBALL—But From Truro to Halifax I am speaking of.

Hon. Mr. PERLEY—I was speaking of New Brunswick. It is simply a local traffic. It is not a traffic that would require the Drummond County Railway to carry it.

Hon. Mr. DEVER—But we want your flour from the west.

Hon. Mr. PERLEY—We will send it by the Canadian Pacific Railway. We cannot send it by the Intercolonial Railway, because it will cost too much. Of course, a railway is of no use unless we have something to carry over it. A man might as well own a white elephant if he had nothing for it to do, as to own a railway where there is nothing to be carried over it, and when the product of a country does not require the use of a railway to support it in any way it is useless to construct it. The lumber export of New Brunswick was 300,000,000 feet annually. One hon. gentleman put it at 400,000,000 feet; take the latter quantity and say that the whole cut of lumber in New Brunswick this year was 400,000,000 feet, and I am sure it will not be more next year, because to keep it up they would have to destroy their forests. All this lumber finds a market at the seaboard where it is taken away by the vessels. It never sees a railway at all. Not one thousand feet of it goes on the Intercolonial Railway or Drummond County Railway, or this section of the Grand Trunk that they are proposing to lease, except perhaps from one small station to another, where a farmer may buy a few feet. Take the output of lumber from New Brunswick at 400,000,000 feet and at $8 a thousand its value is $3,200,000. That includes all the labour in connection with getting it to market where it is saleable; the farmer's supplies the feed for horses and men in so far as they supply the trade, and altogether it only amounts to $3,200,000. Not one dollar of that contributes freight to this line of railway.

Hon. Mr. SNOWBALL—The hon. gentleman is placing it at a very low figure.

Hon. Mr. PERLEY—$8 a thousand is a fabulous price. I had a contract for lumber in New Brunswick and it required the smallest log to be fourteen inches at top end, and only got $7 per M. The hon. gentleman could contract for lumber for twenty years if he could get that price.

Hon. Mr. SNOWBALL—Not deals.

Hon. Mr. PERLEY—I am not talking about deals. They do not transport deals over the railway. They do not ship logs in the round, except some small logs in some little spars. They ship it all in sawed lumber. They take it from the mill, which is on the shore of the ocean, and put it on the vessel and ship it to European or United States ports. I tell hon. gentlemen that the matter of freights is an important item to the farmers in the North-west Territories. We have by industry and hard work tilled the soil and made farming a success in that country, and whilst we have been taxed to the utmost, we have borne the burden and contributed our share to Canada. In the North-west 40,000,000 bushels of wheat is the output. Those who are now prophesying about what this railway is going to do, predicted that the North-west Territories would never produce freight to pay axle grease on the cars to haul it out. But now they ask us to accept their statement with regard to this road. They would not give the information about the working of the Drummond County Railway during the time they have been operating the line. It is an exhibition of deplorable ignorance or dishonesty, because they should be able to give us the information we ask for. We have waited for it two years, and they cannot give it to us yet. The freight is an important matter to us in the North-west Territories. West of Lake Superior we have no competing lines, and we have to pay whatever the Canadian Pacific Railway demands. I am not prepared to say that it is an exorbitant rate, because there are portions of the road which are not paying. But what they say is: "Give us something to carry back on our cars, and we will give you lower rates." This bill proposes to give it to the Grand Trunk Railway. I am not an advocate for the Canadian Pacific Railway, but I have always been in favour of that line, even before I ever saw the North-west country, believing it to be a necessary project. Now that I am located there, and see the importance of the road, I say that we want lower freight rates, and we cannot expect to get them much lower unless the Canadian Pacific Railway can get return freights. This bill takes away the chance of their getting return freight. My farm is 300 miles west of Winnipeg. The country is well settled and occupied by an industrious class of farmers for 100 miles west of that point. The Moose

Jaw district is a very fine country, and produces a good class of grain. Indian Head, Qu'Appelle and Regina are good farming districts. They will produce great quantities of wheat. I paid fourteen cents a bushel freight on my wheat by the carload from Wolseley to Port Arthur last year. Taking the distance to my place in comparsion with the distances south, east and west, I say that twelve cents is a fair average for freight on wheat from where it starts to Fort William. About 40,000,000 bushels of wheat will be the output this year. It may or may not amount to that, but in less years than I have fingers on my hand it will amount to sixty or seventy million bushels, and therefore we should look after the interests of the country, and the important thing is to tell the farmers how they can get their wheat out without paying too much freight. Now, at 12c per bushel the freight on 40,000,000 bushels would be $4,800,000 freight on wheat we export from the North-west. That is $1,600,000 more than the whole commercial value of the product of lumber in New Brunswick. We have to pay freight on it, and it has to go over the Canadian Pacific Railway. We do not ship it at our doors as they do with the lumber, but have to pay freight on it to get it to the seaboard. Then take the matter of stock. We are raising hundreds of thousands of cattle in that country. The western portion of the North-west does not produce grain as well as the eastern portion, and the fields are covered with herds of cattle. My hon. friend from Compton (Mr. Cochrane) has 14,000 head of cattle up there. He may have the largest herd owned in that country, but there are thousands of cattle there living off the grass, and they do not require to be housed at all. The grass is growing continuously. We have to ship these cattle to a foreign market. By the shortest existing route it is a long journey, and uses up the cattle. They may be fine and healthy when they start, but when they reach Montreal they may weigh 200 or 150 pounds less each. Now, do the government want us to take them to St. John or Boston? We want to take them the shortest way. We are at a disadvantage in the North-west as far as the freight rates are concerned, but the same argument that I am applying to the North-west would be applicable to Ontario, that province which has done so much for Canada. This bill affects them because they get lumber coming back. There is another advantage which they have by reason of the fact that we buy all our manufactured goods. We do not manufacture anything. We buy our mowers, reapers, ploughs, harrows, spades, shovels, scythes and binder twine from eastern Canada, and we have to pay a very extravagant rate of freight to get that stuff up west. The argument is that the road does not get enough to fill the cars going back to the North-west, and therefore they have to charge more freight. My desire is to give them all the traffic we possibly can, as it is the only means of getting better freight rates than we have at present. A member of Parliament yesterday told me he was charged $35 for bringing a horned animal eighty-five miles a couple of years ago. I bought a band of horses one time at Qu'Appelle station, and a cayuse got lame. He was not worth twenty dollars, but it cost me nine dollars to have him carried thirty miles. Compare that with the freight in the maritime provinces. My hon. friend the Minister of Justice asked how the people in the maritime provinces would like this road to be operated by private parties. That is a question which need not be answered. We know that Mr. Blair said, on his advent to office, "I am going to work the road on business principles, and I will put the freight up. These men who want their shingles must pay their freight." Then he appointed Mr. Harris, and they raised the freight rates. What a howl of indignation there was over the country? It is pretty hard work to make the Minister of Railways come down, but they brought him down upon that occasion, and old rates were restored at once. I have a man in my employment whose father has a ticket from St. John to Hampton for a year for twenty-two dollars over this road. They say that the other government charged about the same or less. I say that two wrongs do not make a right. A gentleman told me the other day that the Conservative party would not have a member elected in the maritime provinces if the party opposed this bill. If they are going to loot the country for the sake of keeping the government in power, the sooner they get out of power the better. The time has come in the history of our country when railway rates should be more equalized. I do not believe that one part of Canada should have advantages over other portions. We have to pay exorbitant rates in

the North-west. I no not say that they are too high. I do not, because I am not a railroad man. A railroad man tells me they are not too high. I do not believe that any people under heaven to-day, as an agricultural community, have better railway facilities than those given by the Canadian Pacific Railway to Manitoba and the North-west. Their car service and their freight service are good. The accommodation is good, but we have to pay for it, and perhaps, pay too much. I think the policy of the government should be to have a railway commission to arrange freight rates, so that a company could not take advantage of a man because he cannot help himself. One portion of the people should not be compelled to pay an exorbitant rate because other people get their freight at too cheap a rate. I desire to say that I feel justified in voting against this bill, and if I stand alone, I will vote against it, and in order that I may have an opportunity of expressing my opinion, I shall move that the further consideration of the bill for the purchase of the Drummond County Railway be postponed for six months. I am not a lawyer, but I endeavour to do what I think is in the interests of the people. I represent the people of the great prairie land, and it is my duty to tell the House what I think about these matters. I say that any bill which has for its object the diverting of trade into foreign channels is not a bill in the interests of the country, and I am sure that if the matter is allowed to stand over for another year, we will be in a better position to consider it. We have done away with the old stage coaches and old systems of all kinds, and the time is come now when the Canadian Government can lease or sell the Intercolonial Railway to some company and let it be worked as a local road, or it could be used a through road if necessary, but let a private company take charge of it for the benefit of the people. If the government make this proposed connection, they will be getting into deep water, and will not be able to get out quite so easily. If they spend $8,000,000 or $9,000,000 on this road they will then have a considerable government railway system in Canada. The next thing will be to buy the Canadian Eastern at a million dollars. That is the next thing on the tapis with the government, and the whole province of New Brunswick will be girdled with railways charging one-half the rates they should obtain. Mr. Gibson and others, get large land subsidies, for building railways and they want to sell them back to the government as soon as they become non-paying institutions, I say it would be wrong, and if we endorse this bargain we will be called upon to endorse other bargains of a similar nature. I have a great regard for the ministry of the day. I do not like to see them break all their promises, and I do not want to see them downed as badly as they will be at the next election. I do not want to see the taxes increased. I understand the supplementary estimates will increase the annual expenditure $50,000,000. How can they expect us to vote on bills without any information? I do not care what government may be in power, it is the duty of the government to give us the fullest information on everything pertaining to public matters. We have no right to go it blind. The second part of this agreement was not put forward for some time after the first part, until some one raised a row about it. Then it was laid on the table and in five minutes it was upstairs. The Grand Trunk Railway map was also laid on the table, and in fifteen minutes it was also away. What is this bargain? It is to pay a yearly rental of $140,000 which capitalized at 3 per cent means a capital account of $4,600,000, the Drummond County Railway cost $1,600,000, and yet you have that annual increase to the public bebt of Canada, because if you pay the interest it is the same as using the capital. There is to be $6,266,000, of an increase in the public debt at one jump without the road being an efficient and a good road. They will have to spend two or three million dollars to fix the road so as to be in keeping with the other two lines with which it connects. It is not in the interests of the country that we senators should stand by and let the government pass the bill simply because people may say we have thrown out too many bills. I am prepared to vote against this bill, and that is the spirit which animates me just now.

Hon. Mr. FERGUSON — Before this motion is put, I wish to offer a few remarks upon the matter before the House, and in doing so I may remark that this discussion has so far been conducted with a great deal of ability and good feeling, and I hope, in the observations I propose to make in reference to it, if I express myself in any other way

than in a line with the remarks that have already been addressed to the House by hon. gentlemen who have preceded me, that hon. gentlemen will attribute it to the natural warmth of my disposition and the earnestness of my feeling rather than to a desire to conduct this debate in any other than a calm and dispassionate manner. I have to repeat the complaint that hon. gentlemen who are opposed to the bill in its present form have already expressed very freely during this debate, that we have not been supplied with the information which we were entitled to and which was solemnly promised to us in 1897 when Sir Oliver Mowat was leader of this House. It is not necessary to recall what took place on that occasion. A very decisive majority of this House determined on that occasion to reject the bill of that year. Hon. gentlemen will remember that on the very night of the rejection of the bill, an hour or two afterwards, a sum was placed in the estimates providing for the carrying out of this leasing agreement with the Grand Trunk and Drummond County Railway, and which was believed in this House and in the country to be intended to over-reach and override the free and independent action of the Senate. It will be remembered that the hon. gentleman who then led this House, Sir Oliver Mowat, on more than one occasion, during the exciting days which followed that step in the House of Commons, assured the Senate that there was no intention whatever to override its action with regard to these matters, that it was only intended by a nine months' experiment to ascertain whether this scheme was in itself a really meritorious one or not; that it was only intended that the experiment should be of a tentative character, in order, when the question would next come before Parliament, that this House, as well as the other branch of Parliament, should be in possession of the fullest possible information with regard to it. Two years have passed, and we have these bills before us again, and we are asked to consider them without this promised information. I know that my hon. friend the Secretary of State has told us that it is almost impossible to give that information, and he has fortified himself by the opinions of Mr. Schreiber and Mr. Pottinger that there are great difficulties in the way of furnishing information of that kind. Mr. Pottinger has gone so far as to say that it would be impossible to give it correctly. I know very well that there are some difficulties in the way, and there will have to be some little allowances made, but there is no question about its being quite within the possibilities of railroad book-keeping to furnish a statement which, taken into consideration with two or three matters for which allowance might be made, would present to the House a fair statement of what the earnings and expenses of this particular railway would be. Holding that view, I must complain that we have not been furnished with that definite information which, I submit, we could have been supplied with. My hon. friend the Secretary of State, during the course of his remarks, read a letter addressed to him by Messrs. Schreiber and Pottinger. I observe there is some serious mistake in this letter. I ask my hon. friend if he has read this letter since it appeared in the *Debates?*

Hon. Mr. SCOTT—No, I have not, I think I have the original here.

Hon. Mr. FERGUSON—I think it appears in the *Debates* as the hon. gentleman read it to the House, and if that is the case, they have made a very serious mistake. At all events, as it appears in the *Debates* there is a mistake in it.

Hon. Mr. SCOTT—I handed the letter to the reporters.

Hon. Mr. FERGUSON—The mistake is that it gives the earnings and working expenses of the Intercolonial Railway for the ten months of the year which has just expired, and it purports to give the total earnings for the previous twelve months. It then draws a comparison between ten months of this year and twelve months of the preceding year. I have looked at the report of the Minister of Railways and on page nineteen of the report I find there that the loss on the working of the Intercolonial Railway for the full period of last year was $207,978.66, whereas by this statement it appears to have been only $35,311.90.

Hon. Mr. POWER—On what page of the minister's report is that?

Hon. Mr. FERGUSON—On page nineteen. However, these figures are found in many pages of the report.

Hon. Mr. MILLS—The comparison related to the ten months for each year for three years, ending each year on the 1st of March.

Hon. Mr. FERGUSON—It is only for two years.

Hon. Mr. MILLS—The comparison is for ten months of each year.

Hon. Mr. FERGUSON—The letter in itself showed that Mr. Schreiber and Mr. Pottinger were drawing conclusions and drawing a comparison between ten months of last year and twelve months of the preceding year, which is an error. The comparison is evidently for ten months of each year. The hon. Secretary of State told us the earnings of the Intercolonial Railway during the year which expired on the 1st July last, will show a surplus over its working expenses during that year greater than all the earnings of previous years taken together.

Hon. Mr. SCOTT—It was on the faith of that letter that I made the statement.

Hon. Mr. FERGUSON—I think my hon. friend will see, if he examines this letter closely, that it does not bear out any such conclusion. Up to the end of ten months in in the year 1897-98 it shows a net loss of $35,311, while there is a net gain of $62,569.89 on the ten months of the year 1898-99. Now, hon. gentlemen will observe from these figures that the Intercolonial Railway, in the year terminating the 1st of July, 1898, went behind to the extent of $174,667 in the last two months. These are two months that can be compared with the two months of the year 1898-99, because in both of these periods we had the Montreal extension to operate, and if we got behind to the same extent in these two months that we did the previous year during the corresponding two months, the deficit would be over $112,000 during the past year. The hon. gentleman will know that the last two months of the year are months in which very many expenses will accumulate. That is the reason why there was such a large falling off in net savings in the two closing months of 1897-98. A deficit of $174,667 occurred in the two closing months of that year, and it will be a very strange thing if there is not a deficit in the corresponding two months of the year just closed, even making allowance for the improvement in trade of last year, and that is the only allowance that can be made, because in both years we had the Drummond County Railway and the Montreal extension in the closing months. Therefore, if there is any change it must be in the improved state of the business of the country, and if you allow $12,000 for that for the two months, you have a deficit on the Intercolonial Railway for the last year of over $100,000. If anything different is shown, it will call for investigation as to whether payments were not made corresponding with payments made for the corresponding two months of the preceding year. The hon. Secretary of State dealt at considerable length on the bad showing, as he called it, of the Intercolonial Railway from 1877, up to last year, and he took very great pains to give us the capital expenditure in all those years, during which the road was extended some 435 miles, and during which very important betterments were made in the way of bridges and raising the standard of the road. This he described as a very bad showing which had been made during all this time. My hon. friend, the Minister of Justice, during the course of his observations—I could not hear my hon. friend very distinctly, but I understood him to say that the era of capital expenditure on the Intercolonial Railway had ceased in 1898.

Hon. Mr. SCOTT—I am afraid not. The hon. gentleman did not so understand me, because I am afraid it has not ceased.

Hon. Mr. FERGUSON—I am only dealing with what I understood my hon. friend the Minister of Justice to say. I was going to show why I think it has not ceased. Before leaving the revenue and expenditure, taking my data from Messrs. Schreiber and Pottinger's letter, I wish to compare, in another way, the earnings for 1897-98 with those of 1898-99. I find, comparing the increase in earnings of the Intercolonial Railway for the ten months of this last year with the corresponding ten months of preceding years, that the increase has been twenty per cent. I find that during the last two of the ten months of 1898 we have been running 1,315 miles of railway as against 1,145 miles in the eight months of the year. As two months of this period were months in each year in which we had the extension, we have therefore to make an allowance for that, and the real increase has been about twelve per

cent in the mileage of the roads we ran last year as compared with the previous year. The increase in mileage has been twelve per cent, and the increase in earnings twenty per cent. The increase shows a net improvement in the earnings last year, in comparison with the preceding year, of about eight per cent—about two per cent less than the average increase in the earnings of all the other roads in Canada, leaving nothing to be credited in the way of increase to the Montreal extension. I have been complaining of the lack of information, and of the fact that the government did not bring down the information which had been promised to us, and which would have been so very useful in discussing this question. But we have had some information. We have had a return laid upon the table showing the tons of freight and the passengers carried for the year ending the 28th of February, 1899. The freight is 463,847 tons, and the passengers number 88,701. These are the total tons of freight and total number of passengers carried over the Montreal extension for that year. Now, I turn to the discussions of 1897, and I find that in the House of Commons in that year the Minister of Railways submitted, as he said, on the authority of Mr. Schreiber, an estimate that the acquisition of this Montreal extension would lead to an increase in freight of 500,000 tons, being 37,000 tons more than all the business that the Montreal extension has done during the last year. So that instead of giving us the increase which they promised, the whole figures do not come up to the amount of increase promised.

Hon. Mr. SCOTT—That would be promised the first year. I presume they promised it would grow into that in a short time.

Hon. Mr. FERGUSON—We were dealing with the present, not a remote future. I am coming now to what my hon. friend promised himself. He was not quite so sanguine as the Minister of Railways was. But before I come to that, I want to show the difference in passengers. The total number of passengers carried was 88,000; while the number promised as an increase by Mr. Blair was 632,000. I now come to another set of figures which were submitted by my hon. friend the Secretary of State to this House. The estimate was a little more modest than that of the Minister of Railways, and in this case it was signed by Mr. Schreiber and Mr. Pottinger. My hon. friend very kindly sent the statement across the floor of the House, at my request, so that I was enabled to use it and it was referred to in the discussion and will be found in the *Debates*. My hon. friend's figures, based on the authority of these railroad men, were to the effect that the increase in freight was to be 320,000 tons and the increase in passengers 228,000. As against that, the total number of passengers carried as I have stated over this road has been only 88,701, or only a little over one-third of what my hon. friend, on the authority of his railroad experts, assured this House the increase would be. I have referred to this simply to show that we have not been supplied with the information which was promised to us and which I think could have been supplied to us as an approximation, at all events, so nearly complete that it would have been acceptable to the Senate, and if any allowance were to be made they could have been easily explained, and those explanations we would have been happy to accept so far as they were reasonable. But that we have not been furnished with, and what we have been furnished with has altogether contradicted the statements made in 1897 by the hon. gentlemen opposite. I have only one point more to refer to before six o'clock. My hon. friend rolled up a very heavy indictment against the management of the Intercolonial Railway by pointing in detail to the expenditures on capital account and the deficits which had occured during the years since the opening of the Intercolonial Railway and they were very serious. But he was answered by my hon. friend from Northumberland (Mr. Snowball) in a very conclusive and convincing manner. That hon. gentleman told this House that so efficient is the equipment, so high the standard of the Intercolonial Railway at this moment, that it can compete successfully with the Canadian Pacific Railway to St. John which is 480 miles, that so thorough is the equipment of the Intercolonial Railway and so high the standard of that road at the present moment, it can compete successfully, although it is carrying freight to Halifax by a route about 360 miles longer than the Canadian Pacific Railway has to carry it to St. John. That is a complete and effective reply to the indictment of the Secretary of State against the management of the Intercolonial Railway

under the preceding governments. My hon. friend the Secretary of State has just told us that he is afraid, notwithstanding what his colleague may have said to the contrary, that the era of capital expenditure has not ceased on the Intercolonial Railway. I turn to the estimates of the year which is now concluded, and I find that in three batches of estimates brought down for the year ending 30th June, 1899, there was $1,358,960 voted by Parliament for capital expenditure on the Intercolonial Railway, and I am not aware that a single mile of new road was being undertaken. I take it for granted that nearly, if not all, that money has been expended, from the fact that Parliament was asked to vote $35,000 of it the other day and we know very well that the meaning of a supplementary estimate coming down the last days of the year is that the vote is just about the amount the department requires to complete its engagements for that year.

Hon. Mr. SCOTT—I understand it is for rails and rolling stock.

Hon. Mr. FERGUSON—All right, for rails and rolling stock. I am not indicating what the character of this capital expenditure has been, but I have these estimates, and the strong presumption that they all, or very nearly all, have been expended during the year. I move the adjournment of the debate.

The motion was agreed to.

BILLS INTRODUCED.

Bill (157) "An Act respecting the Manitoba and South Eastern Railway."—(Mr. Power).

Bill (106) "An Act to incorporate the Canadian Birkbeck Investment and Savings Company of Toronto."—(Mr. Aikins.)

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, 6th July, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

THE QUESTION OF PRIVILEGE.

Hon. Mr. POWER, before the doors were opened, called attention to the fact that the minutes did not correctly set forth the proceedings of yesterday in relation to the Intercolonial Railway Extension Bill.

The doors being opened,

Hon. Mr. McCALLUM said:—These two bills, the Grand Trunk Railway extension and the Drummond County Railway purchase bills, are fastened together like the Siamese twins, and if we kill one we kill the other. I should like to know exactly where we stand on this question. The point of order should have been taken when the hon. gentleman for Wolseley (Mr. Perley) made his motion. There was a discussion and he was allowed to go on and make his speech. I took it for granted then that we could not separate the two bills, but I am ready to do anything reasonable.

Hon. Mr. POWER—The hon. gentleman from Monck misapprehends the reason why I spoke. I was not dealing with the question of order. I think the hon. gentleman for Wolseley had a right to make the motion. I simply called attention to the fact that the minutes are not a correct record of what took place in the House.

Hon. Mr. MILLS—I think it would be irregular to make a motion combining two bills. One motion was made by my hon. friend and the other by myself. They are two separate bills, and although the House may acquiesce in the course suggested that both be considered together, and discussed in the debate which is going on, nevertheless when the vote is taken they must stand separate.

Hon. Mr. McCALLUM—What led me astray was that the hon. gentleman did not object at the time. The point of order was not taken when the motion was made, and the hon. gentleman from Wolseley had a right to proceed. I think that was the proper time to take the point and not now.

Hon. Mr. SCOTT—No point was taken at all.

Hon. Mr. PERLEY—I may be allowed to say that the Drummond County Bill was introduced in the Senate one day and the Grand Trunk Agreement Bill the next day. The leader of the opposition took exception to the two measures being separated. It was agreed that they should be discussed together. I naturally inferred that they were

amalgamated, I am not a very old parliamentarian, but when the Senate discusses two bills together, as we discussed these two bills, I thought they were one and the same, and I therefore made the motion, but when I made the motion the Speaker informed me that the motion was out of order, inasmuch as it implied the vetoing of a bill which is not before Parliament, and I then amended it and submitted the amendment which I handed to the Clerk, who entered it in the minutes as it is now. The result is, the motion stands as it now appears in the minutes.

Hon. Sir MACKENZIE BOWELL—I may say that I am not at all surprised at the hon. gentleman mixing the two bills together, under the very peculiar circumstances, for it is very seldom that two bills having one object in view, though altogether separate, have been discussed together in the past. The hon. gentleman very naturally fell into the error of making his motion in condemnation of both bills, because, as I stated once before, the ratification of the one would follow the ratification of the other, and vice versa. But while I say that, I must take exception to the mode in which the change has been made. In this case no possible harm can arise from it. It is only a question of precedent and procedure that I am now speaking of. When a motion is made in the House and placed in the Speaker's hands, that is the only motion that can go on the record except by permission of the House. I know that the Clerk called my attention to it after the adjournment of the House, and I said, "That is the motion that the hon. gentleman from Wolseley intended to make, and that is the correct one, but I do not see how you can put that on the record after the other motion has been made, and the only way that it could be done would be for the hon. gentleman from Wolseley, when the motion was called again, if no objection was taken to it on a point of order, to say that it was an error and asked to have it corrected with the consent of the House, which could be done in a moment." If this were permitted to pass as a precedent, much harm might arise in the future, and many disputes might result from it, and I am quite sure that the hon. gentleman from Wolseley has no such intention. The suggestion that was made by the Speaker was one that would very naturally occur to him. Had it been in the Commons, the Speaker would have called his attention to it as being out of order, but as our Speaker only rules when he is called upon to rule, he could take no other course than that of friendly consultation. No harm can arise out of this, and I make these remarks so that it may not be taken as a precedent in future.

THE USURY BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. ALLAN, from the Committee on Banking and Commerce, reported Bill (I) "An Act respecting Usury," with certain amendments. He said:—As I still retain the same view that I did when I presented the report, namely, that while the object of the bill is very commendable, and while it is desirable to put a stop to the abuses complained of, yet it will be better to take further time to consider the bill by letting the consideration of the matter lie over until next session. The House did not think that that was the best course to take, however, and referred the bill back to the committee, where it has been amended. I would suggest to the hon. gentleman who has charge of the measure, that it would be well, before further steps are taken, that the bill should be printed, because it is very difficult for the House, as the bill now stands, to understand what the effect of these amendments would be.

Hon. Mr. DANDURAND—I intend moving that the amendments should now be concurred in, and that the third reading be fixed for Tuesday. The amendments will appear in our minutes to-morrow.

Hon. Mr. ALLAN—That is the best course to take.

Hon. Mr. DANDURAND moved that the amendments be concurred in.

Hon. Mr. DEBOUCHERVILLE—We cannot concur in the amendments without notice, we do not know the effect of them.

Hon. Mr. DANDURAND moved that the amendments be taken into consideration to-morrow.

The motion was agreed to.

BILL INTRODUCED.

Bill (112) "An Act respecting the Montreal Island Belt Line Railway Company,

and to change its name to the Montreal Terminal Company."—(Mr. Owens.)

THE INTERCOLONIAL RAILWAY EXTENSION.

AN EXPLANATION.

Hon. Mr. FERGUSON.—Before the orders of the day are called, I wish to direct the attention of the House to a telegram which has been sent as a matter of news to the papers of the lower provinces. I find it in the Charlottetown *Patriot* of the 3rd July, and the same telegram, word for word, appeared in two or three other daily papers in in the maritime provinces. The telegram has a very sensational heading, and is as follows:—

TRYING TO OUST

SIR MACKENZIE BOWELL—SENATOR FERGUSON THE PRIME MOVER—BOWELL WILL STAND TO HIS COLOURS—THERE WILL LIKELY BE A SPLIT IN THE TORY CAMP.

—o—

(Special to the Patriot.)

OTTAWA, July 3rd.—The trouble over the Grand Trunk Railway Agreement Bill has revealed in the Senate that Senator Ferguson is making terrible efforts to oust Sir Mackenzie Bowell out of the leadership. If the proposition which has been mentioned in this correspondence is not carried out when the matter comes up in the Senate next Tuesday, it will be due to Senator Ferguson, as Sir Mackenzie Bowell has signified his intention of carrying it out.

Senator Ferguson insists that in addition to making an agreement and one year's notice by the government, that the Grand Trunk Railway should get a share of the new routed traffic.

With reference to this statement, as far as it relates—and that is of course the only matter of any public consequence in it—to my own attitude as compared with that of my hon. leader with regard to the Grand Trunk Railway agreement, I have to say that nothing could possibly be more entirely, not only devoid of truth, but contrary to the truth than this statement is. It would be impossible for two public men to have viewed a great public question like this so entirely eye to eye as my hon. friend and myself have seen it; and I may further say that such has been our happy experience in public business ever since I have had the honour of occupying a seat in this House. I am sure my hon. friends who are associated with me know that there never has been the slightest difference between Sir Mackenzie Bowell and myself, and it is unnecessary to assure them that I have never at any time tried to oust my hon. friend from the position he holds with such signal advantage to the country.

INTERCOLONIAL RAILWAY EXTENSION BILL.

DEBATE CONTINUED.

The order of the day being called for:

Resuming the adjourned debate on the second reading (Bill 138) "An Act to confirm an agreement entered into by Her Majesty with the Grand Trunk Railway Company of Canada, for the purpose of securing the extension of the Intercolonial Railway system to the city of Montreal."

Hon. Mr. FERGUSON said:—When the House adjourned yesterday afternoon I had been discussing the statement submitted to the House at an earlier period in the debate by my hon. friend the Secretary of State, founded as it was upon a letter signed by Mr. Schreiber and Mr. Pottinger, and I arrived at the conclusion that when my hon. friend said that the Intercolonial was going to have a larger surplus at the end of this year than all the former surpluses put together, his deduction from this letter was altogether unfounded and unwarrantable. I came to the conclusion that it is morally certain, from the information contained in the comparison between ten months of each of the past two years, that there will be a deficit of not much less than $100,000 in the working of the Intercolonial Railway during the year 1898-99, and that in addition to that, judging by the amounts voted by Parliament for capital expenses for the year ending the 30th June last, it will be found when the public accounts come out that there has been an expenditure on capital account for the last year on the Intercolonial Railway of between $1,350,000 and $1,400,000. So that the happy assurances that were given to this House about the prospects of a very handsome surplus on the Intercolonial Railway at the end of the year which is just closing and of the termination of all capital expenditure, on the Intercolonial Railway have no chance whatever of being realized. I might say, further, that if these measures which we are now considering become law, it is morally certain that, in the current year on which we have entered, there will be a very large capital expenditure on that road. There will be, first, the sum of $1,600,000 that this bill proposes we shall pay for the Drummond County Railway, and there has been one set of estimates already submitted to Parliament of $941,000 for expenditure on capital account on the Intercolonial Railway. And then we must remember that there are two other sets of estimates forthcoming, one

of which we are promised this week and which we are led to believe by government organs is enormously swollen. There will still be an opportunity for the government, before the close of the current financial year to submit another set of estimates in which there will probably be further provision for capital expenditure. Therefore, it is fair to conclude that, not only was there a capital expenditure last year of nearly $1,400,000, but there will be, if this bill passes, a further capital expenditure this year of about three millions, and nearly one and a half million dollars even if this bill should not become law. Notwithstanding that this is the case, before leaving this point, I am free to say that better days are dawning for the Intercolonial Railway. I have no doubt that such is the case. A great deal was made, by my hon. friend, of the fact that the earnings of last year were greater than those of former years, but, as I have already shown, I think most conclusively, no part of the increased earnings is due to the Montreal extension, because the total increase in earnings for the ten months has been only 20 per cent, while the increased mileage, has been 12 per cent, leaving an increase of eight per cent, which is two per cent less than the average increase of earnings on Canadian railways last year. The inference is that the Montreal extension has not contributed to the increased net earnings last year, but is to be debited with absorbing 2 per cent of the earnings of the road. The remarks from my hon. friend from Northumberland are no doubt true, that the Intercolonial Railway is to-day, thanks to the very large capital expenditures made by the previous administration, a road of a very high standard indeed. It is probably equal to any road in the Dominion of Canada, or perhaps on the continent of America. It has a very high standard, and that being the case, together with the undoubted development and improvement in business that is going on all over the country, and in view of the fact that the province of Newfoundland has nearly completed a railway down to a port very convenient to the Intercolonial Railway terminus in Cape Breton, and that an excellent steamer has been put on, and a valuable trade developed between Newfoundland and the mainland, it is certain that the business of the Intercolonial Railway will increase. Looking at all these things, and the extraordinary developments going on in mining, and the prospects of development and enterprise in Cape Breton in iron and other industries, there cannot be the slightest doubt that the Intercolonial Railway is going to have better times in the future than it has had in the past. Hon. gentlemen may think that perhaps a portion of the earnings of last year have been due to the larger rates charged during Mr. Harris' regime, when he tried to introduce a system of higer rates for local trade on the Intercolonial Railway. I am told that no part of the earnings have been attributable to that cause, because I am informed, on what I think is excellent authority, that although the government collected a very considerable sum on these higher charges, they very carefully and punctiliously returned them to the people of New Brunswick before the late elections in that province. Therefore, no part of that amount is to be counted or included in the earnings of the Intercolonial Railway during the past year. I come now to the terms of this extension, and I will make this remark in starting, that it was not a question before the people at the general election of 1896. I think I may safely challenge hon. gentlemen opposite to point to any speech or declaration of any of their number made during, or before, that contest which will show that in any degree whatever the question of the extension of the Intercolonial Railway into Montreal over that route, or over any other route, was before the people during that election. That being so, it may excite and does excite a very considerable amount of surprise why it was that gentlemen in the government, with their hands so full of promises that they had made, with such a herculean task before them of fulfilling the numberless promises which they undoubtedly gave, should have given precedence to a matter about which they made no promises at all. It is a very surprising thing why it was that, so very soon after the election, the gentlemen of the government should have turned their attention to this matter about which they had made no promises, while they gave no attention to the fulfilling of the promises which they had undoubtedly made. We cannot help coming to the conclusion that there was some interest involved. It turns out that a prominent supporter of the gov-

ernment had a very controlling and powerful interest in what was called the Drummond County Railway, I refer to Mr. Greenshields. This was a railroad which was regarded as bankrupt. It ran through a sparsely settled district, not at all a rich country in resources as regards the then completed part of the road at all events, and it began, as has been stated, nowhere, and ended nowhere. It was not a road that, up to that time, the people of Canada had ever heard much about, and it was hardly ever mentioned as likely to become an important factor in regard to the extension of the Intercolonial to Montreal, or in any other sense. It so happened that, by some means or other, the attention of the government became supremely directed to the importance of going in to Montreal by this Drummond County Railway and no other way. In going that way they had to parallel the Grand Trunk line for a distance of something like 140 miles. It was a very serious consideration to undertake to parallel a line of a powerful corporation such as the Grand Trunk, and the first question that would certainly strike any person, was that the Grand Trunk would be greatly opposed to that, and we must certainly conclude that the Grand Trunk could not become reconciled to having their road paralleled unless it was amply made up to them in some other way. The powerful influence which led the government to not only take up this gigantic question, involving a capital expenditure of $7,000,000 at this time and under these circumstances but to select the Drummond County Road as the way to do it, is hard to understand. The only explanation at all satisfactory is that Mr. Greenshields had a great deal of influence with the government. He was the owner of about a one-third of the capital stock of that company at the time. He had acquired it for the mere bagatelle of $24,000. Mr. Greenshields also afterwards became the owner of another large block of the same stock, I think only in trust for other gentlemen, and therefore I will not charge him with it, but he certainly was the absolute owner of about one-third and still continues to be owner of one-third of the stock, and in making close calculations I find that Mr. Greenshields would make a net profit of $400,000 out of that transaction on an investment of only $24,000, if the bill, introduced in 1897, had been passed, and he stands to make $236,000 of clear cash profit if the bill before us becomes law. He is known to be a very powerful politician. Mr. Tarte explained in the House of Commons, during the discussion of this very question, that he was the treasurer of the Liberal party fund, a powerful organizer and had a great deal of influence, and we cannot account for the selection of this road as a means of getting into Montreal on any other consideration than that Mr. Greenshields had a great influence with the government. Why that is so I am not going to say. Not only that, but the question of the Intercolonial extension from Lévis to Montreal was not as pressing a question in the public mind as it was some years before. It is well known that under the old management of the Grand Trunk Railway the connection had been very inefficient. It had been very bad indeed in Mr. Sergeant's time, and just complaints were made against the way the connections were made with the Intercolonial Railway in and out of Montreal. But, happily, under the present efficient management of the Grand Trunk, a very different state of things has prevailed. Since Mr. Hays became president new life and a new spirit have been introduced into the Grand Trunk, and there has not been anything like the just ground of complaint that there was before. After the grounds of complaint against the Grand Trunk management had to a large extent passed away, we find the government, without much consideration, almost immediately after the elections, taking up a question to which they were not pledged and for which no agitation had existed, and undertaking this work of carrying the Intercolonial Railway into Montreal. The mistake, in the first instance, was made of having anything to do with the Drummond County Railway, even if it was determined to come to Montreal. I hold if the effort had been made to come in by the Grand Trunk's own line, the matter would have been divested of a great many of the difficulties since connected with it. Many of the difficulties about traffic arrangements would have been far more easily got over if that had been done, than with the two lines paralleling each other as they are now doing. But the government had to use this Drummond County Road, and the only reason that they ever put before the public for adopting that

in preference to the other, is that they claim now that it is twelve miles shorter, which perhaps is correct.

Hon. Mr. MILLS—Is there no difference in the grade?

Hon. Mr. FERGUSON—The hon. gentleman says there are differences in the grade.

Hon. Mr. MILLS—No; I did not say that.

Hon. Mr. FERGUSON—I cannot hear the hon. gentleman. There may be some differences in the grade, but I apprehend it would have been just as easy for them to have got over the difficulty about the grades and improved them as it was on the Drummond County Railway. They had the resources to do it, and could have seen to it that it was done, and I have no doubt any difficulty with regard to the grades could have been easily overcome if the government had any desire to use the Grand Trunk Railway and come to Montreal in that way. Then we have to consider the terms under which they have come in, and we have to carry with us, in the consideration of this question from beginning to end, the influence upon these negotiations which the fact of paralleling the Grand Trunk must have had. The Grand Trunk, in placing a value upon their rental and upon everything they were giving to the government, from first to last, had to take into account that they were allowing a road owned by the government, with government money and all the government influence behind it, to parallel their road, and they had to be satisfied that the money consideration given to them would not only pay them for the use of their line, but recompense them for the paralleling of their road by the Drummond County Railway.

Hon. Mr. MILLS—The Drummond County Railway existed already.

Hon. Mr. FERGUSON—Yes, incomplete and bankrupt. We will start at Ste. Rosalie and take the first thirty-five miles from that point to St. Lambert. Mr. Blair explained in the other House, on the introduction of the bill two years ago—an explanation which he practically repeated at a later period—that the Grand Trunk alleged that this road had cost them $1,500,000. He admitted it might be built now for less money. That amount would mean about $43,000 per mile. But the Grand Trunk said "It cost us $1,500,000," and they said to him, "We will give you a half interest in that for half this valuation based on interest at five per cent." It has been proved by the returns which have been unwillingly brought down in the other House, and reluctantly brought down here, but nevertheless brought down, that our use of that road is but a limited use. The Minister of Railways claims it is about 25 per cent. The figures which we have in our possession, and which I have examined with very great care, seem to indicate that our user by the Intercolonial Railway of these lines is about 16 per cent. It therefore comes to this, that Mr. Blair deliberately allowed $1,500,000 as the price of that road, admitting it was more than a road of the same kind could be built for now, and while he only needed, according to his own story, one-fourth interest, and according to our belief about one-sixth interest, he nevertheless undertakes to pay for one-half of it, and while he could borrow money at two and seven-eights per cent, he undertook to allow the Grand Trunk Railway Company at the rate of 5 per cent, on the swollen orignal cost of the road. As far as that part of the line is concerned, there cannot be the slightest doubt, even if we need a half interest and we get it, we are still paying more than double what we ought to pay for the road. We are paying double in two ways: we are paying a nearly double rate of interest, and we are paying double our user of the road. Therefore we should multiply it by four, and it is four times as much as we ought to pay for that part of the line. I admit frankly that other parts of the rental are not so wrong as that is, although I think they are wrong in this respect, that we are buying a half interest when we do not need a half interest. Therefore, there is room for reduction on business principles with regard to the terminals and with regard to the bridge. But they are not so monstrously wrong as the arrangement with regard to the line from Ste. Rosalie to St. Lambert, and it is the more surprising and inexplicable that any such bargain as this should be entered into, because if we turn to page 62 of the report of the evidence taken before the Drummond County Committee of the House of Commons last year, we will find very specific information about the rate of interest.

At page 63, Mr. Blair was examining Mr. Wainwright, and, after having questioned him upon another point to which I will have to refer at a later stage of my remarks, he asked:

Q. And did you not argue and point out that your five per cent bonds in England were only selling in the market at 85, and did you bring me a newspaper showing that they were selling for only 85?—A. I told you we could not borrow at less than five per cent and that our four per cent bonds were selling at 85.

Q. And did you say that if we consented to going on you would have to put these betterments in at a lower cost than you actually incurred?—A. We could only get 85.

He was talking of the betterments, but the arguments and facts he has elicited have the same bearing upon the valuation of this portion of the line between Ste. Rosalie and St. Lambert, as it would have upon the betterments. The examination proceeds:

Q. And when we made the temporary arrangement, did I not point out that your bonds had gone up and that you could borrow at a less rate of interest?—A. Yes, we recognized that they had gone up and that we could borrow at three per cent.

This was, I think, on the 25th March. It was less than one month from the time the last contract was signed and completed, and here we have Mr. Wainwright declaring before the committee, on his oath, that the Grand Trunk Railway was then in a position to borrow money at 3 per cent, and the government, we know, at the time the last loan was affected, not only was able but did borrow money at 2⅞ per cent. That being so, can any hon. gentleman in this House, or anywhere, explain to me why a rate of interest of 4 per cent should have been fixed with regard to the betterments, and 5 per cent with regard to the line between Ste. Rosalie and St. Lambert? I am unable to understand why this should be, because almost at the very time—at the very time indeed—that this last contract was entered upon, the Grand Trunk Railway, according to Mr. Wainwright's evidence, was able to borrow money at 3 per cent. I may as well finish this question with regard to the rate of interest as it applies to the betterments, and that will save me from bringing it up again. Hon. gentlemen will remember that, under the contract of 1897, there was a provision in that bill that in the event of the Intercolonial and the Grand Trunk agreeing upon the necessity of double-tracking the line between Ste. Rosalie and St. Lambert, and making other improvements on the terminals, that the government should pay 5 per cent on one-half the cost of the betterments. It was in this House in 1897 that the enormity of that feature of the bargain was pointed out, and it was pointed out so strongly and effectually that when a new contract came to be made, that feature of it was changed in this respect, that we were only to pay in proportion to our wheelage use, which was the principle which should have applied to all the property we were acquiring, not only to the betterments, but every other property, whether it was the bridge or whether it was the line from Ste. Rosalie to St. Lambert, or whether it was the line into Montreal. It was, however, conceded in regard to the betterments that we should only pay in proportion to our wheelage use, and that we should have the privilege of paying in cash for these betterments, and I ask hon. gentlemen to tell me why the rate of four per cent was fixed? Why was four per cent selected as the rate when Mr. Wainwright went before this committee and swore that the Grand Trunk Railway could borrow money at three per cent, and we know that the government could borrow at two and seven-eighths per cent? It is the more pertinent and more important that we should solve that question at this stage and get at the bottom of it, because Mr. Blair, in his examination, announced a course to which my hon. friend from Westmoreland referred in his admirable address to this House the other day, and it seemed from the remarks made by my hon. friend representing the government in this House that neither of them was aware of Mr. Blair's intention until my hon. friend brought it up here. Mr. Blair announced last year, before the Drummond County Committee, and again in the House of Commons this year, that it was not the intention of the government to pay for the cost of these betterments in cash, but that they intended to elect to pay at the rate of four per cent interest on the cost.

Hon. Mr. MILLS—I am asking for information, and I should like to know what the hon. gentleman means when he speaks of the Grand Trunk being able to borrow money at 3 per cent? Is it on bonds or on stock?

Hon. Mr. FERGUSON—I am quoting Mr. Wainwright.

Hon. Mr. MILLS—The hon. gentleman says they were selling bonds at 50 cents on the dollar.

Hon. Mr. FERGUSON—I did not say so. I think he meant on bonds, and I will tell the hon. gentleman why. He said in 1895, "Our 5 per cent bonds were selling at 85, and we had to pay 5 per cent interest. Now," he said, "our stock has gone up and we can get money at 3 per cent."

Hon. Mr. MILLS—What price would the bonds sell at? Everything depends on that.

Hon. Mr. FERGUSON—We have the bald statement of Mr. Wainwright, that the rate of interest was 5 per cent—that the money would cost the company 5 per cent. It does not matter whether it was on bonds or not.

Hon. Mr. MILLS—The hon. gentleman will see that that is 5 per cent on $85, not 5 per cent on $100. It is 3 per cent on $100.

Hon. Mr. FERGUSON—I do not think it is. The hon. gentleman's explanation is entirely untenable, and I will tell you why. They were discussing the 5 per cent on these betterments under the old contract and they changed it to 4 per cent. Why did they make the charge 5 per cent? Because money was to cost them 5 per cent. That is the meaning. The conclusion is inevitable. Mr. Wainwright said, and Mr. Blair led him up to saying it, that money cost the Grand Trunk Railway 5 per cent then, and now they could get it for 3 per cent. The hon. gentleman has made this point, but it has no relevance whatever to the statement made by Mr. Wainwright, because Mr. Wainwright was speaking of the same class of security in 1897, as in 1898, and he said money "cost us 5 per cent then and now 3 per cent."

Hon. Mr. MILLS—It cost him 5 per cent to get $85. He gave a bond for $100 and got $85 and paid 5 per cent on that. The hon. gentleman says he could get it now for 3 per cent, but whether that is better than 5 per cent would depend upon what the bonds would sell for.

Hon. Mr. FERGUSON—My hon. friend is just drawing a red herring across the trail. Mr. Wainwright did not draw any line of distinction whatever. He was talking of what money cost the Grand Trunk Railway Company. He spoke of the price of their bonds, and it is a fact which everybody knows that on the consummation, as was believed, of this bargain with the government of Canada, the bonds of the company went up with a bound in the English market. Sir Charles Rivers-Wilson, president of the Grand Trunk Railway, at the annual meeting held in the early part of the winter of 1897—in fact that was one of the first intimations we had that this bargain was effected—told the shareholders at the annual meeting in London that they had made such a bargain with the government of Canada as would enable them to get the new bridge over the St. Lawrence for nothing. That statement had such an immense effect on the securities of the Grand Trunk that Mr. Wainwright was able to say in his evidence that the cost of money, when the Grand Trunk went to borrow, came down from 5 per cent in 1897 to 3 per cent in 1898. In connection with the subject Mr. Blair made this declaration in Parliament and before the Drummond County Committee, that he was not prepared to pay cash and would not pay cash, but would exercise the option of paying 4 per cent interest, and why? Because he said that there were extensive mortgages and bonds on the Grand Trunk Railway and he would not consider it safe and judicious to spend capital on the road in that condition. Mr. Blair has shown extraordinary lack of business capacity, if not something worse, in dealing with this question, because if Mr. Blair entertained any such serious doubt on that point, it was a very easy thing for him to put a clause in this bill that would have protected any money spent by the government on the Grand Trunk Railway. That would have allowed him to exercise his option, under this bill, without let or hindrance, of paying cash instead of paying interest, because no rate of interest that could be established would be as favourable to the government as paying cash. But, strange to say, last session, one month after making this contract, Mr. Blair went to the Drummond County Railway Committee, and said he never intended to pay cash. Mr. Blair has shown an extraordinary want of business capacity, to use no stronger term, in making an arrangement like that, and not making it secure that he could exercise the option he took, otherwise the option

was a delusion, as he announced his intention not to exercise it. I am speaking, not only on the point before us, but also of its reference to the betterments. On the whole, I have no hesitation in saying that the price agreed to be paid as a rental to the Grand Trunk Railway is excessive—that the government went about acquiring an interest in that road which they will never use, and, as was remarked by my hon. friend from Westmorland yesterday, and very truly remarked, that in consequence of the large territory they have to draw upon, the extent of their line and other considerations the business of the Grand Trunk is certain to grow faster than the business of the Intercolonial. Therefore, their use of these terminals, and the bridge and road out to Ste. Rosalie is certain, year after year, to permanently grow greater than the business of the Intercolonial.

Hon. Mr. MILLS—That is an assumption.

Hon. Mr. FERGUSON—If it had not been for the pressure on the government that they must come in by the Drummond County route and parallel the Grand Trunk, and that they had to make up to the Grand Trunk for that paralleling of their road by agreeing to pay these excessive rentals, I am sure a much more reasonable bargain, and something like value would have been given for the rights and interests we are acquiring. Instead of that, we are buying a half interest when we are only requiring, according to Mr. Blair's statement, a 25 per cent user, and I believe less. It is certain, as years go by, that our percentage of user will be less than it is now. My hon. friend from Northumberland (Mr. Snowball) shakes his head, but I do not think many members of this House will dissent from the proposition put before us by the hon. gentleman from Westmorland (Mr. Wood) yesterday, that the probabilities, not only probabilities, but certainties, are that the Grand Trunk's use will increase faster than the Intercolonial Railway's use of all this property. Not only is it wrong in the matter of our buying a larger interest than we have any necessity for, not only is it wrong by putting the first cost too high, but it is wrong in the additional respect that the rate of interest on which it is valued is made 5 per cent, for which there can be no justification whatever. I wish now to discuss for a few moments a document that has become very important, called the supplemental traffic agreement which, under the 40th section of this main contract, is made to form a part of this bill. It has to be read with the bill and is to become part of the bill and to have equal force and continuity with the bill itself and with the main contract. That leads us to inquire a little into the history of this traffic agreement. It was made on the 28th February, 1898. On the 15th March, just two week later, Mr. Blair, the Minister of Railways, went before the Drummond County Railway Committee and gave his evidence on oath. He took a solemn oath to tell the truth, the whole truth and nothing but the truth. During the course of a long series of explanations which I had the pleasure of hearing myself, he did not wait to be asked questions; he delivered a statement which was very lengthy and explicit as it would appear, but from the beginning to the end of it he never told that committee one word about the supplemental traffic agreement. Mr. Wainwright was subpœnaed before the committee and examined, and he was questioned particularly with regard to matters which we now know form part of that supplemental agreement, but it was never explained to the committee that it was in the supplemental agreement they were to be found, and not in the main contract, and up to that time, neither the Drummond County Railway Committee nor either branch of Parliament was put in possession of the main contract itself, nor of the supplemental agreement. All the principal witnesses appeared before the Drummond County Railway Committee,—Mr. Schreiber, Hon. Mr. Blair, and others, and they were examined on all the points of the old contract and the new contract, and up to the close of their various examinations, there was no reference made except a belated one by Mr. Wainwright to this supplementary tariff agreement. It was only on the 19th of April, 1898, during a night session, nearly two months after the Drummond County inquiry had been entered upon, and when the committee had nearly completed its work, so far as receiving evidence was concerned, that the Minister of Railways laid on the table of the House of Commons some documents with reference to the question. It was at the time when we were overwhelmed with the consideration of the Yukon question, and I wondered a

little why that document had come in that way, it was distributed over our desks, but as we had no bill before us at the time, I simply shoved it into my desk and it passed away from my recollection, I did not make any closer examination of it then. It turns out, however, at a very late date in the proceedings of the Drummond County Committee, on the 28th of April, that reference was made to this agreement by Mr. Wainwright, and then it was found by the committee that they had never got the agreement up to that time, and it was produced and filed as an exhibit. The copies that found their way to our desks at that time, I suppose, were treated by all the hon. gentlemen as I treated mine, as not having any present importance, and they were thrown aside. When the bill was brought down this year in the House of Commons, the traffic agreement was not brought down with it, although the 40th clause, re-sealed its existence to a sharp critic, but the document itself was not brought down with the bill. During the time it was discussed in the House of Commons through all its stages, not one gentleman in the opposition there had ever obtained a copy of that supplemental agreement. I observe that on one occasion, on page 4835 of the *Hansard* of the House of Commons of this year, that Mr. Blair, referred to it, and read from it. He read the whole preamble, which was very uninteresting stuff, and he read the first section of the real body of the traffic agreement, and stopped there. The section that he read is the one that gave to the government railway at Montreal all east bound trade, and which suspended or cancelled the Chaudière line from Montreal to Lévis as a divisional route. That is the section which gives to the government of Canada a very great concession indeed. The other seven sections are mainly considerations for that one, and very serious considerations they are. They are, more or less, against the government and to the advantage of the Grand Trunk Railway. The hon. Minister of Railways, however, just read that first one and there he stopped. A discussion started and the question arose among members of the House of Commons as to where the supplementary traffic agreement was, and Mr. Blair told Mr. Haggart, "You must remember that I sent you a copy of it across the floor of the House." Mr. Haggart said he never saw that copy. "It was in the Drummond County Committee when Mr. Blair was examined, and I examined him upon it," said Mr. Haggart. Mr. Haggart turned out to be wrong, because it was not in print at that time and was not submitted for two months afterwards. Mr. Haggart thought he knew about it, but he did not.

Hon. Mr. MILLS—The hon. gentleman is discussing now the proceedings of the House of Commons, which is quite irregular.

Hon. Mr. FERGUSON—I leave that part of the subject by saying I have undoubted authority for stating that, up to the time the bill left the House of Commons, the opposition members of that body did not realize the contents of this supplementary traffic arrangement, and it was only after it came to this House that information regarding that point came before the public. The newspapers supporting my hon. friend and the hon. gentlemen around him have been very industrious, from one end of the country to the other, in endeavouring to create an impression that the Senate have been aroused in their action with reference to this supplemental traffic agreement by the Canadian Pacific Railway. Every effort has been made to create an impression in the minds of the people that the hostility on the part of the members of this House has been created by sympathy with the Canadian Pacific Railway. Let me tell hon. gentlemen this fact, which I happen to know: The Canadian Pacific Railway, as well as the House of Commons, were in blissful ignorance of the terms of this traffic agreement up to the time my hon. friend, Sir Mackenzie Bowell, the leader of the opposition in this House, put his motion on the order paper asking for the production of that document, and it was that action, and the discussion among members of this House that aroused the Canadian Pacific Railway to come into the field and look after some interests which it had in regard to this traffic agreement. So the statements which have been made, and which have been used, I daresay, in many cases effectually, for the purpose of neutralizing the effect on the public mind with regard to this supplemental traffic agreement, by creating the impression that all this excitement was brought about by the action of the Canadian Pacific Railway, are entirely unfounded. On the contrary, the Canadian

Pacific Railway got their information from the hon. leader of the opposition in this House when he made his motion for the production of that traffic agreement. It was then that the Canadian Pacific Railway became conscious of the fact that this traffic agreement was in existence, and that it militated against its interests as well as against the interests of the people of Canada. The fact that the important committee struck for the purpose of investigating the affairs of the Drummond County Railway and the Grand Trunk Railway bargain with the government were kept in the dark, and the Canadian Pacific Railway Company was kept in the dark with regard to this subject, is one that certainly is calculated to excite surprise and perhaps, in some minds, even suspicion. It does seem strange that this very important supplemental agreement should not have been attached to the bill, and brought down to this House and to the House of Commons so that members of both Houses would have been able to weigh every word in it when considering the bill. It is to the honour of the Senate of Canada, that they and not the Canadian Pacific Railway Company, have made this discovery, the importance of which our hon. friends on the other side are not in their hearts disposed to minimize one jot at this moment. Having said so much about the history of this traffic arrangement, let me now refer to the document itself. Before touching that, it will be remembered that before the Drummond County Committee, and in parliamentary statements and through the newspapers, it was announced last year that the government had made a very much better bargain with the Grand Trunk and the Drummond Railway than the one that they had previously made, and the points of these improvements were indicated very clearly in many ways, and amongst the rest before the Drummond County Committee. Here is what Mr. Wainwright said when asked by Mr Borden as to what the differences were between the new contract and the old:

Q. Beside the change you have already mentioned as a difference between the agreement of this year and that of last year, is there any other?—A. There is some difference with regard to traffic.

Q. Could you briefly state what it is?—A. The principal one I think I could tell you; there are other minor changes. The principal one is this: The Grand Trunk held that if our line between Lévis and Richmond was to be destroyed, that we could not be expected to offer the traffic to the government at Montreal, and the agreement did not allow for that. We proposed to use our line to Lévis whenever we had the opportunity, but the government insisted on having the traffic from the west handed to them at Montreal. In other words, that we should abandon and take away our Chaudière rates, and that is most important.

Q. They insisted upon having the western business given to them at Montreal to the exclusion of your line?—A. Yes.

Q. Besides that there are some minor changes in the agreements?—A. Yes.

Q. These are the two principal ones?—A. Yes.

Q. That is embodied in the agreement now made?—A. Yes.

Q. Do you regard these changes as important?—A. Yes I regard the change of handing over the traffic at Montreal and shutting up our line to Lévis as a great concession to the government.

By Mr. Haggart:

Q. That entered as part of the consideration into the bargain?—A. We did not think it did. We did not have that idea at the time when we agreed to it.

By Mr. Blair:

Q. We claimed that was the true and proper interpretation. Did I not claim that was what the language was intended to mean?—A. You certainly claimed that.

Mr. Wainwright sent this abroad as a very great concession to the government. If there was a quid pro quo given for that, apart from the rentals, it could not be called a concession, because they were getting something for it. Mr. Blair came in and pleaded "we thought we were getting that from the first; we thought that was what the language of the old agreement meant. Did not we claim that?" and Mr. Wainwright said "You certainly did, but others did not," Therefore it was made plain. The impression was made on the minds of the members of Parliament and the members of the committee that that was a concession which was got without any quid pro quo, but when this traffic agreement comes out we find it is a different matter altogether. Instead of receiving it as a concession without any consideration, except the rentals, we are called upon to give enormous considerations for it. We are almost compelled to give the earth to the Grand Trunk for the sake of getting this concession. Important as it is in my estimation, it is not sufficient to justify us in binding ourselves up for ninety-nine years to the Grand Trunk Railway in so many injurious ways. I hold that that concession should be made just precisely what Mr. Blair said it was, and said that he meant it to be in 1897—that it should form a part of the main contract, and that it should be irrevocable as other parts of that contract were. It was part of the con-

sideration we were getting for the $140,000 a year we were paying, and should have been embodied in the contract, and not tied up in traffic agreements and other things. If this bill should reach a second reading, it would the duty of those having charge of it to make the 40th section read so that that condition would be irrevocable and give the Intercolonial Railway that east bound trade, cancelling the Chaudière branch as a divisional route, and in that way getting over the competition which we would have in conducting our own business after buying this section. I will glance over the different sections in the tariff agreement. The first one does not in the interest of the government of Canada seem to be at all unfair :

Notwithstanding anything contained in any agreement between Her Majesty and the company heretofore made and now existing, it is agreed between Her Majesty and the company that during the continuance of the contract to which this is a supplement, percentage divisions via Chaudière Junction shall be suspended, and that with respect to all traffic originating throughout the company's system, or connections west of Montreal, and offered for shipment to any point on the Intercolonial Railway, or reached by its connections, Montreal shall be the junction point, and the company undertakes to route all traffic destined to points on the Intercolonial Railway and its connections, via Montreal and the Intercolonial Railway.

This section means this, that we are to give all the traffic that we control from the east destined for points on the Grand Trunk and for forwarding from these points to the United States—we are to hand over that business at Chaudière Junction to the Grand Trunk but we receive something else in consideration for it. But we have to remember that there is another interest involved there, an interest that this Parliament has no right to exclude from consideration. There is a struggling railway connecting Lévis with Sherbrooke, known as the Quebec Central. This is the very traffic that that company lives on. Under this provision we were bound to hand over this business to the Grand Trunk at the expense of the Quebec Central, and for 99 years to come that road would be placed at this disadvantage, that they never could handle one pound of this traffic. It is a very serious consideration whether, to gain a point for ourselves, much less for the Grand Trunk we should do anything to paralyze or seriously injure a struggling railway such as the Quebec Central, the advantage of which to Canada was conceded by granting subsidies in aid of its construction.

Then comes the next section :

All business origating in the city of Montreal, or on the Montreal joint section, destined to points on the Intercolonial Railway, shall be considered Intercolonial traffic, it being agreed that in connect on with that consideration, the Intercolonial Railway will give all the traffic from its system and connections that it can control, destined to New England points, or any other point east of Ste. Rosalie reached by the Grand Trunk system and its connections, to the Grand Trunk Railway at Chaudière Junction, the Intercolonial Railway being allowed Aston mileage.

There does not appear to be anything objectionable in that section.

Traffic destined to points in the United States reached via the gateways of St. Johns, P.Q., Rouse's Point, N.Y., Huntingdon, P.Q., and Massena Springs, N.Y., to be delivered to the company at St. Lambert.

All business originating on the Montreal joint section, destined to points on the company's line east of Ste. Rosalie shall be considered "company's" business, and all traffic originating on said section destined to Incercolonial Railway points, shall be considered "Intercolonial" traffic.

Nor is there any objection to that. It seems to be fairly balanced, and just and equal, and does not hurt any other company. The next is :

All business originating on the company's lines east of Ste. Rosalie, or on the Intercolonial Railway between Ste. Rosalie and Lévis, inclusive, to be interchanged at Chaudière Junction, Aston Junction or Ste. Rosalie Junction, or at such other junction point as may be hereafter opened, the understanding being that such business is to be forwarded by both lines via the shortest route between the point of shipment and destination.

That also appears to be right, although, as my hon. friend for Westmoreland put it yesterday, the making of such conditions as this for such a long period as ninety-nine years, when we cannot possibly conceive the different conditions that might arise, is a matter of very doubtful expediency. Then we come to the worst of all :

Her Majesty further undertakes to route via Montreal all unconsigned west bound traffic controlled by the Intercolonial Railway or its connections, destined to points west thereof reached by the "company" and its connections.

Under this section of three lines—they look very innocent until you examine them—the government bind themselves for ever—that is practically what this lease with the Grand Trunk means, ninety-nine years, to be renewed for another ninety-nine years and so on for ever—to hand over to the Grand Trunk all west bound traffic of the Intercolonial Railway.

Hon. Mr. MILLS—Unconsigned.

Hon. Mr. FERGUSON—Unconsigned. What was consigned to the Grand Trunk Railway would of course go to the Grand Trunk, but all that is unconsigned would go to the Grand Trunk and its connections for ever.

Hon. Mr. MILLS—It is a mere fraction.

Hon. Mr. FERGUSON—Hon. gentlemen have only to reflect for a few moments to see what that means. My hon. friend from Northumberland, in addressing the House the other day, had a very erroneous impression in his mind that this applied only to traffic originating in Canada. The truth is, it applies to all traffic controlled by the Intercolonial, originating either in Canada or delivered to the Intercolonial and going westward, and covers every pound of that traffic that is unconsigned for ever. It means that we would be obliged, during the continuity of this lease, to deliver over to the Grand Trunk, and its connections, at Montreal all this unconsigned traffic, and that the Grand Trunk would, of course, hand over that portion of it which is intended for western points to its United States allies, the Great Northern and the Minneapolis and St. Paul, or whatever the lines are. Take an illustration, a car load of mining machinery manufactured in Moncton or New Glasgow, N.S., and intended for the Kootenay district, that would be consigned for these points, the shipper not indicating the lines, except that he consigned it by the Intercolonial Railway to be forwarded in their own way. That traffic would be handed to the Grand Trunk Railway at Montreal, and handed to their connections at Chicago and forwarded on the United States lines to Seattle, and thence north into the Kootenay and delivered to our own people. The preposterous character of that proposition is to be considered, and every hon. gentleman will see how absurd it is that any such arrangement should be entered into by the Minister of Railways. The business would be taken out of our country. We all hope and believe that the traffic between the east and the west will be enormous. We believe that in Cape Breton at some future day all our iron will be manufactured for our own use, as the greatest facilities exist for its manufacture. Whatever is shipped to western points in future would be handed in this way to the Grand Trunk Railway and its connections. My hon. friend the Minister of Justice has intimated that this only referred to unconsigned freight, which is a mere fraction, but I am told, on good railway authority, that in the general run of trade the proportion of consigned to unconsigned is 1 to 10 —that there is ten times as much goods unconsigned as there is consigned.

Hon. Mr. TEMPLEMAN—It is the very reverse.

Hon. Mr. FERGUSON—My hon. friend's opinion may be just as good as mine. I have great respect for him and his opinions, but I have more respect for the opinion of disinterested railway authorities in regard to the matter.

Hon. Mr. TEMPLEMAN—I was interested myself to know what proportion the unconsigned bore to the consigned freight, and I asked Mr. Wainwright, and he told me there was ten tons consigned to one ton unconsigned. He thought that was the general proportion. My own experience is only limited, but I may say that in the west 99 merchants out of 100 give instructions how all their freight shall be shipped. They name the roads. I think I am quite right in saying that there is ten times more consigned than unconsigned freight.

Hon. Mr. FERGUSON—My hon. friend evidently made up his mind what answer he wanted before he selected the party to inquire of. I have great respect indeed for Mr. Wainwright's opinion, but I have not as much respect for his views on traffic matters as for the opinion of traffic managers of his road or other roads. They are better authorities. Hon. gentlemen may well smile when they hear that my hon. friend from Victoria went to my good friend Mr. Wainwright for information on this subject. I am not surprised at the character of the information he received but I am a little surprised that he should be so well satisfied with the answer. I was going to state that some carriers object to have directions put upon the goods at all. I have been refused myself, although I studied the matter out and knew exactly how I could reach my point. I am speaking of shipping to Cape Breton. I knew the time of connection with the trains and everything, and I wanted the Charlottetown Steam Navigation Company to put it in the bill of lading and they refused. They said, "If you are wrong in any of these par-

ticulars, we will get in trouble about it. We will be responsible for getting it to its destination, but we object to being tied down as you propose. We undertake to work that out and decline to be bound by this because we do not know." Shippers generally, understanding the force of that, choose to put the responsibility upon the carrier, and properly so. It is not a matter of consequence to them, because as between the two routes that I have been describing, the route over the Grand Trunk and its United States connections, and over the Canadian Pacific Railway to Kootenay, the rates are made the same, and the shipper knows that. He hands the carrier the goods and the carrier is responsible and the shipper does not bother his head further about it. Not only are we handing over, by this contract, all the unconsigned business originating east of Montreal, in Canada, and unconsigned by the shipper, to the Grand Trunk at Montreal and passing it from their hands to their United States allies and handing the freight to foreigners and strangers, but we are mortgaging our own future in regard to European trade. It is in the heart of a great many in this country to establish a fast Atlantic steamship service. We have, without that fast service, some ocean service at Halifax and St. John, and we are anxious that it should grow and improve. We are looking forward to the day when we will have a powerful fast Atlantic steam service, connecting the mother country with our own ports, for which Canada will have to pay sooner or later, whoever enters into that contract, a subsidy of $1,000,000 per annum. I have no hesitation in saying that. In paying that subsidy we are bound to use all the influence we possess to draw our trade to our own ports.

Hon. Mr. SNOWBALL—To Montreal.

Hon. Mr. FERGUSON—Yes, when Montreal is open, but as Montreal is frozen up many months in the year, we are trying to establish communication to some of our ports on the seaboard. We are going to hamper all our future and jeopardize all this money that we propose to spend for the establishment of a fast line to bring trade into our country, and we are going to bind our hands for that trade which goes westward much of which will thus reach our own western country by United States lines to its destination. I hold that we have a right to encourage the carrying of that trade over our own lines. My hon. friend from Northumberland seems very uneasy about it. I am glad he manifests uneasiness, because it shows me that he is disturbed. Other hon. members on his side of the House are just as much disturbed as he is, but they have a little more self control and they do not let us see it. He is doing our work magnificently. He is not only disturbed, but he takes pains to let us know that he is disturbed. I pass on to another part of that traffic agreement. There are two sections following the one I have just read. As I understand it, they are to be read together and they have a reference to our trade with European ports. One clause reads :

> In connection with import and export traffic via Halifax or St. John, or any other port in the maritime provinces that may be hereafter selected, it is understood that during the life of the agreement that the Intercolonial Railway will accept 425 miles on Halifax, and 375 on St. John, the St. John rates to be the same as those quoted by the Canadian Pacific Railway to and from that port or West St. John, and the same as quoted by the Grand Trunk Railway to and from Portland ; the Halifax rates to be one cent per 100 pounds, on all classes, and special class over the rates to and from St. John or Portland, on both exports and imports, the company to have as its proportion the mileage as per the various groups west of Montreal.

I am not going to find any serious fault with that arrangement if it only covered a reasonable time. My hon. friend for Westmoreland made a magnificent discussion of that clause before the House yesterday, and I think hon. gentlemen cannot fail to agree with him, that even if that arrangement be equitable now, it is not one that we should enter upon for so long a period as one hundred years. My hon. friend pointed out, when he was twitted by the hon. Minister of Justice, that geography could not change and that as years went by Montreal could not get nearer to Halifax than it is now, that in the event of the bonding privileges being abrogated what would happen. That is a thing which has been threatened.

Hon. Mr. SNOWBALL—Oh, no.

Hon. Mr. FERGUSON—My hon. friend says no. He never sees lions in the way when the government have anything on hand, but I think there are gentlemen in this House that will see very great danger and difficulty in making a 100-year bargain. A short time ago we heard threats that the

bonding privilege would be taken away from us. The president recommended it, and it assumed a very critical phase at one time in our international relations with the United States; and although at the present moment a better feeling prevails and the statesmen of the two countries are wrestling earnestly with a view to find a satisfactory solution of this and kindred subjects, we must bear in mind that we are distinct and separate peoples and are likely to remain so. That being so, there are possibilities of friction arising, and there is a possibility of the bonding privilege being interfered with, and that being so, just let me tell the House what would happen in that event. Supposing a carload of goods originates in Chicago, and the Grand Trunk Railway conducts it to Montreal to be forwarded to Halifax for export; the distance from Chicago to Montreal and the distance from Montreal to Halifax are just about the same. Under this traffic arrangement, the Grand Trunk Railway would get a little over sixty-six per cent of the freight. Supposing $100 was the amount, they would get $66 and some cents out of it, and the Intercolonial Railway would get $33 and some cents. That is the character of the arbitrary arrangement made under this provision. We are only allowed 425 miles for carrying the freight from Montreal to Halifax, and the Grand Trunk Railway gets whatever the Chicago mileage is in connection with the group to which it belongs, which is a little more or less actual mileage. The Grand Trunk would get two-thirds of the money for doing one-half the work, and we would get one-third for doing the other half. Portland is a competing point, as also St. John by the Canadian Pacific Railway, and under present conditions and circumstances it may be that an arbitrary arrangement is necessary. I daresay it is. We cannot possibly, perhaps, get much freight unless we make that concession, because if we do not make it the freight will go some other way. The point is whether the concession is not so great that it is better for us not to get the trade at all. I think it is better for the Intercolonial Railway not to get the trade at all than to carry it at a loss. If we should lose the bonding privileges the Grand Trunk, as far west as Windsor, could still send their goods to Halifax, and could claim the two-thirds arbitrary rate against the Intercolonial Railway, and under this arrangement it could not be removed. It would have to continue, and although the Grand Trunk could not send their goods in any other way than by our route to the seaboard, and would have to use it, they would get $2 out of the trade for every one we would get.

Hon. Mr. SNOWBALL—We have Portland.

Hon. Mr. FERGUSON—Under such circumstances Portland would not be available. Notwithstanding my hon. friend's confidence and enthusiasm in government measures, I think in human possibility there is some danger of that happening, and when it does occur, just what I have said will happen, and the Grand Trunk could go on year after year compelling the Intercolonial to carry freight at a loss while they were getting a good price at the other end of the line. The Minister of Railways is a New Brunswicker, and being a lower province man, I would like to say something good about him. We are pretty clannish in the maritime provinces, and I would like to say some good things about the Minister of Railways, but I feel compelled to say that I cannot, under any circumstances, compliment his judgment on being a party to this traffic agreement. I assume he did not know anything about it, and that the finger was put in the eyes of his officers who were engaged in making it, or otherwise that he must have been standing in with the other side in regard to the contract. I am inclined to take the first named view of it, and to believe that the Minister of Railways did not know anything about what he was doing. We come now to the last paragraph in the traffic arrangement which reads as follows:—

> In the event of the Intercolonial Railway making arrangements with steamship companies to ply between the ports of Halifax, St. John, or any other port in the maritime provinces that may be hereafter selected, and European ports other than those covered by the Grand Trunk service from Portland, from time to time, the company to publish such through rates from its stations west of Montreal as are effective via other competing routes to all or any of such ports, such traffic to be divided on the regular grouped percentage divisions.

I have taken a good deal of pains to study this section in connection with the one before it, and I have had excellent authority, legal as well as expert, in railway matters, in endeavouring to arrive at the true import and meaning of these two sections.

The first one has reference to import and export trade, between maritime province ports and a European port with which the Grand Trunk Railway has a steamship connection at Portland. The second has reference to the quotation of a through rate from points on the Grand Trunk Railway in the west by the steamship company with which the Intercolonial Railway has made arrangements to connect with a British port, not being a port with which the Grand Trunk has connections from Portland. In this case the arbitraries are more favourable to the Intercolonial Railway. We are entering into an alliance with a railway company under which we give them enormous rentals and other valuable franchises, and bind them to give to us a thorough rate via a port in the maritime provinces and to a British port by a steamship line with which we have made arrangements. This is to be only where the routes are effective, where all the arrangements have been made to make them effective, to a British port, but that port must not be one with which the Grand Trunk Railway has a steamer plying from Portland. That has been put in to protect the Portland service of the Grand Trunk Railway. The Grand Trunk only binds itself to give the public through rates under this section over the Intercolonial Railway and over our steamers to a British port with which it has no connection from Portland, and the words "from time to time" are carefully put in, so that if the Grand Trunk should connect with other European ports from Portland besides what they do now, they would not give rates which would militate against their rates via Portland. The effect of these clauses will be to hamper us in the selection of a British port with which to make our connections either with a fast line or any other line of steamers, and that being so, I am very much surprised that the Minister of Railways and his friends in the government did not look more carefully into the matter before making such an extraordinary provision as that, as well as others in the agreement, and that they should make them apply for so long a period of time. Although I have already taken up too much of the time of this House, I must yet crave your indulgence while I say a few words upon another point, and that is the improvements in the present contract over the one that was submitted to Parliament and rejected by this House two years ago. The Minister of Railways, speaking elsewhere, discounted the improvements and changes. They were not of any consequence; he did not know that they were worth considering, or discussing very much, there was one item, indeed, of $6,000 which was taken off the rental. That was the way he discussed the matter in another place, but he did not admit that there was any material difference. My hon. friend from Cobourg (Mr. Kerr) in discussing this matter, animated by considerations of truth and justice, made a very different statement, and I congratulate my hon. friend on the candour and the independence he showed in making so important a statement, which nevertheless is nothing more than truth. My hon. friend said that, owing to the action of this Senate in defeating the bill two years ago, $700,000 had been saved to the taxpayers of Canada. When my hon. friend made that statement, I think that we might well ask why has the Senate been made the subject of such intense villification by government papers and speakers all over Canada because we had the hardihood to reject that measure.

Hon. Mr. MILLS—The hon. gentleman explained that yesterday and corrected the view which my hon. friend is now putting forward.

Hon. Mr. FERGUSON—I did not hear that explanation. I did not know that the hon. gentleman had qualified his statement in any way.

Hon. Mr. KERR—I am sure the hon. gentleman would not intentionally misrepresent what I said on that occasion. What I did say, and the exact words are in the *Debates*, was that the leader of the opposition had told us that by the action of the Senate on a former occasion the country had been saved $700,000. That is what I said. It is not fair to me, or to the government, or to the friends of the government throughout the country, that my expression should be taken as unqualified. I clearly said that the information came from the leader of the opposition.

Hon. Mr. McKAY—Do you not believe the statement is true?

Hon. Mr. KERR—I do not know anything about it. The statement may be true or it may not. There might have been cor-

responding compensations if the contract were gone into, but I am very sure the hon. gentleman will accept this correction. I wanted, in the course of that speech, to be just and fair as I could be, and as fair as my knowledge would allow me to be, and I must, in self defence, add that I did not say the country had been saved $700,000 by the action of the Senate. I said the leader of the opposition told us so.

Hon. Mr. MILLS—I would call my hon. friend's attention to the fact that he was present when my hon. friend from Cobourg made the statement, and interrupted him at the time.

Hon. Mr. FERGUSON—I was present, undoubtedly, when he made the first statement, and never to this moment did I understand that the hon. member claimed that he was only giving an extract from what the leader of the opposition had said, which I understand now to be his explanation. I was present at the time, and my interruption will show how I understood his statement. I was not in the House when an explanation was made.

Hon. Mr. MILLS—The hon. gentleman said this:

> But I learned yesterday from the hon. leader of the opposition in this House that by the course the Senate took when this matter was before them on the first occasion, the country had saved $700,000.

That was what the hon. gentleman said.

Hon. Mr. FERGUSON—Since we are at it, I shall read a little more. I have no hesitation in accepting any explanation the hon. gentleman from Cobourg may make with regard to his own words. I understood him when he made the remark, and I think I was justified in understanding him so, although I must have lost the remarks which led up to this declaration, as giving his own conclusions. He was saying:

> I am bound to say—and this is where the Minister of Justice left of—that the Senate has been the means of saving to this country some $700,000 by the course that they took then.

My hon friend's explanation is that he was bound, receiving it from the leader of the opposition, to believe that the action of the Senate had saved the country $700,000. I have no hesitation in accepting the statement of the hon. gentleman from Cobourg, but when my hon. friend the Minister of Justice tries to fasten on me the imputation that I being present must have known of the explanation, the inference is that I was misrepresenting the hon. gentleman. The hon. gentleman from Cobourg continued:

> I submit further that the Senate ought to be satisfied with that.
>
> Hon. Mr. PROWSE—Oh, no.
>
> Hon. Mr. KERR—I mean that if the terms are so much more favourable now, I for one shall claim that the Senate is entitled to the full credit of getting these better terms.
>
> Hon. Mr. FERGUSON—You would not object to another $700,000 better?
>
> Hon. Mr. KERR—Oh, no, I would not object if we could get it for nothing.

I will take this ground, however, that while my hon. friend—and I accept his explanation unhesitatingly—only put this forward as a view which he had extracted from the speech of the hon. leader of the opposition he did not put himself in opposition to that view. He quoted it, and the inference is that he quoted it approvingly. He, at all events, said nothing to weaken it, nor did he intimate that he did not not believe it, or that he doubted that the amount of the savings was stated too large, or anything of that kind. The fact that my hon. friend made this quotation from the remarks of the hon. leader of the opposition, apparently with approbation shows me that he is altogether too honest a man to weaken the force of the opinion which was contained in it.

Hon. Mr. PROWSE—He kicks over the pail of milk now.

Hon. Mr. FERGUSON—We will now turn to the provisions of this contract in detail. Two years ago, when a contract was brought down for the purchase of the Drummond County Railway, hon. gentlemen will remember that the method of payment was $64,000 a year for ninety-nine years. When the subject was under discussion in this House, a good deal of difference of opinion was expressed with regard to the actual present value of that $64,000 a year. I remember my hon. friend from Northumberland wrestled manfully with the question, and the result was some very colossal figures that rather astonished my hon. friend himself when they were worked out to their legitimate conclusion. But the Drummond County Railway Committee took a thoroughly accurate and proper method of arriving at a solution of this question. They subpœnaed

before them perhaps the best actuary in Canada, Mr. Fitzgerald of the Insurance Department. He was brought there, was sworn as a witness and was asked to state on oath what was the present value of ninety-nine annuities, paid semi-annually, of $64,000 a year based on 2⅞ per cent interest, and he said it was $2,094,154. There is no mistake whatever about that calculation. Actuaries can arrive, with mathematical accuracy, at a figure with regard to it, and he had no hesitation in positively swearing that the value of these ninety-nine annual payments was this amount. We have a bill before us in which the Minister of Railways has taken an option to himself of continuing to pay sums representing a present value of $2,094,154 or paying cash down $1,600,000. I would really, after what I have heard from the Minister of Railways with regard to another option that he took to himself, and for which he claimed a good deal of credit, be inclined to inquire and inquire curiously, whether there was not to use a common expression "a nigger in the fence" with regard to these also, for when the hon. gentleman took to himself an option in another respect, with regard to the betterments, he tells us that he never intended to exercise that option—that he intended to continue paying in the way most unfavourable to the government. I hope there is no similar reservation in this case, if so he might pay the full $2,094,154.

Hon. Mr. SNOWBALL—It was on the Grand Trunk lease he had the option.

Hon. Mr. FERGUSON—I am giving an illustration to show that it behooves us to be on our guard with reference to options. I have pointed to the extraordinary statement made by the hon. Minister of Railways about another option to pay cash instead of paying 4 per cent or 5 per cent interest. I am referring to the extraordinary statement of the hon. Minister of Railways and Canals, that he does not intend to exercise that option, although he has the power to do so.

Hon. Mr. SCOTT—There is no option in the Drummond County Railway Bill. The government are only authorized to purchase.

Hon. Mr. FERGUSON—In the earlier prints of the bill there was an option. However that does not make any difference, but——

Hon. Mr. SCOTT—Except that it is not there.

Hon. Mr. FERGUSON—We need not, therefore, be under any alarm at all with regard to the Minister of Railways having the same extraordinary excuse to offer, since there is no option, and I congratulate the country that there is none, knowing how suspicious options obtained by the Minister of Railways are. Put $1,600,000 against $2,094,000 and there is a difference of $494,000. There is another improvement in the present contract and that improvement arises in this way: Under the first contract the Drummond County Railway Company were required to bring the completed part of their road up to a certain standard, the standard of the Intercolonial Railway, and it was stated that a sum of about $35,000 would be required to do that.

Hon. Mr. SCOTT—$100,000.

Hon. Mr. FERGUSON—Thirty-five thousand dollars was the estimate, and under the scheme of 1897 that was the amount. It turns out, however, that under the new contract, and as a result of it, over one hundred thousand dollars has been expended, being $65,798 more than was to have been expended under the contract of 1897. Therefore, there is $65,798 accruing to the taxpayers of Canada in that respect in the new contract over the old. Then there is the $6,000 a year that is dropped from rental, which represents a present value of $208,695. We have now three distinct items: $494,000 for the clean difference in the price; $65,798 representing the additional amount expended on bringing the Drummond County Road, the new as well as the old part of it, up to the standard of the Intercolonial Railway—$65,000 more than was provided in the old contract—and we have the capitalization of $6,000 a year which has been saved in rentals, being $208,695. So far we are on sure and certain ground about which there can be no question, and we have got a little over $769,000 saved to the people of Canada. I know that my very careful and cautious friend from Cobourg could have gone a little further than he did go, with regard to that, and even pledged his own reputation, as well as that of the leader of the opposition to the fact that, beyond any doubt or peradventure, there was a saving of $769,000 on points

about which there is no difference possible. We come now to one about which there may be some conjecture, that is, the betterments. As I have already explained, under the contract of 1897 we were bound to pay interest on one-half the cost of betterments on the Grand Trunk line and on the terminals, at rate of five per cent. A different bargain has been made by which we are to pay for these betterments according to wheelage use, which, I think, will be not more than twenty per cent anyway; but the Minister of Railways says it will be about twenty-five per cent. We have to pay, according even to the Minister of Railways, about a quarter the cost of these betterments, and, in my opinion, based on the figures brought down, about one-fifth the cost, instead of one-half, which makes a very great difference, indeed. Here, again, the difference between five per cent and four per cent comes in as a very material difference; and we have again another difference which we should have the benefit of, and that is the option to which we have already referred over and over again—the option of being able to pay cash. I am sure if this bill should receive a second reading from the Senate, which I very much doubt, hon. gentlemen on the other side of the House would feel themselves bound to put a provision in this bill by which the government would protect any money that it would pay for capital expenditure under this betterment provision, and that we would be enabled to exercise that option, and get the benefit of $2\frac{7}{8}$ per cent instead of four per cent in this bill and five per cent in the bill of 1897. On the double tracking of the road from Ste. Rosalie to St. Lambert alone—which is not a matter of conjecture and has been spoken of as a possible contingency—taking no other betterment into consideration at all, and which is likely will have to be done within the next two or three years, there would be a saving of $127,623, without putting one cent down for all that would be saved on the betterments during the whole life of this lease. We know that very many betterments will be required there, for the Intercolonial Railway, whatever its business will be, and we cannot resist the conclusion that that change in the provision is worth more than anybody can at this moment undertake to put down in dollars and cents. We have simply to consider the enormous advantage which, if this ever becomes law, will be secured by it, that we can pay for these betterments in cash, and the money would only cost us what we have to pay for money in the English money markets, and the advantage of that over the old contract requiring us to pay 5 per cent, would be very great. I have in my calculation mentioned the $127,623 which would be saved in the double tracking of the line between Ste. Rosalie and the bridge, without making any allowances for the advantage there would be in the future in the way of being able to pay cash for the betterments and pay for wheelage use in place of half the whole, the advantage of which it is impossible to put down in dollars and cents. There remains one other improvement to which I shall refer. Before touching it, I want to say that the new contract is a little more clear than the old one with regard to the connection with the Canadian Pacific Railway and the use of the Jacques Cartier branch. I think it was intended in the old contract that that connection should exist, and the difference in the language does not justify me, or anybody, in putting down a sum for that betterment in the contract. I now come to the largest of all betterments, and that is having handed over to us at Montreal, instead of at Chaudière, all the east bound trade. It has been estimated by members of the other House, who have spent a great deal of time in examining the documents and returns and all the information they can gather from the working of railways, that the trade which we get in consequence of that clause will be $35,000, taking the figures of 1897. Capitalize that amount and it comes to $1,219,488. That would be a distinct betterment of this contract over the old one, were it not for the uncertainty which exists with regard to this provision from the fact that it is wedged in the supplementary agreement instead of being put, as it ought to have been put, in the main agreement, irrevocable and not given for any quid pro quo of any nature whatever. I have gone over some of the points that affect our minds with regard to the general consideration of this question, and I think that hon. gentlemen cannot help coming to the conclusion that on every page and in every line, and in every word of discussion that takes place on this question, from one end of Canada to the

other, the words "credit and honour to the Senate of Canada" may be read, for were it not for the Senate of Canada, having with care, deliberation, patience and patriotism entered into this question, as we did in 1897, this monstrous bargain that was then propounded would have become law and prevail for ever, and we would be ground down in this country owing to those improvident and reckless conditions which the government tried to force upon us, and which they denounced the Senate from one end of Canada to the other for not having sanctioned. This contract will bear further sifting, and very careful sifting and discussion, and there are yet so many features in this bill that are prejudicial to the public interest and improvident in their character, that it would justify us in holding this bill over for still further consideration.

Hon. Sir MACKENZIE BOWELL—I should like to ask the Minister of Justice whether the rumour I have heard is correct, that it is the intention of the leader of the government, or his friend behind him, or some one else, to suggest any amendment to that 40th clause, presumably upon its going into Committee of the Whole? I think it is well, in matters of this kind, if there is any suggestion of that nature to be made, that the government should take the House into their confidence. As my hon. friend knows a great deal of difficulty has arisen, not only upon the discussion of this question, but upon the discussion of others, owing to this withholding of information which the opposition in the other House and also in this House think they ought to have had. If that is the intention of my hon. friend, the House ought to demand, in the consideration of this question, whether any amendments are to be proposed. It will enable those who are to speak hereafter to come to a more correct and decided opinion as to the course which they should pursue.

Hon. Mr. MILLS—I suppose, hon. gentlemen, that it is my duty to state what has transpired in this matter. The contract as hon. gentlemen know right well, which was entered into between the government and the Grand Trunk Railway is a contract which could only be altered with the joint assent of the two parties. The contract embraced in the traffic arrangement is a contract for a period of 99 years. When that was under discussion in the House, I understood the hon. gentleman himself to take exception to that arrangement and thought that the contract ought to have been terminable at an earlier period. If I have been rightly informed, this matter was discussed between my hon. friend opposite and the representative of the Grand Trunk Railway, and also between the Minister of Railways and Mr. Wainwright. Mr. Wainwright spoke to me on the subject and stated that he understood that the only objection made by a number of hon. gentlemen in the Senate was this traffic agreement, and so far as they were concerned, the government were at liberty to alter that arrangement and to make it terminable at any time upon twelve months' notice being given by the government to the manager of the Grand Trunk Railway. That was assented to, and I hold in my hand the amendment which the government were prepared to accept and which I think was communicated to my hon. friend opposite. The government were prepared to accept that in case the bill were to carry. I thought when we were in committee this provision might be added: Insert after the word "company" on line eight in the bill:

And subject to the conditions that within ninety days after the passing thereof the Grand Trunk do execute a further agreement with Her Majesty in amendment of and in addition to the traffic arrangement referred to in the 40th clause of the said agreement set forth in the schedule to this Act, to the effect that Her Majesty may terminate any of the traffic arrangements referred to in that clause, including the one already executed, and any alteration thereof, and any subsequent one which may be made as an amendment or an addition thereto, at any time, upon Her Majesty giving the Grand Trunk Railway twelve months' notice in writing of such termination, and that after the execution of the said amending agreement, as far as it shall always be held to be a part of the agreement confirmed by this Act, provided that this Act shall not come into force unless or until the said further agreement shall be executed as above provided for; and a copy shall be deposited in the office of the Secretary of State, whereupon a proclamation shall be made by the Governor General, and published in the *Canada Gazette*, bringing the Act into force.

That amendment, if incorporated in the schedule to the bill, will always put it in the power of the government, whatever government it may be, to terminate the traffic arrangement made with the Grand Trunk upon twelve months' notice. The arrangement continues for the period mentioned, subject to be terminated in this way. It does not confer any additional power upon the Grand Trunk Railway Company, but it does confer upon the government, for the time being, at any time during the period

for which the traffic arrangement has to run, the power to terminate upon the notice being given.

Hon. Mr. OGILVIE—Without any claim for damages?

Hon. Mr. MILLS—Certainly not.

Hon. Mr. ALMON—Then the government can terminate the arrangement that no unconsigned freight can be given to any other railway except the Grand Trunk?

Hon. Mr. SCOTT—Yes, a free hand as far as any traffic is concerned.

Hon. Mr. ALMON—Under this arrangement, the government could not take away the power which they have of obliging them to give everything to the Grand Trunk in preference to the Canadian Pacific Railway.

Hon. Mr. MILLS—It terminates the present traffic arrangement and puts it in the power of the parties to make a new arrangement, which could also be cancelled in the same way.

Hon. Mr. WOOD—Do I understand that provides for cancelling the whole arrangement, or does it make it optional that they can give notice and cancel the whole arrangement or any part of it?

Hon. Mr. POWER—It is the whole, or any part.

Hon. Mr. SCOTT—The traffic arrangements could be cancelled at any time by giving twelve months' notice.

Hon. Mr. WOOD—The whole arrangement?

Hon. Mr. SCOTT—Yes, and the parties may make a new arrangement.

Hon. Sir MACKENZIE BOWELL—It gives power to the government to give twelve months' notice to abrogate any portion of the contract, and it will rest with the Minister of Railways and Canals and the Grand Trunk to enter into a further contract, whatever that may be, and in the meantime the present arrangement stands.

Hon. Mr. MILLS—Yes.

Hon. Sir MACKENZIE BOWELL—That might go on the notice paper, so that we can read it carefully. No one grasps the full meaning of a document like that upon hearing it read.

Hon. Mr. MILLS—I am quite ready to agree to that, if there is any way of doing it.

Hon. Sir MACKENZIE BOWELL—It can go on as a notice of an amendment.

Hon. Mr. MILLS—I am prepared to do that.

Hon. Mr. MACDONALD (P.E.I.)—It appears this is to be supplementary to the traffic arrangement; that it is to be incorporated with it or be part of the traffic agreement. We have not that traffic agreement before us. There is only one copy within the walls of this chamber. I have not been able to get a copy of it up to the present moment.

Hon. Mr. SCOTT—There are several copies of it.

Hon. Mr. MILLS—The simplest way to become possessed of it would be to do with the traffic agreement what we are doing with the amendment.

Hon. Mr. SCOTT—I sent my copy down to the Bureau and told them to print 100 copies, and I think I can send them up.

Hon. Mr. MACDONALD (P.E.I.)—I have just been handed a copy by an hon. senator. I have been endeavouring, up to the present time, to obtain one and could not. The copy I have before me is marked "strictly confidential."

Hon. Mr. SCOTT—I have several not marked strictly confidential.

Hon. Mr. McSWEENEY—This copy was handed to me by one of the railway men, and it is a usual thing to mark such documents confidential; otherwise they would go all over the country.

Hon. Mr. PERLEY—That is a most deplorable declaration to be made to this chamber—that members could not get information with reference to this agreement.

Hon. Mr. MILLS—The Printing Committee might have ordered that it be printed and distributed. We laid it on the table of the Senate for information the same as any other document, and the hon. gentleman

could have moved to have it printed if he so desired.

Hon. Mr. PERLEY—A more outrageous thing I never heard of.

Hon. Mr. CLEMOW—Reports are laid on the table and that is the last we hear of them. A report is laid on the table, and in fifteen minutes it is gone, God knows where. We should have some means of examining the report. A report the other day disappared in five minutes and could not be found. I think there should be some means of permitting members to see these returns.

Hon. Mr. DANDURAND—I am reliably informed that the copy which was in the hands of one of our colleagues comes from a Grand Trunk source and was printed by them for the necessities of their business, in order that the employees, who have something to do with the traffic arrangements, could peruse it. That is the reason why they put the words "strictly confidential" on it.

Hon. Mr. McCALLUM—While we are talking about getting information, I think I should ask the government to give us the statement promised by the late Minister of Justice two years ago, when this subject was before the Senate. They leased the road and promised us they would keep strict account of the earnings and expenses of the running of the road for the year. We have not that here.

Hon. Mr. SCOTT—We gave all the information it was possible to obtain.

Hon. Mr. McCALLUM—I do not blame the present Minister of Justice, but he is responsible, to a certain extent, for the acts of his predecessor. I am not going to vote for this measure until I know what bargain we are making. We were promised this information, and I look for it now before we sanction this bill. I would like to have this information before I say what I intend to say on this question.

Hon. Mr. POWER—The hon. gentleman for Rideau has made a complaint for which there is a certain amount of foundation. Papers are, in the ordinary course of business, sent up stairs to the clerk of routine proceedings, and from his office they go the clerk of the Joint Committee of Printing of both Houses, and there is not an opportunity for members of the House to consult the papers before they go to the Joint Committee on Printing, which there should be, and that is a matter which the Joint Committee might consider. I presume we shall sit this evening. I propose to continue the debate, but it is now six o'clock. I have just received from Mr. Wainwright a letter which I will read to the House, and I have no doubt the hon. gentleman from Marshfield (Mr. Ferguson) will be pleased to have a difficulty which caused him a great deal of worry, explained and removed. The letter reads:

MY DEAR SENATOR,—Mr. Ferguson is making some capital out of my evidence given before the commission where it reads I stated the company could borrow money at three per cent. I did not say the company could borrow at such a rate, but that I knew the government could. When I saw the evidence in print I saw the mistake, but too late to correct it. We cannot and never could borrow at any such price, and our four per cent debentures with all the boom have only reached about 108. Please see he is put right on this. Yours truly,

A. WAINWRIGHT.

Senator POWER.

Hon. Mr. KIRCHHOFFER—It is not marked "confidential."

Hon. Mr. POWER—No.

Hon. Mr. FERGUSON—It is not necessary to ask any information.

Hon. Mr. POWER—I am not asking any.

Hon. Mr. PERLEY—How long has this amendment which the Minister of Justice proposes been agreed to?

Hon. Mr. MILLS—I saw Mr. Wainwright on Tuesday night of last week, and discussed the matter the next day with the the Minister of Railways and my hon. friend opposite.

Hon. Mr. PERLEY—The hon. gentleman has been in possession of it three or four days?

Hon. Mr. MILLS—Yes.

Hon. Mr. POWER—And the hon. leader of the opposition has been in possession of it, and the press.

Hon. Mr. PERLEY—I want to know if this House has been discussing this question for two or three days with that new amendment in the possession of the Minister of Justice. It is a new proposal entirely. It

gives the government power to cancel the agreement on a year's notice.

Hon. Mr. MILLS—What does the hon. gentleman desire to know?

Hon. Mr. PERLEY—When did the government come to this conclusion?

Hon. Mr. MILLS—I communicated this fact to my hon. friend opposite, and he also had it from Mr. Wainwright himself. I communicated the fact to him and the matter was entirely in his hands.

Hon. Mr. MILLER—Whose hands?

Hon. Mr. MILLS.—In the hands of the leader of the opposition. It was a proposition we were ready to accept, and a change we were ready to make if it was acceptable to the opposition and they desired it when the bill went into committee. That is all I can say to the hon. gentleman with regard to it. I have dealt with it exactly as such agreements are always dealt with, when such amendments are the matter of correspondence between the leaders on opposite sides of the House.

Hon. Mr. PERLEY—I take exception to that. I have no leader in this House.

Hon. Mr. MILLS—The hon. gentleman's leader is outside.

Hon. Mr. PERLEY—That document should be laid on the table and not put in the hands of a senator.

Hon. Mr. MILLS—The hon. gentleman forgets this fact, that it was not a matter that I was called upon to submit to the House at all.

Hon. Mr. PERLEY—The hon. gentleman's duty, as leader of the government, should have forced him to submit it to the House.

Hon. Mr. MILLS—I know my duty quite as well as the hon. gentleman. The hon. gentleman says his leader is outside of the House. We all know that. This was a matter of correspondence between my hon. friend opposite and myself, if by that amendment the bill would be made acceptable to hon. gentlemen on that side of the House. Whether it would be submitted at all or whether it would be the subject of discussion here at all, might depend wholly upon the action which the supporters of my hon. friend might take. That was the position of things. The hon. gentleman undertakes to lecture me about what I shall propose or not propose. If my hon. friend supported the government I might consult with him, but I know he is bitterly hostile, and I could make no proposition to him that would be acceptable, and I discussed the matter with the hon. leader of the opposition.

Hon. Mr. PERLEY—I say it is the duty of the government, when they make changes, to lay them before the Senate. I am prepared to support the hon. minister on every measure with reference to the issues which they went to the country on and came into power on, but I am not prepared to support him on measures which have not been presented to the country, and, in my opinion, not in the country's interest.

Hon. Mr. SCOTT—The hon. gentleman misapprehends the position. We have the bill and the agreement and schedule, and it passed the House of Commons, and it has been said that it was a monstrous proposition to tie the matter up for 100 years. That question was discussed in the press, and it was stated that it would alter it very much if the government had power to terminate the arrangement and the Grand Trunk said that if that amendment was made in the Senate they would not object.

Hon. Mr. PERLEY—Why was it not presented to the Senate?

Hon. Mr. SCOTT—It could not be made until the bill was read a second time.

Hon. Mr. PERLEY—My hon. friend from Marshfield and myself and others have been discussing this question for two days without knowing about this amendment. If that is the way the government are going to trifle with the Senate, all right, but I will not be humbugged in that way.

Hon. Sir MACKENZIE BOWELL—I am afraid the remarks of the hon. leader of the government is likely to leave a misapprehension on the minds of many as to the part I played in this transaction. After the speech which I had made in the Senate, particularly upon this branch of the contract, I

was called upon by Mr. Wainwright and Mr. Hays, who expressed their very great surprise at the stand which I had taken, which he predicated upon some remarks or conversation which I had with himself and the president of the company a year ago. I said he was quite correct in his recollection of that conservation, but that events had transpired altogether different from what existed at the time. Then, Mr. Wainwright said, "Your principal objection appears to be to that 40th clause which binds the government to a ninety-nine year contract." I said, "That is one of them, and to my mind one of the most objectionable provisions. That is setting aside the general policy." He said, "We are quite willing to have that repealed and leave it in the hands of the government." There ended our conversation. Subsequently he submitted an amendment to me. I think there was something else added to it. He showed it to me and I said, "I do not think it goes so far as those who object to the bill would desire, even if they accepted the bill." That is the full extent of my intercourse with these gentlemen. The only correspondence between the Minister of Justice and myself was the note he sent to me asking me if I proposed to move any amendment? My answer was no, as I had informed Mr. Wainwright that the terms on which he asked us to accept the amendment were not such as would be demanded and accepted by those with whom I was acting. My hon. friend will understand that, as far as I was concerned, I never agreed to accept that amendment. We could not help holding conversation with gentlemen who came to discuss matters with us in order to explain away the objections which we had taken to the bill, and I presume the Minister of Justice is in the same position. I have reason to think that Mr. Wainwright and those interested consulted the government, and my hon. friend wrote me a note asking whether I intended to accept that amendment or to move it, and I have given the House the answer. Speaking for myself, the amendment is not what I would accept, and I told him the only thing which would be acceptable by those opposed to the bill, and his reply was: "That would be given you the cake, and letting you eat it."

It being six o'clock the Speaker left the Chair.

After Recess.

Hon. Mr. POWER moved that the debate be adjourned until to-morrow.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Friday, 7th July, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

THE INTERCOLONIAL RAILWAY EXTENSION.

NOTICE OF MOTION.

Hon. Sir MACKENZIE BOWELL gave notice that when the House is in committee on Bill (138) "An Act to confirm an agreement entered into by Her Majesty with the Grand Trunk Railway Company of Canada, for the purpose of securing the extension of the Intercolonial Railway system to the city of Montreal," he will move the following amendment:—

That the first and second sections of said bill be stricken out, and the following be substituted therefor:—

1. The agreement set forth in the schedule to this Act between the Grand Trunk Railway Company of Canada hereinafter called "the company," and Her Majesty, except the 40th clause thereof (the said agreement excepting that clause being hereinafter called "the main agreement") is hereby declared to have been and to be valid and binding in all respects subject to the following qualifications and conditions and to the happening of the following events, that is to say:

(*a.*) The main agreement to be confirmed by the shareholders of the company in the regular way.

(*b.*) The making of an agreement within days after the passing of this Act between Her Majesty and the company (which agreement is hereinafter referred to as the new agreement) to the following effect, that is to say: That so long as the main agreement remains in force and irrespective of any traffic arrangement between the parties as to any other matter, and without any further consideration from Her Majesty than the continuance of the main agreement, percentage division via Chaudière Junction shall be suspended and Montreal shall be the junction point for all traffic originating throughout the company's system or connection west of Montreal and offered for shipment for any points on the Intercolonial Railway or reached by its connections, and the company shall route all such traffic via Montreal and the Intercolonial Railway, and all traffic controlled by the

company originating either in the city of Montreal or on the Montreal joint section and destined to points on the Intercolonial Railway, shall be considered Intercolonial traffic, and the company shall forward it by the Intercolonial route; and also, that except as to the said provisions for so routing traffic as aforesaid (which provisions are to remain in force concurrently with the main agreement), the traffic arrangement now existing and referred to in the said 40th clause and every other traffic arrangement between Her Majesty and the company made at any time in lieu thereof or supplemental or in addition thereto or irrespective thereof or otherwise howsoever in respect to traffic on or to or from the Intercolonial Railway, shall be terminable on months' notice from Her Majesty; and also, that the said 40th clause is to be of no effect and not binding on either of the parties, and that except as otherwise provided for by the new arrangement, the supplemental traffic arrangement referred to in the said 40th clause shall remain in force.

(c.) A copy of the new agreement to be deposited in the office of the Secretary of State, after which such new agreement shall be always held to be a part of and embodied in the main agreement.

2. It shall be lawful for Her Majesty, and for the company, to do whatever is necessary to the carrying out on her part, and its part, of all the provisions contained in the main agreement according to the true intent and meaning thereof.

3. Upon the main agreement being approved by the shareholders as aforesaid, the line of railway and the property described in and leased by the main agreement shall be and become part of the Intercolonial Railway, and shall be operated as such in so far as may be consistent with and subject to the terms of the main agreement.

4. This Act shall not come into force until after the deposit of the said copy in the office of the Secretary of State as aforesaid, nor until the Governor General shall, after such deposit, make a proclamation to be published in the *Canada Gazette*, naming a day on which this Act is to come into force, after which it shall come into force on the day so named.

He said:—In giving this notice of motion, it will be observed that it abrogates the 40th clause of the supplemental agreement into which the government has entered with the Grand Trunk Railway Company. In addition to that, it provides, first, that east bound traffic shall, during the continuance of the lease, he handed over to the "Intercolonial Railway at what is termed the junction point," namely, Montreal; and it also gives the same power to the government which is given them in the notice of motion proposed by the hon. Minister of Justice, the right to terminate any traffic arrangements into which the government and the Grand Trunk Railway Company may at any time have entered upon a certain notice being given. I have left out, in two cases, the limitation of time in the first clause, which would be of shorter date, and in the one in reference to changing the traffic arrangements, to the term of three or six months or longer if it were deemed advisable. This, if passed, will secure for all time to come—that is during the term of the lease—the right of the east bound traffic to the Intercolonial, leaving it with the government of the day to alter, change, amend and adjust traffic regulations as the necessities of trade may demand, reserving, however, the perpetual—if I may use that expression because it is perpetual so far our lives are concerned—the perpetual right to the Intercolonial to the east bound traffic. We who have had strong objections to the whole policy of the government are asking no more in that amendment than we think was promised—in fact documentary evidence shows was promised—by the Grand Trunk Railway people themselves, and was so understood by the Minister of Railways when he entered into his first arrangement for the leasing of that portion of the road which gives the Intercolonial access to Montreal. We base that opinion upon a statement which has been read before, and which I desire to put on record again in connection with the proposition which has been made. In the special committee on the Drummond County Railway inquiry, we find Mr. Borden, in questioning Mr. Wainwright, asked this question, "Do you regard these changes as important?"—that is, the changes to which I will refer in a few moments, changes in the original agreement entered into between the government and the Grand Trunk Railway, changes which were made and conceded by the Grand Trunk Railway shortly after the rejection of the bill by this House. Mr. Borden asked:

Q. Do you regard these changes as important?

Mr. Wainright replied.

Yes I regard the change of handing over the traffic at Montreal and shutting up our line to Lévis as a great concession to the government.

By Mr. Haggart:

Q. That entered as part of the consideration into the bargain?—A. We did not think it did. We did not have that idea at the time when we agreed to it.

By Mr. Blair:

Q. We claimed that was the true and proper interpretation. Did I not claim that was what the language was intended to mean?—A. You certainly claimed that.

From that examination it must be clear to the minds of those who read it, that Mr. Blair at the time, as Minister of Railways and Canals, was of the opinion that he had obtained the concession to which Mr. Wainwright referred in his evidence, as a part of "the consideration" for the rentals, &c., which the government was to pay for the

use of the Grand Trunk Railway road and the terminus at Montreal; that is, of securing all the east bound traffic, originating in Montreal or west of Montreal, to points on the Intercolonial Railway. That is still more strongly confirmed in my own mind, and I think will be in the mind of every senator when I read a memorandum which I made last year, a duplicate of which was supplied to me this year in the month of March, by the manager and assistant manager of the Grand Trunk Railway. I intimated the other day, when speaking in reply to some remark made by the Minister of Justice, that I was called upon by Mr. Hays and also by Mr. Wainwright last year in reference to the position which the Senate had taken, and myself in particular, in regard to the bill, then before the House, for the acquisition of the Drummond County Railway, and the acquiring of the right to use that portion of the Grand Trunk Railway from Ste. Rosalie to Montreal. They themselves pointed out to me that great concessions had been made on the part of the Grand Trunk Railway to the government in addition to what they contended they were entitled to in the original agreement. That, to me, as I suppose it would be to most other members of the Senate, if not the whole of them, was new information. They repeated to me at the time what those concessions were. I made a memorandum of them, read them over to Mr. Hays and asked him if I was permitted to use them in case it was necessary to do so in the debate in the Senate. They said I was quite at liberty to do so. That memo. I had mislaid when I arrived at the opening of Parliament this year, and then I consulted the same authorities and asked them if they would kindly duplicate the memo. so that I could lay it before the Senate in case I thought necessary to do so in any discussion that might arise. I shall now read that memo. in order that the Senate may learn this important fact that they themselves—that is the Grand Trunk Railway authorities in this country—were of the opinion that they were making concessions, that they had made the concessions which we are now seeking in the amendment which I am about to ask the Senate to consider. It is as follows:—

Memorandum of changes made in agreement between the government and the Grand Trunk Railway Company for trackage rights over the line between Ste. Rosalie and Montreal and terminal facilities.

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The Grand Trunk Railway Company agree to hand over all traffic for Intercolonial points to the government railway at Montreal, and to take out their Chaudière Division. This is a concession which virtually destroys the Grand Trunk Railway line between Richmond and Lévis excepting for local business, and gives the Intercolonial Railway all the earnings between Montreal and Lévis on the traffic.

There is a clear, distinct and positive statement that the arrangement into which they had entered secured to the Intercolonial Railway all the east bound traffic arising west of Montreal or at Montreal; and mark, in all these discussions, and in the discussion that took place in the Commons, to which I have referred, and in the memo. which I have read, there is not the slightest intimation of any arrangement, nor had we any intimation of it last year or the year before, of the disposition of west bound traffic arising in Europe or any place on the Intercolonial Railway bound westward. So that was not an element which entered into our consideration at all. The second and third paragraphs are:

2. The Grand Trunk Railway Company agree in regard to betterments that in the event of any expenditure being considered necessary the government shall first agree, and then instead of paying 5 per cent on one-half of such expenditure they shall only pay 4 per cent on their proportion based on wheelage, or if they prefer their proportion in cash.

3. The Grand Trunk Railway Company have also made the concession of allowing the Intercolonial Railway to handle local business at points between Montreal and Ste. Rosalie and to receive the proceeds. This is a concession never before agreed to in any trackage agreements with railway companies.

The Senate will remember that when that contract was under discussion two years ago, we contended on the reading of the terms of the contract, that they had not the right to handle local business—that the only right they had was to send their trains carrying through traffic and that no local business was to be done. The Minister of Railways at that time, if my recollection serves me right, contended that, with reference to east bound freight, they were entitled to all the traffic. However, this memo., furnished by the Grand Trunk Railway officials themselves, shows that if there was any doubt about this in the past, they made the concessions.

4. The Grand Trunk Railway Company have also agreed to consider the line to Jacques Cartier Junction, although about fifteen miles from Montreal, a part of the arrangement in order to give the government line a direct connection with the Canadian Pacific Railway.

5. Other concessions have been agreed to in regard to divisions of rates for business arising in Ontario which will benefit the Intercolonial Railway.

The last paragraphs, two, three and four, are not altogether pertinent to the subject before the Senate at the present moment, but I thought it well to put the Senate in possession of all the information that I could glean in reference to this arrangement. What I want more particularly to impress on the minds of hon. members, in order that they can understand more easily the proposition which is now before them, is the fact that in all the communications and in all the investigations which have been held, it was distinctly understood that east bound traffic and freight was to go to the Intercolonial Railway without any quid pro quo except rentals. What we propose is to secure that for ninety-nine years, in case the agreement becomes law, leaving it with the government to take the responsibility of making whatever traffic arrangements they please, and if these traffic arrangements are of a character which are not consistent with the interests of the general public, they will be held responsible by Parliament and by the people. I think I have made the explanation—unusual I know it is in presenting a notice of motion—but in a matter of grave importance I thought it well to give the reasons which actuate those who have consented to place that amendment to the bill upon the notice paper for consideration after the debate has taken place.

Hon. Mr. MILLS—I have not had time to examine the motion. I should like to ask the hon. gentleman if he could state in what respect the amendment which he now proposes differs from the amendment to which the Grand Trunk Railway has given its assent and which I read yesterday?

Hon. Sir MACKENZIE BOWELL—Those who have read the amendment of which the hon. gentleman gave notice would scarcely require that explanation. The amendment, as I understand, is simply this, that it abrogates, or repeals that portion of the 40th clause which makes the traffic arrangements or any supplemental arrangements which may be made hereafter perpetual, or rather as long as the lease continues, and not to be abrogated or repealed or amended unless by mutual consent. That is the agreement into which the government have entered. The hon. gentleman's proposition, I understand, is to give power to the government to annul that agreement and to enter into any other supplemental agreement. The difference between that and this proposition is that while it gives the government the power which the hon. gentleman proposes to give them to change the traffic arrangements whenever they deem it necessary, they cannot do so without securing for the whole time of the ninety-nine years the east bound traffic. The majority of the House, I think I am safe to say, if it were a simple question of accepting or rejecting in its original state the agreement into which they have entered and the policy which they have laid down, would reject it, and that is no more than we have a right to expect, in view of the memorandum which I have read to the House, and in view of the opinion held by the hon. Minister of Railways when he entered into the agreement. There is a substantial difference between the two. While we repeal the 40th clause in toto, it is held in force until this new arrangement can be made; and then, instead of adopting the two first clauses, we propose to make the proposed amendment part of the bill so that it will become law de facto, and unalterable except by Parliament.

SUPPLY BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (106) "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 the 30th June, 1899, and the 30th June, 1900, and for other purposes relating to the public service."

The bill was read the first time.

Hon. Mr. MILLS moved that the bill be read the second time.

Hon. Sir MACKENZIE BOWELL—I think that the Minister of Justice should make some explanation.

Hon. Mr. MILLS—The explanation is very obvious. Supplies are required. The current year has begun to run, and it is necessary that a certain proportion of the appropriation should be made at once available. The amount that is voted in the bill is $6,981,785. Hon. gentlemen know that the Indian annuities are all to be paid at this season of the year, and the Indian tribes all over the country are assembling for

that purpose, and there are also large sums of interest accruing to be paid, and it is important that the funds for these purposes should be immediately available.

Hon. Sir MACKENZIE BOWELL—Do I understand that this is to pay sums that had fallen due prior to the 30th of June? We all know that the financial year ends on the 30th June each year, and unless there is an appropriation to meet the expenditures they have lapsed, or to provide for a portion of the current year's expenditure, that the Auditor General would not pass any accounts.

Hon. Mr. MILLS—Quite so.

Hon. Sir MACKENZIE BOWELL—Is this to cover amounts past due for which there is no appropriation and for any portion of the present year, or for both purposes? And is it during this month, or how long? Is it a twelfth portion of the estimates for the year?

Hon. Mr. SCOTT—I understand it covers one-tenth of the estimates for the year commencing on the 1st July.

Hon. Sir MACKENZIE BOWELL—It is probably a twelfth.

Hon. Mr. SCOTT—I do not know the exact proportion. No moneys can be paid out after the 1st July without the authority of Parliament.

Hon. Sir MACKENZIE BOWELL—We are not to understand that this $7,000,000 is a tenth of the estimates for the coming year? It would be very small.

Hon. Mr. SCOTT—It covers the supplemental estimates of last year, which have been before the House of Commons for some time. It is usual to vote a tenth or twelfth, or whatever the fraction is.

The motion was agreed to, and the bill was read the second and third time and passed.

GEOLOGICAL SURVEY DEPARTMENT ACT AMENDMENT BILL.

FIRST READING.

A message was received from the House of Commons with Bill (146) "An Act further to amend the Act respecting the Department of the Geological Survey."

The bill was read the first time.

Hon. Mr. MILLS moved that the bill be read the second time on Monday next.

Hon. Sir MACKENZIE BOWELL—Will the hon. gentleman give us an explanation of the bill?

Hon. Mr. MILLS—The bill provides certain amendments to the Geological Survey Act. No person shall be appointed to the department under the class schedule A in the civil service, unless he is a scienced graduate of either a foreign or a Canadian University, or some other recognized science school of standing. That has reference to those who are employed in the Geological Survey.

Hon. Sir MACKENZIE BOWELL—That is the scientific branch?

Hon. Mr. MILLS—Yes. Then no person shall be appointed until he serves a probationary term of one year.

Hon. Sir MACKENZIE BOWELL—I think there is more than that in the bill. What I object to in this bill is giving power and authority to a deputy head which should only be exercised by the head. I cannot understand a divided authority in the management of any one department. No one who has presided over a department for any length of time would consent to allow a deputy to dismiss any officer without first reporting to him. He has, if I understand this bill, the power to do that. The duty of a deputy head, if he finds one of these officers to which this bill refers incompetent, or unfitted for his position, to report to the minister, and the minister should be held responsible for whatever action he may take.

Hon. Mr. ALLAN—Has he not to do that?

Hon. Sir MACKENZIE BOWELL—It reads:

> During which probationary period he may be rejected by the head of the department or by the deputy head.

The deputy head has the power to reject him. Then the clause provides:

> But if he be not rejected, the deputy head shall, at the expiration of the probationary period, signify to the head of the department in writing, that he con-

siders the person so appointed competent for the duties of the office and the appointment shall become permanent.

The deputy head has the power, without any reason at all other than his own opinion, to dismiss any gentleman who may be appointed as provided in this bill, but if he is found to be qualified, then the deputy head reports and he shall be appointed. The deputy head is a bigger man, with more power, than the head himself.

Hon. Mr. MILLER—He very often is.

Hon. Sir MACKENZIE BOWELL—But the head never should place himself in the position not to be able to say to the deputy head, "So far shalt thou go and no further."

Hon. Mr. MILLS—So far as the general principle is concerned, I quite agree with the view which the hon. leader of the opposition has expressed, that the department, with regard to permanent officers, can only have one responsible head, and that is the minister who is responsible to Parliament and the country; but with regard to specialists, the head of the department of the Geological Survey is a specialist. In fact, all the officers employed must be specialists and fitted for the purpose.

Hon. Sir MACKENZIE BOWELL—The deputy heads are not.

Hon. Mr. MILLS—The deputy has a recognized head. That is Dr. Dawson. He is the deputy for that purpose. I might say to the hon. gentleman that with regard to probationary officers it would not be an unusual thing at all to give to the deputy minister power to say that such a party, who is probationary in the department, is wholly unfit for his work, and should be dispensed with. I will not say how far that is a departure from the principle the hon. gentleman has laid down, nor is there any special reason, perhaps, for giving to the deputy in this matter a larger power than deputies usually possess over officers, but officers are generally permanent officers in the department. They are not probationers.

Hon. Sir MACKENZIE BOWELL—But the deputy head has the power now, under the Civil Service Act, to suspend an officer and to report to his chief?

Hon. Mr. MILLS—Yes.

Hon. Sir MACKENZIE BOWELL—If he himself is unfitted, the deputy head is the only man who could know that. What I object to is that he should have the power to dismiss him, relieving the head of the responsibility.

Hon. Mr. MILLS—My hon. friend will see that there is not much responsibility in the matter, because the head of the geological branch is the person who judges of the qualification of the party, and when upon his trial as a probationer, he is the party who judges of his fitness and the minister acts upon a report from the deputy? My hon. friend knows we are discussing this upon the first reading of the bill, and that the discussion generally takes place upon the second reading.

Hon. Sir MACKENZIE BOWELL—I understood the hon. gentleman moved the second reading.

Hon. Mr. MILLS—For Monday.

Hon. Sir MACKENZIE BOWELL—I am glad I called the attention of the hon. gentleman to it, because when the bill was discussed in the other House I thought it was a new doctrine. The hon. gentleman knows the objections I have and the reasons, and I hope he will make up his mind to make the change.

BILLS INTRODUCED.

Bill (153) "An Act to amend the Unorganized Territories Game Preservation Act, 1894."—(Mr. Mills.)

Bill (149) "An Act further to amend the Land Titles Act, 1894."—(Mr. Scott.)

Bill (147) "An Act to amend the Act respecting the Department of the Interior."—(Mr. Scott)

Bill (148) "An Act further to amend the Dominion Lands Act."—(Mr. Scott.)

Bill (139) "An Act respecting the Nova Scotia Steel Co., Ltd."—(Mr. Power.)

YUKON TERRITORY ACT AMENDMENT BILL.

FIRST READING.

Hon. Mr. MILLS—Before the orders of the day are called I beg leave to introduce a bill to amend the Yukon Territory Act. There are certain provisions of that Act

which I purpose to amend so as to remove any doubt as to powers possessed by the government in respect to the government of the territory. I also provide, in addition to that, for an appeal from the High Court in that country to the Supreme Court in British Columbia, giving it an appellate jurisdiction in respect to controversies that arise in the Yukon Territory similar to those which the Court of Queen's Bench in Manitoba has in respect to appeals from the Territories. At present there is but one judge in the Yukon country, and in all probability it will be necessary immediately to appoint a second, but in order to give that court power to dispose finally of all questions that might come before them, subject to appeals to the Supreme Court of Canada, it would be necessary to appoint at least three judges.

Hon. Sir MACKENZIE BOWELL—In British Columbia?

Hon. Mr. MILLS—I am speaking of the Yukon country. That may be unnecessary. Of course we cannot say precisely how large a population will be in that country as a permanent population, nor can we say what may be the extent of litigation. We know this very well that so far as questions that arise there are concerned they will, many of them, be very important. Important questions of law will be dealt with in the litigation which arises, and in many cases for very considerable amounts, and that being so it is necessary that an appeal should be given to some court of high standing, and the Supreme Court of British Columbia is the most accessible.

Hon. Sir MACKENZIE BOWELL—Is there a Supreme Court in British Columbia? I thought it was the Superior Court and you could appeal from it to the Supreme Court of Canada.

Hon. Mr. MACDONALD (B.C.)—There is a Supreme Court in British Columbia.

Hon. Mr. MILLS—So there is in Ontario, that is the title of the court. It is the Supreme Court of British Columbia, and the other is the Supreme Court of Canada. I have stated in general terms what the object of the bill is. Power is given to impose municipal taxation. That is a necessary power, but under our constitutional system it has never been exercised except through the instrumentality of the elective body. It is a power which is not derived from the Crown or from Parliament, but from the people who elect representatives to Parliament and so long as the council in the Territories continues to be an appointed council you cannot, with due regard to our constitutional system, confer upon them the power of taxation. But the municipal body elected by the electors, whoever they may be, for the purpose of municipal government, deriving their authority from the people, may impose taxes upon them.

The bill was read the first time.

THIRD READING.

Bill (113) "An Act to incorporate the Canadian Mining and Metallurgical Company, Limited."—(Mr. McKay.)

THE INTERCOLONIAL EXTENSION BILL.

DEBATE CONTINUED.

The order of the day being called:

Resuming the further adjourned debate on the second reading (Bill 138) "An Act to confirm an agreement entered into by Her Majesty with the Grand Trunk Railway Company of Canada, for the purpose of securing the extension of the Intercolonial Railway system to the city of Montreal," and on the motion of the Hon. Mr. Perley, That the said bill be not now read a second time, but that it be read a second time this day six months.

Hon. Mr. POWER said:—The position of this question has undergone some modification since I moved the adjournment of the debate—at least our knowledge of the position is somewhat different from what it was then. However, I think it is better not to anticipate what the result of the notice given to-day by the hon. leader of the opposition may be, but to go on and deal with the measure before the House as I think the Senate ought to deal with it. This is a measure which is chiefly financial in its character, and in as far as it is not financial, is it administrative. It is concerned with the carrying on of the public business of the country, with the administration of one of the great departments of the government. The House of Commons is the proper place to deal with the financial aspect of the question; and they have dealt with it and decided that this is a measure which should pass. The administration of this country is placed in the hands of the government and

next to the government, I suppose, in the hands of the House of Commons; and I do not think that, as a rule, the Senate is supposed to have very much to do with the administration of the departments of the government. If those departments are conducted in a way which secures the confidence of the other chamber we, as a rule, have not very much to say about them. It has never been contended that this chamber was a chamber which was supposed to administer the government of the country. I consequently think, when a measure of the character of that which is now before the Senate, comes here, it is the duty of this House to pass it (Hear, hear.) Hon. gentlemen might wait until I get through. I am very far from saying that it is the duty of this House to pass every government measure that comes here; but I say it is the duty of this House, having regard to its position in the country, to pass every measure which comes here once it is reasonably clear that the going into operation of that measure is not calculated to do serious injury to the public interest. Unless it can be shown with reasonable clearness that the adoption of this measure, which has now been passed twice substantially by the other House, is likely to do serious injury to the public interest, I think it is the duty of this House to pass the measure. If it is clear to any one who looks at the measure with an unprejudiced eye, that it is sure, or nearly sure to do serious mischief to the country, or if there is overwhelming evidence that there has been corruption or other misdoing in connection with the measure, then it may become the duty of the Senate to reject it. And, again, if the measure, taking it as a whole, is a good measure, and calculated to benefit the country, and if it be defaced by certain objectionable features, it is the duty and the function of this House not to destroy it, but to amend it by removing the objectionable features. Having regard to these considerations it is our duty to look at this bill from as judicial a standpoint as we can assume. Now, what is the object of this measure? The object is to give to the Intercolonial Railway a satisfactory connection with Montreal, which is the commercial capital of Canada, and through the commercial capital with the remaining portion of the country. This is a proposal which, at the first blush at any rate, commends itself to the average citizen. It has apparently commended itself to the hon. gentleman who leads the opposition in this House, and to the hon. gentleman from Brandon—that is, the measure as a whole, carrying the Intercolonial Railway to Montreal—but it does not seem to commend itself to the hon. gentleman from Sackville (Mr. Wood). That hon. gentleman has told the House that he is totally opposed to the government ownership of railways. The opinion of the hon. gentleman I am rather disposed to share; but, after all, politics are practical things, and the hon. gentleman does not pretend that he could get a single member in New Brunswick or Nova Scotia or Prince Edward Island to advocate the handing over of the Intercolonial Railway to a private company. It is just a mere pious opinion and of no practical consequence.

Hon. Mr. WOOD—I did not advocate the handing over of the Intercolonial Railway to private parties. I only spoke of past history, and said that would justify private ownership.

Hon. Mr. POWER—The hon. gentleman declared that he was opposed to the government owning railways. Now, if the hon. gentleman is to be consistent, his only logical course is to advocate that the government shall get rid of this railway which they own; but the hon. gentleman has not the courage of his convictions. He expresses an opinion? He gives arguments to influence the House in order to make the House agree with his opinion, but then he says he does not want to carry his opinion to its logical conclusion, so I say the hon. gentleman's interruption shows that what I stated is absolutely correct.

Hon. Mr. WOOD—I do not want to interrupt the hon. gentleman or to get into a controversy with him, but I must say he is entirely misrepresenting the position I took. I did not advocate the handing over of the Intercolonial Railway to a company.

Hon. Mr. POWER—I did not assert that the hon. gentleman did. I am drawing a logical conclusion from the hon. gentleman's argument. If it is a bad thing for the country to own the Intercolonial Railway, if it has been mischievous in the past and will be mischievous in the future, then the hon. gentleman should advocate that the government should get rid of it as soon as possible.

Hon. Mr. McCALLUM—This may apply when the question of the disposal of the Intercolonial Railway comes up.

Hon. Mr. POWER—I put the natural construction on the hon. gentleman's language. The hon. gentleman now gives the House to understand that he did not mean that his language should convey its ordinary meaning to those to whom he spoke. As I say, it was a mere pious opinion of the hon. gentleman, and I do not see that it had any business in the discussion. The hon. gentleman has admitted that the people prefer public ownership. The hon. gentleman may have given expression to that opinion for this purpose. He admitted that we own the road as far as Lévis. The hon. gentleman does not like public ownership, but he is not going to object to it as far as Lévis; but when it comes to carrying the public ownership 170 miles further, when the railway, which has been more or less of an incubus as far as the public treasury is concerned at any rate, may, by its extension to Montreal, be made to pay, and cease to be an incubus, then he objects to that extension. But the hon. gentleman must see that if this extension changes the character of the Intercolonial Railway, and is the means of making it a smaller burden than it has been in the past, the evil of public ownership is diminished; and I contend that the effect of this measure will be just that, that it will diminish the drain on the public treasury for the operating of the Intercolonial Railway. Every one admits that up to the present time the Intercolonial Railway has not been, directly at any rate, a paying investment. Whether it has paid indirectly or not is another question. A great many people think that, looking at the facilities which it has given for intercourse between the different parts of the Dominion and the low rates of freight which it has afforded to the inhabitants of the whole country, on the whole it has been a benefit and that the money expended on it has not been altogether injudiciously spent. But I think now—the hon. gentleman from Sackville I think agrees in that view, that the Intercolonial has reached a position when people begin to feel that it is time the condition of things which has hitherto existed should change. I contend that if, by paying $1,600,000 for the Drummond County Railway and $140,000 a year (something over $4,000,000) for the Ste. Rosalie portion of the Grand Trunk and the Victoria bridge and the terminal facilities at Montreal, we can stop this continual drain on the public treasury for the maintenance of the Intercolonial, the money will be well invested. The hon. gentleman, and some other hon. gentlemen, spoke as though the traffic with which the Intercolonial had to do was chiefly through traffic—that is ocean borne traffic. It is true that the ocean borne traffic is a matter of some consequence, but that is not, in the case of the Intercolonial Railway at any rate, by any means the most important part of the road's business. The business of the Intercolonial is a local business—local in the sense that it does not go beyond the Dominion as a rule; but the number of passengers and the quantity of freight carried from Montreal down to the lower provinces increases every year. As the hon. gentleman from Cape Breton pointed out the other day, what is in fact a through business is likely by and by to develop at the eastern extremity of the line — that is the business with Newfoundland is likely to increase. Without dwelling on the freight which goes to Europe and which is generally spoken of as the through freight or of that which goes to the West Indies, the business of the Intercolonial Railway is a very important one. I only mention this by the way, because some hon. gentlemen seem to think that the through traffic is the important thing. It really is not, as far as the Intercolonial is concerned.

When we come to deal with a question such as the extension of the Intercolonial to Montreal, we would naturally take the opinion of the people who should know most about the matter, as to what the effect of the extension would be. Who are the people who ought to know most about what the probable effect of the extension to Montreal would be? I should say that they are the gentlemen who have been managing the Intercolonial Railway for a number of years. I do not say anything about the minister, although the minister is a man of marked ability and business capacity, and he appears to have realized, almost immediately after he came into office, that this railway, which is one of the principal subjects over which he has jurisdiction, needed extension to Montreal to make it what it ought to be.

But I leave him aside altogether, and I take gentlemen like Mr. Schreiber and Mr. Pottinger. Mr. Schreiber has been connected with the Intercolonial Railway, off and on, ever since about 1867, or shortly after that. Mr. Pottinger has grown up in the service of the Intercolonial. These gentlemen are not public partisans, as far as I am aware. I do not know anything about the politics of one of the gentlemen ; the other I know to be a Conservative, but these gentlemen agree and the subordinate officers in the employment of the Intercolonial agree, that this extension is a desirable thing. They are in favour of it. I do not know that it is necessary to quote authority for it.

Hon. Mr. McCALLUM—We will take that for granted.

Hon. Mr. POWER—We can find Mr. Schreiber's opinion in various places in the Drummond County Railway Committee report. At pages 74 and 75, he said amongst other things :

I believe it to be a great advantage to have our trains running freight into a big mercantile city like Montreal, and that we would be more likely to capture traffic there than we would at Lévis.

The hon. gentleman who represents the county of Westmoreland in the other chamber took the grcund, which has been taken here by the hon. gentleman from Sackville, that Lévis would have done just as well. There is another authority to whom I had better, perhaps, refer, and that is the gentleman who was a little while ago Minister of Railways in the Conservative administration. He was examined before this Drummond County Committee, and here is what he said on this subject, at page 150 :

I entertained favourably, at that time, an opinion of the extension of the road for a good many reasons. We had trouble making connections with the Grand Trunk Railway ; we had a great deal of trouble with the Canadian Pacific Railway, and I thought it was in the interests of the country that the road should be extended to Montreal. That was my personal idea at the time.

And then he gives, on page 151, the reason why the negotiations ceased—perhaps one can hardly call them negotiations—but the reason why he did not go any further. He said :

The Finance Minister objected to it. He was not objecting to the scheme but to the expenditure of any money.

That was the reason why the late Minister of Railways did not proceed with the work of securing the extension of the Intercolonial to Montreal. Then at page 152 the ex-Minister of Railways dealt with one or two other schemes. He had considered the question of utilizing the Grand Trunk and the South Shore Road, but he did not think that either of these was the best way. He was asked this question :

And you think still that the Intercolonial should get into Montreal ?—A. Yes.

Q. In order to make it a success it should get into a business centre like Montreal ?—A. Yes, that was my idea. * * * * * The Grand Trunk was very badly managed at the time. We could not make connections and could not run through freight punctually from Montreal. For the assistance of the Intercolonial it was necessary that we should have a long haul. The Canadian Pacific agents were more active in every part of New Brunswick, Nova Scotia and Prince Edward Island than the Grand Trunk, and they were diverting traffic around by the short haul, and you could not waken the other fellows up, and the Canadian Pacific agents were using their influence against us on the Intercolonial, and I thought the solution of the whole difficulty was to have our terminus in Montreal.

So it appears that not only the permanent officials of the road, but the ex-Minister of Railways as well as the present minister believe in the extension of the Intercolonial Railway to Montreal, and hon. gentlemen must see, common sense indicates how important a thing it is that the whole road to its terminus—and Montreal is the natural business terminus of the Intercolonial—should be under one management. Every one who travelled over the Intercolonial in former years, when there were two managements to deal with, knows how unsatisfactory and inconvenient it was, and how very much better it is to-day that it is all under one management. The question is whether the method of extension adopted was the best. The hon. gentleman from Westmoreland (Mr. Wood), thought a better plan would be to stop at Lévis, and wait until a bridge is built at Quebec, whenever that may be—and hon. gentlemen know that the bridge was not very much in sight at any rate when this arrangement was made in 1897—and make arrangements to run over the Canadian Pacific Railway into Montreal. But hon. gentlemen will see that if that was done we would still have a double management—we would not have a single management from Halifax, St. John and Sydney to Montreal, which is of vast importance. There were three methods of making the connections discussed, and this across the bridge at Quebec was a fourth. It will be re-

membered that in 1879 the country purchased 118 miles of the Grand Trunk Railway from Rivière du Loup to Chaudière curve, and paid for it $1,500,000, a rather higher rate than is being paid for the road which we are getting now. And the difference between the two purchases was that in the case of the Rivière du Loup section of the Grand Trunk the country got practically nothing but an embankment. There were very few steel rails on the road, and under the agreement to sell, the Grand Trunk were allowed to remove the iron rails. The road was in a bad condition. Most of the ties were rotten, and practically the government bought an embankment at a dearer rate than they are paying for the Drummond County Railway, and it cost, I think, some half million dollars to make the road satisfactory to run over, so that for that 118 miles the country paid $2,000,000. In fact it cost more than $2,000,000, but I put it at $2,000,000 because I like to be under the mark.

Hon. Mr. MACDONALD (B.C.)—Did my hon. friend approve of that purchase at the time?

Hon Mr. POWER—I did. I felt that it was a matter the Senate had not much to say about. It was a matter for which the House of Commons and the government were responsible, and I thought on the whole, although we might be paying a little too much for what we were getting, that it was a step in the right direction. I am not finding fault with it now, but I call attention to the fact that that measure was passed by this House in the space of about an hour. It came down the day before prorogation, and was passed in the space of about an hour. It makes a difference whose ox is gored.

Hon. Sir MACKENZIE BOWELL—The gauge of the road was also changed, if I recollect rightly.

Hon. Mr. POWER—I do not remember about that. I think not. I think the Grand Trunk had the standard gauge at that time. I may as well say a few words more about the Rivière du Loup section. We got to Chaudière curve by means of that purchase, with certain rights of running back over the Grand Trunk Railway from Chaudière curve into Lévis. It was felt that it was desirable that the Intercolonial Railway should get to Lévis by an independent route. The hon. gentleman who now leads the opposition in the House of Commons was at the time Minister of Public Works, which included Railways and Canals. He decided to build a branch from the Intercolonial Railway down to Lévis. That branch was 14 miles long, and that 14-mile branch cost in or about $2,000,000 first and last. That is more than we are paying for the Drummund County Railway of 133 miles. The impression was that when we got there we would, by means of the North Shore Railway, across the river, have competition with the Grand Trunk Railway, but our hopes were not realized. The Grand Trunk Railway Company got control of the North Shore Road for a while, and afterwards the North Shore Railway passed into the hands of the Canadian Pacific Railway Company, and that company built a line of their own to St. John, N.B., and naturally wished to take their traffic over their long haul to St. John instead of bringing it to Quebec and ferrying it across to the Intercolonial at Lévis. Railway companies are always governed by their own interests. They are like individual men in that respect, only they are more exclusively governed by their material interest, and properly so. It is the duty of the directors of a commercial corporation to do the best they can in a business way for their shareholders; and if we had the bridge to-morrow, the Canadian Pacific Railway would still send its freight down over its own long haul to St. John instead of delivering it to the Intercolonial at the bridge; so that I do not think the scheme of the hon. gentleman from Westmoreland would very materially improve the condition of the Intercolonial. There were three methods of extension proposed on the south shore of the river. One was to buy the section of the Grand Trunk, which lies between Richmond and Chaudière; another was that the government should build a road along the south shore of the St. Lawrence, and a third was that the government should take the Drummond County Railway. I am not going to enter into any long discussion on these several routes. Mr. Wainwright was examined before the Drummond County Railway Committee, and, at page 50 of the blue book, I find the following:—

Q. Of the three roads, therefore, which would you consider the cheapest and best for the government to

acquire, taking it altogether, for this purpose?—A. Well, as I would like the government to have taken the Grand Trunk Railway through to Lévis, it is rather—I would, of course, have to admit, after we were out of the race, that the Drummond County Railway, with its shorter mileage and lighter grades necessary, would be worked more economically and probably make better time for the service. I am bound to admit that.

Q. Do you remember stating that you could not possibly sell the line between Ste. Rosalie and Richmond as that was part of your through line?—A. Oh, yes.

Q. Do you remember naming a sum between $2,000,000 and $2,500,000?—A. Yes, I think we put the value of the line between Lévis and Richmond at $2,000,000, and then there would have been an arrangement to have been made between Ste. Rosalie and Richmond.

Q. Don't you remember making this remark, Mr. Wainwright: That it would not exceed $2,500,000, or would not be less than $2,000,000?—A. I think my conversation with Mr. Hays was that it might probably be between $2,000,000 and $2,500,000 for the branch road between Richmond and Lévis.

Hon. gentlemen will see that the scheme, which, I understood to be endorsed the hon. gentleman from Marshfield (Mr. Ferguson) would cost, at the very least, $400,000 more than the plan which the government adopted, would have given us a road eleven miles longer, and a road with steep grades, and then that we should have had to make arrangements with the Grand Trunk for ninety miles from Richmond to Montreal instead of thirty-five from Ste. Rosalie to Montreal. So that, looked at from every point of view, the Drummond County Railway was a better line to take. That is plain, on the face of it, to the ordinary man; but as this is a matter about which railway men are supposed to know a little more than we do, we quote their opinions with respect. Mr. Wainwright substantially repeats what I have just read at page 55 in reply to questions from other members of the committee. Then with respect to the South Shore line, the estimates showed that its construction would cost at least $23,000 a mile, and the South Shore Road would have been fifteen miles longer than the Drummond County line; there would have been several very expensive bridges on that line, and the land damages would have been very heavy, because the road would have gone through one of the longest settled portions of the province of Quebec, and judging from our experience with reference to the St. Charles branch—that is the branch from St. Charles to Lévis—the land damages along the road would probably cost as much as the government paid for the Drummond County Road altogether. The land damages on the fourteen miles of the St. Charles branch were over $900,000. So that it is clear that any business man, looking at the thing in an impartial way, looking at it as a question of business, would have selected that method of bringing the Intercolonial into Montreal, which was selected by the government. The scheme of taking the Drummond County Road and the plan of utilizing the Grand Trunk terminals is, on the whole, one which should commend itself to this House. With regard to the Grand Trunk terminals, hon. gentlemen have raised an objection to the payment of 5 per cent interest on what those terminals cost the Grand Trunk Railway Company. But it takes two parties to make a bargain. We cannot always have our own way. The government could not fix a value upon these things. It is a case of give and take, and the question is whether the government could have done as well in any other way. The government could not have got a bridge across the St. Lawrence for anything less than a couple of million dollars at the very lowest. No sum of money would have purchased the terminal facilities which they have secured in Montreal, including the connection with the Canadian Pacific Railway, and then they will have, I suppose, very shortly a double track road from Ste. Rosalie in to the bridge, and I cannot help feeling that the sum of 5 per cent on the actual cost of the bridge and the estimated cost of the terminals in the city of Montreal is a very moderate rental to pay for the accommodation which the Intercolonial is getting.

Hon. Mr. FORGET—The company only pay 4 per cent on the money they borrow.

Hon. Mr. POWER—That has not much to do with it.

Hon. Mr. FORGET—They borrow at 4 per cent and charge the government 5 per cent.

Hon. Mr. POWER—The hon. gentleman from Sorel is probably the owner of several houses which are leased to tenants. He can borrow money at probably four or five per cent. Does he limit himself to five per cent on the cost of the property when he leases it? Would any one be so unreasonable as to expect to get a property at five per cent on what it costs?

Hon. Mr. FORGET—The hon. gentleman is making a mistake. The government pays

$140,000 a year for the lease of all the terminals and running power, but the five per cent is on the money spent for betterments. It is on capital account and not on the lease.

Hon. Mr. POWER—Then I presume that the people who made the estimates did not know what they meant. Mr. Schreiber, before the bargain was entered into, made a calculation as to what rental should be paid, and he took the cost of the section of the railway and the bridge, and the estimated cost on the terminals in Montreal, and he figured that five per cent on that would be $61,500 as to part, and $62,000 I think was what the Grand Trunk Company asked for what he figured beforehand would be worth about $61,500, I do not think it is the opinion of experienced railway men that the rental which the government is paying for the Grand Trunk line is at all excessive.

Hon. Mr. FORGET—No, but the interest on the betterments is.

Hon. Mr. POWER—It is possible that if two people are dealing together, not on even terms, if one is in straitened circumstances, or in a hole, as they say, that person may be squeezed so that he will accept a less sum for what he is giving than he would if he were more or less independent, but as between two independent parties to a bargain, I think the government have made a very good bargain with the Grand Trunk Railway Company; and I may say now, while I think of it that the hon. gentleman who represents the county of Stanstead in the House of Commons (Mr. Mohr) who is a supporter of hon. gentlemen opposite, stated in another place, in connection with this matter, that this agreement was the best railway agreement that had ever been made by Canada, and that is my honest opinion. I do not propose to go into the details of these figures, but this scheme, taking it on the whole and at large, is a scheme which should commend itself to this House. Then hon. gentlemen may naturally ask why was this scheme rejected two years ago? It is claimed there have been improvements in it since, but without going into detail it is substantially the same scheme. I am not entering into the question of the improvements and I am not discussing them, but I say that though the later bargain may be better than the other, though there may be a difference, take them in their principal features and they are pretty much the same. I ask the House—and I appeal to hon. gentlemen to say whether my answer to the question is not true—why was this measure rejected by this House two years ago? One reason was that hon. gentlemen thought there had been unnecessary haste in dealing with the matter on the part of the government. Any one who heard the speeches will remember that. But the principal reason why that measure was rejected two years ago was because a great many members of the opposition were under the impression that there had been corrupt dealing between the government and the company. No hon. gentleman, I think, will deny that that was the substantial reason why the arrangement of two years ago was defeated. Hon. gentlemen will remember that we felt so suspicious about it that we appointed a committee to inquire into the matter. Our committee did not proceed very far with the inquiry, because the session was just about closing and the matter was allowed to remain over till the following session. The following session I think we appointed a committee again; but then a committee was appointed in the other House, and this Drummond County Railway question was considered carefully and at length by that committee, and the evidence which that committee took and their report is before us in the blue book, and what do we find with respect to this charge of corruption? I take the very last page of the blue book and we find the following:—

The CHAIRMAN.—If, as Mr. Haggart says, it was a matter of policy with which he agrees, the policy of bringing the road into Montreal, then the only difference is as to the price paid, and of course the question of corruption does not arise at all.

Mr. HAGGART.—That was my point of view. We never made any charges of corruption.

Mr. POWELL.—Candidly, I never heard anything in the House about corruption.

So that the element of corruption appears to have been removed. I notice the hon. gentleman from Marshfield does not seem to be quite clear about that yet; but it has not been alleged in the other House, and, except in an indirect way, it has not been charged here, that there was any corruption about the matter. We occupy a different position now from what we occupied in 1897, because this suspicion, which I think really influenced the action of this House in 1897, has been substantially removed; and there was this other thing to be said in

favour of the delay at that time and of the action which this House took, that the delay would give a chance to judge of the value of the scheme from its practical working. From a business point of view, there is no doubt that the extension has improved the condition of things on the Intercolonial.

Hon. Mr. MACDONALD (B.C.)—What does my hon. friend say about the term of ninety-nine years? Does he approve of that?

Hon. Mr. POWER—I have not dealt with that yet. That is equivalent to a purchase almost. What do we find, hon. gentlemen? We find that the opinion of those who ought to know best is that the extension has improved the condition of things financially. If there are any people who ought to know about the effect of the change, it is the gentlemen who have charge of the railway. We find that all the officers of the road, from the lowest up to the highest, are of the opinion that the traffic has been improved by the extension, and that everything is more satisfactory. Commercial travellers, who know as much about railways as almost any other class of men except railway men, have that impression. The people of the lower provinces all feel that the extension to Montreal has made a vast improvement in the road, and that the business of the road has increased since the extension. Any hon. gentleman in this House, Conservative or Liberal, who has been in the habit of travelling over the Intercolonial Railway, who travelled over it four or five years ago and has travelled it recently, must have noticed a marked difference. There is no comparison between the passenger travel at the present time and that which passed over it four or five years ago. The hon. Secretary of State read a letter from Messrs. Schreiber and Pottinger the other day. I shall read a portion of that letter to the House. It is as follows:—

> We would also state it as our opinion that the road reaching Montreal has placed us in a much better position to do business than heretofore, and we think the result of the operations of the road for the current year is strong evidence of the advantages likely to accrue from this extension.

Then they give the figures of the earnings and working expenses for the ten months ending 30th April, and also the earnings and working expenses for the twelve months of the year before. In one case there was a net profit of $62,000, and in the other case there was a net loss of $35,000. The letter proceeds:

> So that the working for the ten months of the current year shows improved net results over the twelve months previous of $97,881.79, but it should be borne in mind that in previous years no interest has been paid on capital, whereas in the ten months ended 30th April last, rent on the extension from Lévis to Montreal of $175,000 has been paid, and charged in the working expenses, so that if figured out on the same basis on which the Intercolonial Railway has been run in the past the result will show improved net results of $272,882, which figures speak for themselves.

Now, I take it that the evidence of these gentlemen is evidence which we ought to accept. There cannot be any better evidence. It is true that the hon. gentleman from Marshfield (Mr. Ferguson) has told us substantially that Messrs. Schreiber and Pottinger did not know what they were talking about, and that their statement was quite unreliable and wrong. I regret to be obliged to say that this statement of the hon. gentleman from Marshfield does not weigh very much with me.

Hon. Mr. FERGUSON—My hon. friend need not pass any judgment on that statement, because I never made it.

Hon. Mr. POWER—I am not in the habit of being captious about words. I said substantially the hon. gentleman had said so. That is the fact, the hon. gentleman said there must be something wrong about the letter.

Hon. Mr. FERGUSON—I did, and it was admitted there was something wrong.

Hon. Mr. POWER—As I said before, the hon. gentleman's statements do not weigh very much with me. I do not suppose that troubles the hon. gentleman at all.

Hon. Mr. FERGUSON—Not the slightest.

Hon. Mr. POWER—The hon. gentleman is a fortunate man. In the first place, let me say that he has devoted a little personal attention to me, and there is no reason why I should not return the compliment, and he has also devoted some attention to other hon. gentlemen during the course of the debate, and he cannot complain, therefore, if we say something about himself. I notice that what the hon. gentleman says is always right. I never knew any hon. gentleman with whom the wish was more the father to

the thought, and the hon. gentleman has never any doubt as to the truth of what the occasion makes it desirable to believe. The hon. gentleman further took occasion to refer to me the other day, saying I had sneered at him. I am not in the habit of sneering at any one; but if I may be allowed to express an opinion on the subject, there is a maxim which the hon. gentleman appears altogether to forget and that is, that a cobbler should not go beyond his last. The hon. gentleman is prompt to express the most decided opinions on any and all questions. If it be a question of law, finance, public works or what not, the hon. gentleman knows all about it, and he knows more about it than the people who have given their lives to these things. I recognize the hon. gentleman's ability and industry, but he must see that it is not possible for any one man to know more in every branch of knowledge than the people whose business it is to pursue those branches of knowledge. I believe the hon. gentleman is a farmer, and if he were to express an opinion upon the relative merits of Durhams and Herefords, or Jerseys and Holsteins, I should not venture to question his statement; but the hon. gentleman is always ready to set up his opinion on a question of law against the opinion of the best lawyers of the country, the Minister of Justice or no matter whom.

Hon. Mr. FERGUSON—I know I do not always agree with the hon. gentleman.

Hon. Mr. POWER—I am not in the habit of talking of my knowledge of law, but I will say this to the hon. gentleman, that I think if he asks his friend, Mr. Borden, of Halifax, what his opinion of me in that respect is, he will find perhaps it is not so bad; with respect to statutes, at any rate. I do not claim any special merit for the thing, but it just happens that I was for several years occupied in dealing with the drafting and the amending of bills, and consequently may claim to know something about them, just on the same ground that the hon. gentleman may claim to know something about farming. Under these circumstances—I was tempted to say something about the hon. gentleman's modesty, but I will leave that aside, because it is a non-existent quantity—I say I prefer to accept the statement of Mr. Schreiber and Mr. Pottinger and the other officers of the Intercolonial Railway, and the evidence of commercial and other travellers, and the evidence of my own senses, to the fine drawn calculations of the hon. gentleman from Marshfield. With the practical experience of the last year before us, to reject these measures which are now before the Senate and bring things back to where they were two years ago, would be wrong. It would be a wrongful act, an unwise act, an exceedingly unpopular act throughout the country, and calculated to damage the Senate in the popular estimation. We may have made a hit in 1897, but if we repeat what we did in 1897, instead of making a hit in the right direction we shall probably damage ourselves much in the public estimation. I am not going to trouble the House very much longer; but I say the extension in itself is a good thing. That is recognized in various parts of this blue book, which I have read, and every one, I think, recognizes the fact that it is a good thing—that is, every one that looks at it with an unjaundiced eye. Is there anything about the measure which renders it objectionable? That is the question. That has not been shown at any rate. Does the thing cost too much? I do not think it does. We are paying at the rate of $12,000 a mile for the Drummond County Railway, forty-two miles of which are up to the standard of the Intercolonial, and the other seventy miles very nearly up to that standard. It is shown in the evidence taken before this committee, that no respectable railroad has been built in the province of Quebec during recent years at so low a figure as $12,000 a mile. The accountant of the company testified that the road had cost between $1,900,000 and $2,000,000—that that was the amount which had been spent on it. Mr. Greenshields who, although he is interested, is a reputable man, said that by the time they had finished spending on it under the temporary lease, the cost of the road would be from $2,100,000 to $2,250,000. At all events, this road is a cheap road. The government could not begin to build the road at any such figure. The chief engineer and Deputy Minister of Railways and Canals prepared an estimate which figured out something between $1,500,000 and $1,600,000, but that estimate did not include what would have to be paid for right of way if the government built an independent line, and it is safe to say that that right of way would have

brought up the price even in the region that the Drummond County Railway passes through to at least $2,000,000. Conceding that the extension is a good thing in itself, and is not costing too much, there is not, nowadays at any rate, any flavour of corruption in the matter. I admit an objection has been taken, and what is the objection? The only substantial objection to this measure was the one taken by the hon. leader of the opposition in his first speech on the second reading of the bill, and that is the objection to the 40th clause of the agreement between the government and the Grand Trunk, which provides for a permanent traffic arrangement. With respect to that I may say that this arrangement is at present so advantageous to the Intercolonial that the gentleman who was Minister of Finance in the other chamber expressed a desire that it should be made permanent by statute. Before saying anything further I wish to correct a misapprehension into which the hon. leader of the opposition and also the hon. gentleman from Marshfield appears to have fallen. In fact the hon. gentleman from Marshfield said broadly yesterday that the public knew nothing about this traffic arrangement and Parliament knew nothing about it until his hon. friend the leader of the opposition in this House had unearthed it. The hon gentleman from Marshfield was quite mistaken in that as he has been mistaken in a good many things. If the hon. gentleman will turn to page 77 of the blue book he will find that the traffic arrangement is referred to there by Mr. Blair. He says:

> Under the traffic agreement with the Grand Trunk we have a mileage basis with them, have we not, for western traffic. And Mr. Schreiber replies, "we now have."

On page 125 Mr. Borden asks the question:

> Q. I wish to ask a question relating to the agreement between the government and the Grand Trunk and I thought we had the agreement here, but I do not see it?—A. The new agreement is before the House. I saw it in print and got a copy of it. You can easily get it. Copy procured and filed as Exhibit No. 37.

Hon. Mr. FERGUSON—I quoted that and said that that was the first intimation the Drummond County Railway Committee had of the new agreement.

Hon. Mr. POWER—That is more than a year ago anyway.

Hon. Mr. FERGUSON—All the evidence was in.

Hon. Mr. POWER—No. Mr. Greenshields was examined after that, and Mr. Farwell was examined after that, so that the hon. gentleman is wrong again.

Hon. Mr. FERGUSON—What had Mr. Farwell to do with the traffic?

Hon. Mr. POWER—The hon. gentleman said that this information was given after the evidence was all in. I am showing that two other witnesses were examined afterwards, and he asks what has that to do with the traffic.

Hon. Mr. FERGUSON—I said none of the witnesses who had any information to give with regard to the traffic arrangements were examined after that document was produced. They were all examined before that document was produced, except Mr. Wainwright who produced it.

Hon. Mr. POWER—At page 148 Mr. Wainwright is under examination and he is asked:

> Q. Do you know the present arrangements that were made between Mr. Hays and Mr. Harris?—A. You mean Mr. Harris and Mr. Reeve. There is an agreement, I think, between them.
>
> Q. Do you know what it is?—A. I have read it. It is a traffic agreement.
>
> Q. In that agreement, as I understand it, Mr. Wainwright, the division of through freight is calculated on a mileage of 375 from Montreal to St. John and 425 from Montreal to Halifax?—A. Well, it may be; I do not know.

Hon. Mr. FERGUSON—That was after it was produced.

Hon. Mr. POWER—The evidence continues:

> Q. It is here? (Mr. Powell had it in his hand.) I will let you see it. I do not want to tie you down to too much detail, but I want to get the general statement.

So that the document was before that committee, and was discussed there. It was further discussed in the House of Commons, and I can give the page where the gentleman who was formerly Minister of Finance insisted that the arrangement should be made permanent by statute and should not be terminable, because he was afraid that the government might yield to the fascinations of the Delilah of the Grand Trunk and yield this precious treasure; and

yet the hon. gentleman from Marshfield undertakes to tell the House that this agreement was concealed in the most disingenuous and complete way, and only for the eagle eye of the hon. leader of the opposition in this House, no one would have known anything about it. The hon. gentleman must see that the claim is perfectly unfounded. As I say, this agreement is so advantageous that the hon. gentleman who was the Minister of Finance thought it should be made permanent by statute; still, hon. gentlemen, I think there is force in the suggestion first made by the hon. leader of the opposition in this House, that permanent traffic arrangements are unusual, and that the supplementary contract which is made binding on both parties for 99 years by the 40th clause, while exceedingly advantageous at present, may in the future become disadvantageous to the country. I rejoice that the Grand Trunk Company who did not want that traffic arrangement made perpetual have consented to give the government the option of discontinuing it on a year's notice. That is a most unusual thing to do where two parties enter into an agreement, each giving value; that one party shall be allowed the option of discontinuing and the other not. I look upon the bargain, as it came to this House, as a particularly good one—as the member for Stanstead said, the best bargain ever made by the government of Canada with a railway company—but I think with this singular and exceptional provision in favour of the government, that it is a most admirable bargain and that the Senate will assume a very serious responsibility, and will damage itself very much in the eyes of the public if we reject an agreement which is so advantageous.

Hon. Mr. McDONALD (C.B.)—I am opposed to this bill for reasons altogether different from those advanced by hon. gentlemen who have spoken on this question. While I believe the bargain is a bad one in both bills, and while I believe the proofs of that have been given by hon. gentlemen who have already spoken, still my reasons, in my own estimation at least, are greater for the rejection of the bill than those advanced. What is this bill? The hon. Minister of Justice, in introducing the measure, stated that the commercial interests of the Intercolonial Railway required its extension into the city of Montreal, but he failed to prove that proposition to my satisfaction. He, it is true, stated that the revenue of the Intercolonial Railway for several years had not met the disbursements of that road, but that last year the revenues exceeded the expenditures. That did not, however, prove the proposition with which he started out. It is true, the revenues last year were greater than the expenditures on the Intercolonial Railway taking it for its entire length, with its branches, from Sydney to Montreal. But last year the Intercolonial Railway was not the only railway that prospered. It was not the only railway that showed a surplus on its year's earnings. The Canadian Pacific Railway, for the first time in the history of that railway, had its stock raised to par. The Grand Trunk Railway declared a dividend last year, which it had not done for some years before, and my hon. friend and the members of this House, I am sure, cannot deny to the Intercolonial Railway a share of that prosperity which was enjoyed by the Grand Trunk and the Canadian Pacific Railway. But there are reasons for the prosperity of the Intercolonial Railway during the last year which are not due to the acquisition of the Drummond County Railway and the leasing of the Grand Trunk to Montreal. The Intercolonial Railway, extending though the length and breadth of the three maritime provinces, goes through a country which has prospered considerably for the last few years. The tourist traffic of the lower provinces, particularly to eastern Nova Scotia, has been increasing from year to year, and that is a great source of revenue to the Intercolonial Railway. We have tourists travelling from the United States by St. John, N.B., by Yarmouth, by Halifax, and all of these pass more or less over the Intercolonial Railway. We have, of late, prospered in Cape Breton as we have never done before. We only had the Island of Cape Breton opened up by a railway eight years ago. It takes time to bring prosperity to a country, and during those eight years industries have been springing up along the line of railway in Cape Breton which contribute considerably to the revenue of that road. Then we have a great industry in Cape Breton which has only been established permanently and profitably during the last three or four years, which is adding to the revenues of the Intercolonial Railway. Then the Island of Newfoundland has been

building railways for the past few years. It is only about eighteen months since that island has been able to complete a system of railways several hundred miles in length. That railway in Newfoundland passes from the south-east coast of Newfoundland to its north-west coast, all through the breadth of the island where the population is settled. The island contains a population of about 200,000, and at the western terminus of that road, at Bay St. George, it is connected by four or five hours of steam navigation with the eastern end of the Intercolonial at North Sydney. The passenger and freight traffic carried between Newfoundland and the Intercolonial Railway was very large during the last year, and it is secured at North Sydney for almost the entire length of the Intercolonial Railway. My hon. friend the Minister of Justice, was I think very wrong in attributing the increased revenue on the Intercolonial Railway mainly to the acquisition of the Drummond County Railway. When this bill was before the Senate two years ago, it was rejected on the ground that we had no information before the House to show us what were the earnings and disbursements of the Drummond County Railway. That statement was promised to us. It was said that the experiment of keeping that account for a year would enable the Senate to deal with the matter, if it came up again, in a judicial way. My hon. friend did not produce that statement, and he ought not to expect the Senate to pass this bill without that information. I am sure no other member of this House could prove his case better than my hon. friend if he could do so. If they had kept the account, as the late Minister of Justice promised it would be done, it should be here. Considering everything in connection with this road, I assume that they have kept that account. I will assume that they looked over that account, and found that if they submitted it to the House it would prove that their contentions were wrong, and that the Drummond County Railway had not contributed anything to the prosperity of the Intercolonial Railway. It is unreasonable, therefore, to expect the Senate to vote for this bill the second time in the absence of proofs promised to the House two years ago. Again, my hon. friend had no right to assume that the increased revenue last year on the Intercolonial Railway was mainly due to the extension to Montreal. I take it to be the other way. If there was any prosperity last year on the Drummond County Railway, I believe that prosperity was largely due to the Intercolonial Railway. My hon. friend from Marshfield last evening conclusively proved that the average earnings of the Intercolonial Railway and the Drummond County Railway will bear this out. The average earnings of the Drummond County Road, according to my hon. friend's statement and figures, was 2 per cent less than the earnings of the Intercolonial Railway, and therefore there was no revenue that ought to be credited to the Drummond County Railway. But what is this bill for?

Hon. Mr. MILLS—Then the hon. gentleman has the information that he was asking for?

Hon. Mr. McDONALD (C.B.)—I simply state the argument used by the hon. gentleman from Marshfield. It has not been answered yet, and until it is answered successfully I shall continue to consider it unanswerable. My hon. friend from Halifax has said that the Intercolonial Railway, for the the past few years, has been giving greater satisfaction and comfort to people travelling over it. I believe that I agree with the hon. gentleman, but will not that comfort and satisfaction and pleasure continue if this bill never becomes law? We have paid for the last two years $210,000 yearly for the comforts and satisfaction and for the running of the Intercolonial Railway into the city of Montreal. It is true that it entails a burden on the taxpayers of Canada yearly.

Hon. Mr. SNOWBALL—The earnings have paid it.

Hon. Mr. McDONALD (C.B.)—That is only from year to year until the government choose to do something else.

Hon. Mr. POWER—Do you suppose the Grand Trunk Railway will keep this thing open for ever?

Hon. Mr. McDONALD (C.B.)—If this bill carries, we will have no more comfort or satisfaction than we have now, and therefore it is better to leave the matter as it is for the present. What is this bill? It is simply a bill to take the burden off the shoulders of a bankrupt company and impose it upon the shoulders of the people of Canada, who can

ill afford to bear it. The increase of the public debt is alarming. It is calculated that if this bill passes it will represent an addition to the public debt of $7,000,000. I see it stated by the newspapers that, as the result of adopting this measure, it will add $3,000,000 more to the debt of the Intercolonial Railway in making improvements and putting it in a state fit to run as the result of the acquisition of these two roads. If that is the case, we have a sum of $10,000,000 at once added to the debt of the country. I think that is not an expenditure justified by the scheme.

Hon. Mr. POWER—Did not the hon. gentleman vote for the Grand Trunk agreement in 1879?

Hon. Mr. McDONALD (C.B.)—That is a different thing altogether. I contend that the terminus of the Intercolonial Railway at Lévis is better for the country—that is looking to the future—than in Montreal, and for this reason: the arrangement with the Grand Trunk in the bill before the House if carried out will be an injury for ever to the Intercolonial Railway. If the Intercolonial Railway ends at Lévis as it is now, we all know that it is the intention of the government to help to build the bridge at Quebec, and when that bridge is built, we will have connection with Quebec and the Canadian Pacific Railway to Montreal. We can get running powers over the Canadian Pacific Railway from Quebec to Montreal just in the same way that the Canadian Pacific Railway has running powers from St. John to Halifax, and in that way, comparatively, it will not cost us anything. One will go against the other. We would have the communication with the Grand Trunk which exists now; with the Drummond County Railway, with the Quebec Central and with the South Shore Railway, and all those roads would be competing for the business of the Intercolonial Railway If the Intercolonial Railway connecting with all these roads at Quebec, carries freight for the west, all these railways will be competing for a share of that freight, and the Intercolonial Railway will be in a position to dictate terms, which it will not be if this bill carries and the terminus is in Montreal. I contend that the future hope and prosperity of the Intercolonial Railway rests on having a bridge at Quebec and connecting with the roads on the north of the St. Lawrence as truly as those on the south. It can never expect to carry a large amount of freight from southern Ontario.

Hon. Mr. MILLS—Does the hon. gentleman think that the Canadian Pacific Railway Company would carry their east bound freight past Montreal to Quebec, when they have a road of their own extending from Montreal to St. John, and deliver it over to the Intercolonial Railway?

Hon. Mr. McDONALD (C.B.)—I will come to that in a few minutes. We are legislating, not for a few years to come, we are legislating for the future.

Hon. Mr. MILLS—Certainly.

Hon. Mr. McDONALD (C.B.)—On the north shore at Quebec we have the Lake St. John Railway. In a short time we will have the Canada Atlantic and Parry Sound Railway, which is proceeding there at a great rate. It is proceeding there now at a great rate. Then we have the Northern Railway and we have some other railway, I forget the name. We see in the newspapers that another railway is talked of, has been projected from Lake Superior direct to Quebec, which will be 300 miles shorter than the Canadian Pacific Railway. I tell my hon. friend, the Minister of Justice, that as northern Quebec settles, and as northern Ontario settles, there will be a great trade in that country, and the trade will seek its outlet naturally to the seaboards of the lower provinces through Quebec. In that way I fully expect that the Canadian Pacific Railway traffic, from Lake Superior to Quebec, ought to go by the Intercolonial. Not only that, but I believe the great future of Canada lies north of the St. Lawrence in northern Ontario and northern Quebec. The settled portions of Ontario are very small now in comparison with the unsettled portions of the province, and the unsettled portions of Quebec and the trade of those regions will go down to the sea through the railways I have mentioned, and those regions are selling up fast. The manufacturing industries which are springing up in the east will go up to northern Ontario and northern Quebec and on to the west by the Intercolonial Railway and Quebec bridge. There is the Dominion Steel Company at Sydney and the Dominion Coal Company at Cape Breton with a capital

of $44,000,000, I have no doubt that great industry will be manufacturing a large portion of the iron and steel consumed in Canada. I see that they are negotiating for the nickle mines at Sudbury, north of Lake Superior, and they propose to take that nickle down to the east. They must take it down to Quebec by the Canadian Pacific and by the Intercolonial Railway to Sydney. It will be manufactured there and sent to Europe, and back again to Quebec, Ontario and the great west in the manufactured form. If you carry out this legislation, I believe it will interfere with the Intercolonial in making its arrangements with all these railways from the north and converging at Quebec, and it is far better for the country to continue to pay $210,000 a year for a few years until the Quebec bridge is built and at that time, if it is necessary, Parliament can take it up again and pass it. The main objection is, after all, the alarming amount which this will add to the national debt. The people of Canada can ill afford to bear the burden by having the interest on $10,000,000 added suddenly to the national debt. If it is the determination of the government of Canada to swell the national debt so alarmingly, then I submit they can find other public works in Canada which will be of the greatest benefit to the most people by spending it in another way. It is not in the commercial interests of the Intercolonial Railway that those roads should be acquired by the government. On the contrary, I believe it is the commercial interest of the private owner of a bankrupt profitless road that dictated this bill. I believe the interests of the Grand Trunk Railway is served by this bill better than if the government made no arrangements with them. The Grand Trunk Railway Company knows how to manage their business. The Grand Trunk are not going to concede anything to the government unless they make some money out of the transaction nor is any other company, and therefore I say those bills ought to be rejected. But I was saying that if $10,000,000 is to be added to the national debt, that money should be expended in another way. There are hundreds of new public works which are more required than these already built roads. These roads are not required. The Intercolonial Railway gets to Montreal now. The Grand Trunk is not going to tear up and destroy the rails to keep the Intercolonial Railway at Lévis nor is the Drummond County Railroad. We pay $210,000 a year for the Drummond County Road and the lease of the Grand Trunk Railway now, and I am willing that we should continue to pay it. I represent the views of the people down east, and I believe I represent the views of a large portion of the Canadian people when I say I would prefer to continue to pay $210,000 a year for the privilege now enjoyed rather than to burden them for ever with a national debt of $10,000,000. If they have $10,000,000 to expend, let them expend it in other parts of the Dominion and distribute it equitably all over Canada, so that people having the advantage of it may be able the better to pay the interest on that debt. There is British Columbia with its gold, silver and copper mines opening up, and our young men all over Canada are flocking to that region. Let the government assist these people by voting a million or two for the purpose of building railways to open up these mines. Let them spend a million or two in the district of northern Manitoba; two millions in northern Ontario, of which we hear so much—it will help to open up for settlement New Ontario—and let them go to northern Quebec and endeavour to keep at home the Quebec people who are now going to the factories in Maine and Massachusetts. This will help to build railways in northern Quebec and keep the young people in Canada, let them spend a million in Nova Scotia, a million in New Brunswick, let them go to Prince Edward Island and spend half a million there and, finally—but not leastly, let them go to Cape Breton.

Hon. Mr. MILLS—It is said when a railway was built in Cape Breton the people used it to run away from the country.

Hon. Mr. McDONALD (C.B.)—Some of them go away from Cape Breton to the United States and they will continue to go. I am very sorry for it. There is no doubt that too many go away. Our young girls and young men go to the United States every day, but if my hon. friend will give us his influence and assistance in getting a portion of this $10,000,000, say half a million of it spent in Cape Breton, it will help to keep them at home.

Hon. Mr. ALMON—Has not the emigration ceased since the new government came into power?

Hon. Mr. McDONALD (C.B.)—And then we will have $2,000,000 to spare.

Hon. Mr. MILLS—Divide that among the senators.

Hon. Mr. McDONALD (C.B.)—Leave that as a contingent fund with the Minister of Railways, to be spent where the requirements of the country demand it; but if the Minister of Justice chooses to take issue with him let them divide as best suits the country. I submit that the commercial interests of the taxpayers of Canada require those bills to be rejected, and I am opposed to them and shall vote against them.

Hon. Mr. McCALLUM—I wish to make a few remarks upon this question. I would say, at the outset, that I believe that every Canadian wants to give every facility possible to the trade of the country. At the same time, I am satisfied that the people do not want any measures that will send the trade to United States channels. The Minister of Justice told us this was a good venture and that every one in the country was favourable to the scheme of bringing the Intercolonial to Montreal. I want to see every connection possible between the Intercolonial Railway and Montreal, but the question is, are we not paying too dear for the whistle? Are we treated fairly by the government of the day. We were told when this measure was before the House two years ago that they would keep track of the earnings and expenditure of the Drummond County Road. They told us they would do that in order to be able to inform us whether we were making a good bargain, and that the Senate was wrong in defeating the measure then before the House. What do we find? The then Minister of Justice made a promise. I do not blame the present Minister of Justice for not keeping it, but in many cases he should be liable for the acts of his predecessor. I feel satisfied that if the present minister had made the promise he would try to keep his word. But they have not told us what they are doing, and they want us to go in the dark. They have been telling us that this bargain is no better than the one we defeated before, but they are going to try and put it through this time. They tell us we did not save anything to the country when we defeated this measure two years ago. That is what the senior member for Halifax said.

Hon. Mr. POWER—I said nothing of the sort.

Hon. Mr. McCALLUM — The hon. gentleman said this bargain was no better than the other one.

Hon. Mr. POWER—I did not say that.

Hon. Mr. McCALLUM—What did the hon. gentleman say?

Hon. Mr. POWER—I said there were differences of detail, but substantially they were the same.

Hon. Mr. McCALLUM—That is it exactly, but fortunately we have hon. gentlemen in this House who think a little differently. We have gentlemen who will tell the truth no matter who is hurt by it. We have the member for West Northumberland, who told us here that we saved $700,000. He told us that from the bottom of his heart, and I admired him for it.

Hon. Mr. KERR—I said the leader of the opposition said so.

Hon. Mr. McCALLUM—I have the hon. gentleman's words here. I will leave it to the Senate if I misrepresent him in any way, and I am sure I have no desire to do so. When the hon. gentleman stood before me and made that statement I said, "Young man, you will get a wigging for that," and there is no doubt he has got a wigging for it, but I give him all the honour possible, and it will go before this country from county to county that the honest senator from West North Northumberland told the truth. They were trying to hide it but he let it out. He might have told us that we saved a little more. He might have stated what we saved the country last year. He might have told us that we saved a large amount on that tramway business also. My hon. friend was not in the House then. No doubt if he had been he would have told the truth on that question too. If you take the value the government put on their own land of $10 an acre we can find what was saved. I have here a letter which states that it was only $3,750,000, but I know differently. It was 4,000,000 acres, according to Mr. Jenning's report; therefore it is $40,000,000 saved.

Hon. Sir MACKENZIE BOWELL—$37,000,000.

Hon. Mr. McCALLUM—If you add that to the savings effected by the Senate since the present government came into power, it will make about $40,700,000. I want that to go to the country, and the Senate to get credit for its work. But it would hardly be fair that the Senate should have all the credit for it. Every member of the House of Commons that voted against these iniquitous measures is entitled to as much credit as we are. They were overcome by that mechanical majority in the other House. They did their best to save the dollars for this country. What do we get for doing all this—standing guard over the treasury of this country? They threaten that they are going to reform or abolish us. I say "Come on, McDuff." I am in favour of bringing the Intercolonial Railway to Montreal, but the point is that the government have not taken the right way to do it. I agree with the hon. gentleman from Cape Breton in every word he said about the ancient, glorious city of Quebec; I agree that it never had a chance. I know that everything was done for the city of Montreal and nothing for Quebec. I know that a few Scotchmen landed on the banks of the river, and I know that they taxed the whole commerce of the country to make Montreal a seaport and spent money to improve Montreal and give the go-by to Quebec. I am amused at my hon. friend from Moncton telling us the other day that we gave $140,000,000 in money and land to the Canadian Pacific Railway. What has that to do with this? Is it the same old cry? Are they coming back? Hon. gentlemen will remember that years ago they stated that the whole resources of the empire would not build that road in ten years. They said that road would not earn enough money to buy oil to grease the wheels, yet every one that was against that great undertaking which has been the life artery of Canada, is in favour of this scheme. They were in favour then, as they appear to be now, of going through the United States. I was not in favour of doing that, and by my voice and vote I stand in the same position to-day as I did then. I do not want our trade to go through the United States. As much as possible I desire that it shall go through Canada so that Canadians will make an honest livelihood out of it. The Minister of Justice in introducing the bill told us that there were improvements in contemplation, as far as the carrying the trade of this country is concerned, and I was very much pleased with him when he made that statement. As it is six o'clock I move the adjournment of the debate.

The motion was agreed to.

It being six o'clock the Speaker left the Chair.

After Recess.

EXCHEQUER COURT JURISDICTION ACT.

SECOND AND THIRD READINGS.

Hon. Mr. MILLS moved the second reading of Bill (159) "An Act respecting the jurisdiction of the Exchequer Court as to Railway Debts." He said:—This bill is rendered necessary on account of our federal system. In a case relating to, I think, the North Western Railway Company, which was chartered by the Dominion, and which extends from Portage la Prairie northward to Yorkville, a portion of which is in the province of Manitoba and a portion in the North-west Territories, it was held by the Judicial Committee of the Privy Council that a provincial court had no jurisdiction, as the road was not wholly within the limit of the province, but extended from the province of Manitoba into the North-west Territories. This bill is for the purpose of giving to the Exchequer Court jurisdiction in that class of cases.

Hon. Sir MACKENZIE BOWELL—Did the judgment of the Privy Council go to the extent of declaring that the provincial court had no jurisdiction over that portion of the road which was in Manitoba, or was the decision merely that it could not decide upon issues that might arise affecting the whole road which was in two provinces.

Hon. Mr. MILLS—I have not looked at the decision for some time, but my recollection is that the road was regarded as a unit, and the province could not exercise effective jurisdiction as the whole road was not within the province.

Hon. Mr. CLEMOW—That is true. I know a case of that kind myself.

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 under a suspension of the rules.

Hon. Mr. O'BRIEN, from the committee, reported the bill without amendment.

The bill was then read the third time and passed.

PROTECTION OF NAVIGABLE WATERS ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (137) "An Act further to amend the Act respecting the Protection of Navigable Waters." He said:—This bill makes some verbal changes in the law as it now stands. The changes, although verbal, are important. The word "tidal" is struck out of the section of the Act which forbids the depositing of rubbish and refuse in any navigable tidal water. The other change is to strike out "low tide" and insert "any tide."

Hon. Mr. FORGET—What is the cause for the amendment?

Hon. Mr. SCOTT—Because it is quite important that in navigable waters the navigation should not be interfered with by the depositing of rubbish.

Hon. Mr. FORGET—The clause refers to all navigable waters. Could not steamers throw their ashes in the water of a river?

Hon. Mr. SCOTT—The harbour regulations of the various harbours contain regulations with reference to depositing ballast.

Hon. Mr. FORGET—A steamer plying between Toronto and Montreal, will not be permitted to throw ashes overboard under this clause.

Hon. Mr. SCOTT—Yes if the water has a depth of twelve fathoms.

Hon. Mr. SNOWBALL—The ashes are not going to lodge there. They will pass on until they strike a shoal, and it does just as much injury as if they were deposited in twenty feet of water. We should prohibit the throwing of anything into a harbour or river. Take the St. Lawrence or the Miramichi, or any other river, you may come to a place where you have seventy-two feet of water and throw ashes in there. They will be carried along by the current until they strike the next shoal, and eventually will make the river less navigable. I think it should be prohibited entirely.

Hon. Mr. SCOTT—We are improving it at all events, in the right direction.

Hon. Mr. FORGET—I do not know about that. I would like to have more information.

Hon. Sir MACKENZIE BOWELL—Take the steamers plying between Kingston and the head of the Bay of Quinté. It is eighty or ninety miles before you reach the Murray Canal, and pass on to Presquil Harbour thence on to Toronto. There is also a line of steamers running to Montreal. They would be obliged to have a place on the steamer to store their ashes and debris nearly the whole of that distance, for I question whether in the whole bay there is seventy-two feet of water.

Hon. Mr. SNOWBALL—They must be disposed of in some way. The fireman cannot remain at his post if there is a large quantity of hot ashes in the fire hold.

Hon. Sir MACKENZIE BOWELL—There is no place between Montreal and the head of the Bay of Quinté coming up the rapids and the canals where you could deposit ashes. How deep the lake is I cannot say.

Hon. Mr. FORGET—They would consume about sixty tons of coal.

Hon. Sir MACKENZIE BOWELL—Under this law they could not deposit anything in the river or bay. The refuse would be carried down the river and perhaps deposited on a bar. In the Bay of Quinté there is no current and the ashes would sink.

Hon. Mr. SCOTT—Would the hon. gentleman advocate filling up the river with ashes?

Hon. Mr. FORGET—The St. Lawrence has never been filled up yet, and people have been navigating the St. Lawrence for sixty years. Has the hon. gentleman had any complaints.

Hon. Mr. SCOTT—Yes. There are many parts of the navigable parts of the waters of the Dominion that are being filled up.

Hon. Mr. FORGET—Where?

Hon. Mr. SCOTT—All over the country. The hon. gentleman has only to see where the dredges are employed. The government have a number of dredges and are constantly using them. Take Toronto harbour, for instance, it is being filled up with rubbish all the time.

Hon. Sir MACKENZIE BOWELL—My hon. friend is altogether in error in reference to Toronto harbour. It has been filled in by the wash of the waves on the point, carrying soft and alluvial soil immediately below it until the western entrance has been partially filled up necessitating a large expenditure of money upon the eastern entrance to the harbour, which thirty years ago could only be entered by means of a small craft. Let me mention another matter. You have been dredging Belleville harbour at the public expense. That was not the result of throwing rubbish into the harbour. It filled up on account of the currents in the spring bringing down large boulders fastened to the floating ice, and these, as the ice melted, became deposited in the harbour. What are you doing with the debris that you are taking out? You are depositing it where a steamboat will not be allowed to throw a pail of ashes.

Hon. Mr. SCOTT—They will not be allowed to do it if this bill passes.

Hon. Mr. FORGET—No city would allow us to unload our rubbish and ashes at their port. I do not see how you are to make this bill work. After you have served a couple of hundred people at dinner, if you throw the rubbish into the river you will be fined under the provisions of this bill; you must carry it to the next port. Do you think the authorities there will allow you to land it?

Hon. Mr. OWENS—I think, if the hon. gentlemen who are interested in steamboats, were to make inquiries they would find that the firemen generally sell the ashes.

Hon. Mr. SCOTT—Wood ashes.

Hon. Mr. OWENS—They always sell the wood ashes.

Hon. Mr. FORGET—We never sell a pound of ashes; it is always thrown into the river.

Hon. Mr. OWENS—The company do not sell it; firemen and engineers generally attend to the selling of it. As to the ashes filling up the streams or interfering with navigation, I think that this is drawing it rather too fine. I am certain you will find not only in Belleville harbour, but at mostly any point where dredges work—I know it is so on the Ottawa River—they dump the material into places in the river where there is much less than ten fathoms of water.

Hon Mr. FORGET—The coal ashes are no good and must be dumped into the river.

Hon. Sir MACKENZIE BOWELL—I think the question asked by the hon. gentleman from Sorel ought to be answered. He wishes to know why this bill is to be put on the statute-book. Perhaps it would be better to let the bill stand until the hon. gentleman can ascertain from the Department of Marine and Fisheries, where the great injury has occurred that necessitates such a measure.

Hon. Mr. SCOTT—We can pass the second reading and I will ascertain, before the next sitting of the House, where the complaints have come from.

Hon. Mr. FORGET—I do not like to see a bill of this kind rushed through the House. Perhaps there are other members, who are interested as much as I am, and I should like to examine the bill more closely before I accept the principle of it.

Hon. Mr. SCOTT—We have heard a great deal about the serious injury done to our rivers——

Hon. Mr. FORGET—From sawdust and mill refuse.

Hon. Mr. SCOTT—Sawdust is the worst here, but there are localities where other debris is thrown in, and the most important thing in this country is to keep our rivers at the depth that nature left them. We should not fill them up. It is not in the interest of the country generally, and even if it became necessary to keep the ashes and deposit them at some particular point on shore, the owners of vessels on the river should be obliged to do so. You will find that in any other country but Canada where they have navigable rivers, they will not allow rubbish of any kind to be dumped into the water because eventually it must affect the navigation.

Hon. Mr. CLEMOW—How about the river between here and Grenville? They will be prohibited from dumping rubbish anywhere, because the river is not seventy-two feet deep at any point.

Hon. Mr. SCOTT—What they are doing now on the Ottawa River is dredging a narrow channel.

Hon. Mr. CLEMOW—There are not twelve fathoms of water between here and Montreal; how can you provide for that?

Hon. Mr. FORGET—I do not believe coal ashes will cause any obstruction.

Hon. Mr. SCOTT—Yes, it must in the course of time. It was thought that sawdust would be less objectionable, but it has been found to be a serious obstruction to the navigation.

Hon. Mr. SNOWBALL—I think we should have a minimum depth of water as well as this greater depth. Take a river where the depth of water on the bar is twenty feet. There are places where the water is 100 feet. Anything you throw in at those places is drifted on to the bars. Wood ashes, though detrimental to fish life, are valuable and there is no fear of them being thrown into the river. Coal ashes are not valuable and they will be thrown in.

Hon. Sir MACKENZIE BOWELL—Coal ashes will likely sink to the bottom, and wood ashes will float.

Hon. Mr. SNOWBALL—Wood ashes would do no harm to navigation, but it would do harm to fish life. If boats were compelled to go in on the flats and deposit their ashes, I would prefer putting them in the shallow water to depositing them in the deep water, because if dropped in shallow water they are likely to remain there. You would have to make special regulations for each river, because what will apply to the Miramichi will not apply to the St. John. The Miramichi is navigable for large ships for thirty or forty miles, while the St. John is not navigable for large vessels above the falls. What would apply to the Ottawa would not apply to the St. Lawrence. There is a great difficulty in connection with the enforcement of such a law. If this law is put on the statute-book and rigorously enforced, you will demoralize the trade of the country. I suppose, like some other laws, it will not be put in force at once.

Hon. Sir MACKENZIE BOWELL—Then it is better not to have it on the statute-book.

Hon. Mr. SCOTT—If the hon. gentleman consents to the second reading now it can be discussed in committee.

Hon. Sir MACKENZIE BOWELL—We can do so if it is not accepting the principle of the bill. I agree with the hon. gentleman from Northumberland that it will be unworkable. Our little yachts burn coal. Do you think they will not throw their ashes into the water?

Hon. Mr. FORGET—I think the navigation companies ought to be consulted about it. It is not merely because the department wishes the thing done; the interest of the country should be consulted. I doubt if any other country would adopt such a bill.

Hon. Mr. SCOTT—It is done in the interest of navigation.

Hon. Mr. FORGET—It might not be in the interests of navigation; it might be in the interest of one or two men.

Hon. Mr. SCOTT—Do you not think the yachts could get rid of the ashes when they get into deep water without dumping them into the harbours?

Hon. Sir MACKENZIE BOWELL—They might throw the lead and find the depth, I suppose?

Hon. Mr. FORGET—They might be rendered liable to blackmail. People on the boat might charge them with throwing ashes into the water at certain places, and how can they prove that they did not? The people interested in navigation ought to be consulted before such a bill is put on the statute-book. I do not believe that anybody in the country knows that such a bill is before the House. I never heard of it before. The press never mentioned it.

Hon. Mr. CLEMOW—There is a law on the statute-book now, is there not, for the protection of navigable waters?

Hon. Mr. SCOTT—Yes, but it only applies to tidal waters. The St. Lawrence is tidal up to Three Rivers.

Hon. Mr. FORGET—It is tidal only twice or three times in the year. Our vessels run from Hamilton to Three Rivers, anyway, above tidal water.

Hon. Mr. SCOTT—If the House will allow the bill to be read the second time now, before it goes to committee, I will find at whose instance it is proposed. It is done by the Department of Marine and Fisheries, no doubt, under representations from the trade. I will give the explanation in committee, and hon. gentlemen will be quite free to vote against the bill at any stage.

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

POST OFFICE ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (155) "An Act further to amend the Post Office Act." He said:—Under the Post Office Act the Postmaster General is authorized to carry out a number of details in the management of his department, and he proposes to ask Parliament to allow him to fix a rate of fees payable on late mailable matter. It is found in many places that the mail is made up very often half an hour before the train leaves and it would be a great convenience to have either electric cars or boys on bicycles to carry letters to the train up to the very moment it leaves, on payment of a small fee. There is now, as hon. gentlemen are aware, a regulation by which quick delivery is made by payment of a fee, and it is proposed to enable parties to rush mail at the last minute.

Hon. Sir MACKENZIE BOWELL—Do you mean to attach an extra stamp to it?

Hon. Mr. SCOTT—Yes, in that way, I do not know what the amount would be. The next clause authorizes the Postmaster General to establish a system for indemnifing losses on registered mail matter up to $25. That system is in practice now in Great Britain, and in other countries, of course for very much larger amounts. It is proposed to try it here for amounts up to $25. It is not proposed to charge any more for the delivery of the letter and the contents than will be absolutely necessary to protect the department from loss. It is thought the fee will be very little, as the proportion of registered letters lost in Canada is very small. The Postmaster General mentioned a sum, but he said he had not thought it out. It will be very small—one and a half or two cents. It is optional with parties to take their own risk or pay this sum. The next clause is a contribution to newspaper men. It amends a section of the Post Office Act which makes it a penal offence for persons to inclose in a newspaper any letter or matter that is mailable in order to evade the postage. That clause does not apply to publishers of newspapers in sending out accounts to their subscribers. They often send more than accounts: they send notices. The words "to their subscribers" is struck out in order to give publishers an opportunity to inclose a slip of any kind in a newspaper when sending out their newspaper to others than subscribers. It is limited to publishers of newspapers and to their communications with the public.

Hon. Sir JOHN CARLING—Might I ask the hon. gentleman if business men will be allowed to post their own letters in case there is not time enough for the mail? I know in London there is a post office box at the station.

Hon. Mr. SCOTT—It is done now every day. This is only when taking it from the post office. There are some post offices which are remote from the depots. Take the city of Montreal. The mail is generally sent off fifteen or twenty minutes before the train leaves. A boy on a bicycle could carry a small package in five minutes from the post office. I think at nearly all the railway stations there is usually a box.

Hon. Mr. FORGET—If a private person sends a newspaper from one city to another what is the rate? Two cents?

Hon. Mr. SCOTT—No, one cent, but you are not allowed to send anything inside of the paper.

Hon. Mr. FORGET—Ladies sometimes send patterns that way, and they would be liable to punishment.

Hon. Mr. SNOWBALL—I think there should be some restraint on publishers of

newspapers. I would exempt all matters that are their business, but say a show comes to a town and the proprietors get the newspaper men to inclose dodgers to their subscribers. There should be something to restrain publishers from doing anything of that kind, because I know that traders object very much to these outside people coming in and using the press to distribute their advertisements in that manner.

Hon. Mr. CLEMOW—That is penal law.

Hon. Mr. SNOWBALL—It is, but the wording of this clause would perhaps exempt a publisher from the operation of the Act.

Hon. Sir MACKENZIE BOWELL—It opens the door to what my hon. friend objects to. This would enable a publisher to send circulars to anybody, whether a subscriber or not.

Hon. Mr. SCOTT—It is as I explained. It applies only to newspaper publishers, and their privilege is limited under the law as it stands to communications to subscribers. It is proposed to allow them to communicate by sending the communications in newspapers to anybody. It is an extension of the existing law.

Hon. Mr. FERGUSON—I can scarcely understand why the door is opened in this case to persons beyond subscribers.

Hon. Mr. SCOTT—I fancy it is that they often send to persons circulars asking them to become subscribers. We have all received communications from newspaper offices, and they have to pay on those particular communications. They send you a sample paper if you are not a subscriber.

Hon. Mr. FERGUSON—Would this clause, as it is proposed now to amend it, permit of the sending out of a supplement, or a paper, to non-subscribers—addressing it to them ?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—You could put a circular in calling attention to the newspaper.

Hon. Mr. FERGUSON—I know that law has been applied to prevent the sending out of supplements—what the editor claimed to be a supplement, but what the department contended was not a supplement. It was printed as a supplement. I have had experience in that line, and I know the effect if the law would be to prevent a publisher sending it out. I bowed to the law myself. I thought it was right; but this might lead into abuses.

Hon. Mr. SCOTT—I do not think it is so wide as the hon. gentleman says. Under this bill they can send to any one. Previously they send to subscribers those special envelopes, accounts, receipts, circulars inviting a subscription, together with the printed envelopes that are usually sent for the party communicated with to report to the publishers.

Hon. Mr. FERGUSON—Still, it would be subject to whatever the newspapers postage would be.

Hon. Mr. SCOTT—Oh, yes. The object is, I think, to enable them to communicate with persons in writing to subscribe to the paper. We all get communications of that kind from various people, and they have to pay the postage on that, because they are sent to persons who are not subscribers.

Hon. Mr. CLEMOW—It would give newspapers a great opportunity, during election times, to circulate literature.

Hon. Sir MACKENZIE BOWELL—They will do that anyway.

Hon. Mr. FERGUSON—I know something of that too, and I know under the late admistration the post office authorities interfered with the party with whom I was acting, and we had to pay postage. We had to come under the law in the matter of sending out newspapers before an election. I do not know whether it was under this section or not. We were prevented, unless we were sending to bona fide subscribers : under the proposed law we could send them to every voter.

Hon. Mr. TEMPLEMAN—It was not a bona fide portion or section of a newspaper. Evidently the hon. gentleman has had some political literature printed, or has received political literature, and desired it inclosed in the newspaper. Of course that cannot be done. But any newspaper has a right to print a supplement to its own paper and inclose it in that newspaper, paying the ordinary postage on it. In other words, we

can make our papers just as large as we please.

Hon. Sir MACKENZIE BOWELL—And fill them up with political matter.

Hon. Mr. TEMPLEMAN—But you cannot take a part of *Hansard* and issue it as a supplement to the Charlottetown *Examiner* and have it go through the post office. The newspapers are not limited in the issue of political literature. I think this provision is in the right direction.

The clause was adopted.

Hon. Mr. SCOTT—The next clause is one relating to railway mail clerks. Before a railway mail clerk can become a superintendent, he must serve ten years as a railway mail clerk, under the law as it stands at present. It has been found that half that time will be sufficient. It is found convenient, instead of having a railway mail clerk all the time on the road, to have him on the inside service a portion of the time. This does not shorten the ten years, but it allows one-half of it to be passed within the post office.

Hon. Sir MACKENZIE BOWELL—Why is British Columbia made an exception to it.

Hon. Mr. SCOTT—I think they have some particular rule there in reference to the superintendent. I think British Columbia is not subject to the conditions which have heretofore prevailed, that before a railway mail clerk can become a superintendent he must necessarily have served ten years.

Hon. Sir MACKENZIE BOWELL—And you reduce that term to five years except in British Columbia.

Hon. Mr. SCOTT—We reduce it all over Canada, except British Columbia.

Hon. Mr. TEMPLEMAN—What is the rule in British Columbia?

Hon. Mr. SCOTT—I do not know what the rule there is.

Hon. Mr. TEMPLEMAN—I can quite see the necessity for the exception. In British Columbia we have not very many mail clerks who have served ten years. We did not have them before the Canadian Pacific Railway was constructed. There would be very few eligible in British Columbia.

Hon. Sir MACKENZIE BOWELL—When we go into committee the hon. Secretary of State had better ascertain the facts. We have drifted into a very free and easy discussion on the second reading of this bill.

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

CRIMINAL CODE AMENDMENT BILL.

SECOND READING POSTPONED.

The order of the day being called:

Second reading (Bill 2) "An Act to amend the Criminal Code, 1892, so as to make more effectual provision for the punishment of Seduction and Abduction."

Hon. Mr. VIDAL—This bill stands in the same position as when formerly spoken to. I move that the order of the day be discharged and placed on the order paper for this day week.

Hon. Sir MACKENZIE BOWELL—Might I ask the hon. gentleman what object there is in keeping the bill standing upon the notice paper? The matter has already been dealt with in the Criminal Code, as I understood, to the satisfaction of the hon. gentleman, and if there is no intention of pressing it as an independent bill, it might just as well be discharged altogether.

Hon. Mr. VIDAL—I am anxious to see if the amendments which have been made here will be accepted in the House of Commons. If they are rejected, I would still like to have the privilege of proceeding with this bill in the Senate.

Hon. Sir MACKENZIE BOWELL—And having this measure rejected here.

The motion was agreed to.

ONTARIO AND RAINY RIVER COMPANY'S BILL.

AMENDMENTS CONCURRED IN.

Hon. Mr. POWER moved concurrence in the amendments made by the Standing Committee on Railways, Telegraphs and Harbours to Bill (121) "An Act respecting the Ontario and Rainy River Railway Company." He said:—This bill was reported from the Railway Committee on the 29th June, with a number of amendments. The hon. chairman of the committee, who has

gone away for the week, was to make an explanation of the changes in the bill. The amendments are all of a non-contentious character. The government of Manitoba was represented before the committee and the promoters of the bill and the town of Port Arthur were also represented, and the amendments were all concurred in by both parties. The only important amendment was satisfactory to the gentlemen which represented Port Arthur, and the promoters were satisfied that it should be made. There was a clause added at the instance of the government of Manitoba forbidding this company or any company with which it may become amalgamated, to amalgamate with the Canadian Pacific Railway. The object of the road was to give a competing line between Winnipeg and Thunder Bay, and that object would be defeated if this railway became the property of the Canadian Pacific Railway.

Hon. Sir MACKENZIE BOWELL—Do I understand that the first amendment provides that certain arrangments must be concurred in by every shareholder?

Hon. Mr. POWER—If they are not concurred in by every shareholder, then the sanction of the Governor in Council must be obtained.

Hon. Sir MACKENZIE BOWELL—That is an extraordinary provision.

The motion was agreed to.

The bill was then read the third time, as amended, and passed.

CONDITIONAL LIBERATION OF PENITENTIARY CONVICTS BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into Commitee of the Whole on Bill (P) "An Act to provide for the conditional liberation of penitentiary convicts."

(In the Committee.)

On clause 6.

Hon. Sir MACKENZIE BOWELL—Will the hon. Minister of Justice just explain to us why, after making the clause very restrictive, power is given to the Governor General under the hands of the Secretary of State to remit any of the requirements of the foregoing section?

Hon. Mr. MILLS—That, I think is necessary. In that respect we are following the English statute. The reason is that a person is under surveillance as long as the former provisions of this section are in force in respect to it. The police officer, the sheriff and certain other parties, must know that he has been an offender and that he is under constant restraint. It may be—and such cases are not infrequent—that a young man is an offender who does not belong to the criminal class. His natural tendencies are not with that class. He has committed an offence. He is perhaps more than any person else shocked and grieved at what he has done and even though he had not been brought to trial, and punished, there would be no probability of his ever again committing an offence, and it is not desirable, where you see and learn from the report, that the party is not likely to commit the offence, to keep him constantly notorious as having been an offender under surveillance. It may stand in the way of his getting employment. It may put a ban upon him that is in his particular case altogether unnecessary, and so where the authorities feel that they can safely release the person from that strict and constant surveillance, it is found desirable to do so. That is the experience in England and I think it will be our experience here. I may mention a case. Here is this man Holden. He was discharged from the penitentiary at one time for an offence which he had committed and was given a small sum of money, as is usual in the case of parties discharged from the penitentiary, and he found employment as an engineer in the Windsor Hotel at Montreal. He was constant in his attendance to his duties. He was there, I am told, for nearly two years. There was no fault to be found with him. He was a skillful man in his way, but he was under the surveillance of the chief of police, who waited upon the proprietor and told him that he had a convict in his employ, that he was a most dangerous man and some night he would, perhaps, find his safe blown to pieces and his engineer gone, and the result was that he was immediately dismissed, and he was for weeks without any employment and returned again to his former evil ways. The representation made by the man himself to the party, with whom he was

conversant, was that he was fully resolved never to return to any dishonest practices again, and that he was driven to it in a large measure by want and by the feeling that he was so far under strict surveillance that he could not obtain employment any where while the detectives were upon his track.

Hon. Sir MACKENZIE BOWELL—That is his own story.

Hon. Mr. O'BRIEN—Cullen the detective in Montreal gave the story to a *Gazette* reporter.

Hon. Sir MACKENZIE BOWELL—He has learned to be an awful liar since. This is the law in England is it?

Hon. Mr. MILLS—Yes, we have followed as closely as we can the English statutes, only making verbal alterations so far as they were applicable to our own position.

Hon. Mr. ALLAN—It might be a terrible millstone around the neck of some young man who was trying to reform if it was known that he was a ticket of leave man. If it were found out by the police officer he might lose his position.

Hon. Mr. MILLS—We want to give him a chance.

Hon. Mr. ALLAN—I think it is a good provision.

The clause was adopted.

On clause 8.

Hon. Mr. POWER—Supposing this man becomes a tramp, would the hon. gentleman say he was getting his livelihood by dishonest means? If he becomes a vagabond, without visible means of support, should he not be liable to be taken up again?

Hon Mr. MILLS—So he is.

Hon. Sir MACKENZIE BOWELL—This confines the punishment to persons convicted of getting a livelihood by dishonest means. Supposing he is a tramp and vagabond, should not that be covered? As a rule, tramps do not obtain their living honestly.

Hon. Mr. MILLS—I think that is covered.

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

The bill was then read the third time and passed.

SECOND READINGS.

Bill (130) "An Act respecting the London and Canadian Loan and Agency Company, Limited."—(Mr. Allan.)

Bill (106) "An Act to incorporate the Canadian Birkbeck Investment and Savings Company of Toronto."—(Sir Mackenzie Bowell, in the absence of Mr. Atkins.)

Bill (112) "An Act respecting the Montreal Island Belt Line Railway Company, and to change its name to the Montreal Terminal Railway Company."—(Mr. Owens.)

The Senate adjourned.

THE SENATE.

Ottawa, Monday, 10th July, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

BILLS ASSENTED TO.

The House was adjourned during pleasure.

After some time the House was resumed.

His Excellency the Right Honourable Sir Gilbert John Elliott Murray-Kynnynmond, Earl of Minto and Viscount Melgund, of Melgund, County of Forfar, in the Peerage of the United Kingdom, Baron Minto of Minto, County of Roxburgh, in the Peerage of Great Britain, Baronet of Nova Scotia, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, &c., &c., Governor General of Canada, being seated on the Throne.

The Honorable the Speaker commanded the Gentleman Usher of the Black Rod to proceed to the House of Commons and acquaint that House,—"It is His Excel-

lency's pleasure they attend him immediately in this House."

Who, being come with their Speaker,

The Clerk of the Crown in Chancery read the titles of the bills to be passed severally, as follow :—

An Act for the relief of David Stock.

An Act to amend the Act respecting certain works constructed in or over Navigable Waters.

An Act to incorporate the Edmonton and Slave Lake Railway Company.

An Act to incorporate the St. Clair and Erie Ship Canal Company.

An Act to confirm an agreement between the Canadian Pacific Railway Company and the Hull Electric Company.

An Act respecting the British Columbia Southern Railway Company,

An Act respecting the Welland Power and Supply Canal Company, Limited, and to change its name to the Niagara-Welland Power Company, Limited.

An Act respecting the Canada Southern Railway Company.

An Act respecting the Bronsons and Weston Lumber Company, and to change its name to the Bronson Company.

An Act respecting the Pontiac Pacific Junction Railway Company.

An Act respecting the Alberta Irrigation Company, and to change its name to the Canadian North West Irrigation Company.

An Act respecting the Brandon and South Western Railway Company.

An Act respecting the Ottawa and Gatineau Railway Company.

An Act respecting the Columbia and Western Railway Company.

An Act respecting the Atlantic and North-west Railway Company.

An Act respecting the Central Counties Railway Company.

An Act respecting the Cobourg, Northumberland and Pacific Railway Company.

An Act respecting the Lindsay, Bobcaygeon and Pontypool Railway Company.

An Act respecting the Lindsay, Haliburton and Mattawa Railway Company.

An Act respecting the Northern Pacific and Manitoba Railway Company.

An Act respecting the Richelieu and Ontario Navigation Company.

An Act respecting the Roman Catholic Episcopal Corporation of Pontiac, and to change its name to the Roman Catholic Episcopal Corporation of Pembroke.

An Act respecting the Canadian Railway Accident Insurance Company.

An Act respecting the Quebec Steamship Company.

An Act respecting the Eastern Trust Company.

An Act respecting the Hamilton Powder Company.

An Act respecting the Home Life Association of Canada.

An Act respecting the Canada Life Assurance Company.

An Act further to amend the Adulteration Act.

An Act to amend the Inland Revenue Act.

An Act respecting the Nipissing and James Bay Railway Company.

An Act respecting the Saskatchewan Railway and Mining Company.

An Act respecting the Canadian Pacific Railway Company.

An Act respecting the James Bay Railway Company.

An Act respecting the Guarantee and Pension Fund Society of the Dominion Bank, and to change its name to the Pension Fund Society of the Dominion Bank.

An Act respecting the Dominion of Canada Guarantee and Accident Insurance Company.

An Act to amend the Bank Act.

An Act respecting the Great North West Central Railway Company.

An Act to confer on the Commissioner of Patents certain powers for the relief of Thomas Robertson.

An Act to confer on the Commissioner of Patents certain powers for the relief of George L. Williams.

An Act to incorporate La Compagnie du chemin de Fer de Colonisation du Nord.

An Act to incorporate the Russell, Dundas and Grenville Counties Railway Company.

An Act to incorporate the Arthabaska Railway Company.

An Act to authorize the amalgamation of the Erie and Huron Railway Company and the Lake Erie and Detroit River Railway Company.

An Act respecting the Ottawa Electric Railway Company.

An Act respecting the Canadian Power Company, and to change its name to the Ontario Power Company of Niagara Falls.

An Act respecting the London Mutual Fire Insurance Company of Canada.

An Act respecting the Hudson's Bay and Yukon Railways and Navigation Company, and to change its name to the Hudson's Bay and North-west Railways Company.

An Act to incorporate the Edmonton and Saskatchewan Railway Company.

An Act to incorporate the Klondike Mines Railway Company.

An Act respecting the Canada Accident Assurance Company.

An Act respecting the Huron and Erie Loan and Savings Company.

An Act respecting the Nisbet Academy of Prince Albert.

An Act to incorporate the Canadian Inland Transportation Company.

An Act for the relief of Annie Inkson Dowding.

An Act respecting the Northern Commercial Telegraph Company, Limited.

An Act respecting the Bedlington and Nelson Railway Company.

An Act to incorporate the Canada Permanent and Western Canada Mortgage Corporation.

An Act to incorporate the Canada Plate Glass Assurance Company.

An Act to amend the Winding Up Act.

An Act to incorporate the Sudbury and Wahnapitae Railway Company.

An Act respecting the Quebec, Montmorency and Charlevoix Railway Company, and to change its name to the Quebec Railway, Light and Power Company.

An Act to incorporate the Rutland and Noyan Railway Company.

An Act respecting the Inspecting of Petroleum and Naphtha.

An Act to amend and consolidate the Acts relating to the Quebec Harbour Commissioners.

An Act respecting the Canadian Northern Railway Company.

An Act respecting the Red Deer Valley Railway and Coal Company.

An Act to incorporate the Canada Mining and Metallurgical Company, Limited.

An Act respecting the jurisdiction of the Exchequer Court as to railway debts.

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 the 30th June, 1899, and the 30th June, 1900, and for other purposes relating to the public service.

GOVERNMENT CONTRACTS WITHOUT PUBLIC COMPETITION.

MOTION.

Hon. Mr. POWER 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, a full and complete return of all government contracts entered into since the first day of November, 1878, by private agreement, and with public competition by tender or otherwise, specifying in detail the goods purchased, the prices paid and from whom purchased, and the character of all work done, the amounts paid therefor and to whom paid.

He said:—I do not propose to make any speech on this motion. We have had various motions for partial returns in the direction indicated by the motion now before the House, and it is desirable that we should have a full and ample return, and I think that probably the preparation of this return will give employment to any clerks in the various departments who would not otherwise be occupied during the recess; but inasmuch as a good many partial returns, which cover portions of the ground covered by this address, have already been brought down, the amount of work to be done, will not be as great as it might appear at first blush.

Hon. Mr. PERLEY—What part has been brought down.

Hon. Mr. POWER—Several returns have been brought down. There has hardly been a session in which some returns of the kind have not been brought down.

Hon. Sir MACKENZIE BOWELL—As my hon. friend from Halifax is thursting for information, I would suggest that we go back a little further, more particularly as he indicated a desire to furnish employment for some of those unnecessary clerks who have very little to do during this hot weather. I suggest that the motion be amended by making it read from the 5th day of November, 1873. Then we shall ascertain exactly what errors or wrongs, if any, have been committed by both parties during the time they have been in power. I do not know that it will be necessary to go back beyond 1875. However, I should have no objection to assist my hon. friend in satisfying his thirst for information, and I move that the 5th November, 1873, be substituted for the 1st November, 1878.

Hon. Mr. POWER—I have no objection.

Hon. Mr. PROWSE—As an objection has been raised against partial returns, I think it would be well to go further back and have the returns from 1867. As we are likely to have an election before long, it would be convenient for the government to employ a lot of men and keep them on hand.

The motion was amended and adopted.

THE PACIFIC CABLE.

Hon. Sir MACKENZIE BOWELL—Before the orders of the day are called, I should like to direct the attention of the leader of the government to a statement made in the newspapers on Saturday, and also this morning, in reference to a settlement of the difficulties which have arisen between the Imperial Government and the colonies as to the terms upon which the Pacific cable shall be constructed, and to ask him if it is correct. The statement made in the papers is that an arrangement had been arrived at between the Imperial Government and the representatives of the colonies, based upon the terms that were agreed upon a year ago in London. If the hon. gentleman has any information on the subject, it is important that we should know it.

Hon. Mr. MILLS—I believe the negotiations are very nearly consummated, that they are satisfactory, so far as they have gone, but they have not yet been finally disposed of. As soon as they are completed and the government is at liberty to do so, information will be given to Parliament.

THE ALASKA BOUNDARY.

Hon. Sir MACKENZIE BOWELL—There is another matter of some importance to which my hon. friend from Victoria has called my attention, that is, in reference to the *modus vivendi* on the Alaska boundary question. It has been stated that all negotiations have been broken off—that it was impossible to come to an agreement.

Hon. Mr. MILLS—I think that statement, that all negotiations have been broken off, is inaccurate; but I am not in a position

to make any statement to the House on the subject.

THE DEATH OF SENATOR SANFORD.

MOTION.

Hon. Sir MACKENZIE BOWELL—Before the orders of the day are called, it is my painful duty to read to the House a telegram received to-day by a member of the House of Commons, which reads as follows:—

Senator Sanford was out boating this morning at Windermere, when the boat accidentally upset a few yards from shore. The young lady, who was accompanying him, was rescued, but, though the senator's body was recovered in almost an instant, life was extinct. The accident took place at eleven a.m.

I need scarcely say that this information is of an exceedingly sad character; and I am sure those who knew the late senator will, with myself, deeply regret this untoward ending of his life. Senator Sanford has been for a number of years a member of this House. He was well known in the community as one of the most energetic business men in the Dominion. He was also known for his many charities and munificent gifts to charitable and other institutions. I scarcely know a man in the locality in which he lived who will be more missed than Senator Sanford. His business was one of enormous extent, and he was just building immense warehouses for the purpose of enlarging that business. His energy, his perseverance, in all matters with which he was connected, were not excelled by many men in the whole Dominion. I do not know that I can say more, or that I desire to say more, further than to express the regret which, I am sure, every member of the Senate and every man who knew Senator Sanford will feel. His loss will not be merely to his family as he was a fond and affectionate parent, but to this Senate, and to the whole Dominion. Under the circumstances, I do not know that we could show greater respect for his memory than to adjourn, and I therefore move, with the consent of the leader of the government, that the Senate adjourn until to-morrow.

Hon. Mr. MILLS—It is with very great regret that I had placed in my hands the telegram which the hon. leader of the opposition has read. That telegram was received by Mr. John Ross-Robertson from his office in Toronto to-day. I entirely agree with everything that the hon. leader of the opposition has said in reference to Senator Sanford. He was a most useful member of this body. As a man, there were few held in higher esteem by those who knew him. He was a man of great patience, of large sympathies and of broad views of public and social questions. He will be very greatly missed in this House, and as a member of this community. Few men in Canada engaged in mercantile pursuits were more successful than Senator Sanford. His business was very extensive. It was constantly growing and he seemed to be master of it, and capable of managing it with extraordinary skill, as much so as any man engaged in large mercantile pursuits, such as those that occupied his attention. I agree with the motion which my hon. friend the leader of the opposition has made, that it is due to one of so estimable a character as Senator Sanford that this House should express its respect for his ability, his character and his memory by adjourning for the remainder of this day.

The motion was agreed to

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, 11th July, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

ATLAS LOAN COMPANY'S BILL.

AMENDMENTS CONCURRED IN.

Hon. Mr. ALLAN, from the Committee on Banking and Commerce, reported Bill (30) "An Act respecting the Atlas Loan Company," with an amendment. He said:—A clause has been added to this bill simply for the purpose of giving the company power of investment in municipal and government stocks, and prohibiting them from lending on bills of exchange or promissory notes. I may say the clause follows the wording of the Act which the Minister of Justice introduced to the House respecting loan companies.

The amendments were concurred in.

BANQUE DU PEUPLE BILL.

NOTICE OF MOTION.

Hon. Mr. McMILLAN moved that the report of the sub-committee of the Committee on Banking and Commerce on the bill relating to La Banque du Peuple, together with the documents accompanying the report, be printed.

Hon. Mr. POWER—I rise to direct the attention of the hon. gentleman from Glengarry to the the fact that, while the information which he is seeking is very desirable and should be in the hands of members of the House when the discussion comes up on the third reading, unless some further action is taken in the way of deferring the third reading, the information will not be in our hands when the bill comes up to-morrow.

Hon. Mr. McMILLAN—We could defer the third reading to get that information. It will not take very long to do the printing and I simply desire that the hon. gentlemen of the Senate should be in possession of the facts in connection with this bank before the vote is taken on the bill in order that they may have an intelligent idea of the situation.

Hon. Mr. DANDURAND—Can we be guaranteed that the printed copies of this report will be available for the discussion of the third reading. If it is going to delay the voting on the third reading to such an extent as to jeopardize the bill I intend to vote against the motion made by the hon. gentleman.

Hon. Mr. McCALLUM—There is plenty of time yet.

Hon. Mr. MILLS—I think it is very important that we should have some idea as to whether this report and these papers are voluminous or not. I suppose some hon. gentlemen have examined them and know the contents and would be able to state the matter to the House. If they are very voluminous, they are not likely to be printed in time for the consideration of the bill this session, and even if they are printed and are very voluminous, the members of this House will be scarcely able to acquire more information in connection with them than they would be able to obtain from the statements of the hon. gentleman and others who have considered the subject.

Hon. Mr. SCOTT—The chairman might explain whether the papers are very voluminous ?

Hon. Mr. ALLAN—It will undoubtedly take some time to print the papers. The hon. gentleman who can give most information as to the nature of the papers is the hon. gentleman behind me (Mr. Forget) who is one of the committee to whom it was referred. I was not on the sub-committee.

Hon. Mr. FORGET—There is no doubt these papers are very voluminous. I do not know how long it would take to print them, but we can lay the papers on the table and hon. gentlemen can examine them before the third reading of the bill to-morrow. There are a great many names of debtors to the bank, and if the documents were printed it would be making these names public. The Senate does not want this bill to appear worse than it is. It is very bad at it is. I do not think it would be judicious to publish to the whole world the names of the unfortunate people who have been insolvent since that bank failed. I do not see what advantage hon. gentlemen could gain by having the papers printed. If the papers were laid on the table, hon. gentlemen could take cognizance of them. It took us three days to get through them ourselves, and besides that, if these papers were printed and circulated they will have to be explained. We had Mr. Kent from Montreal, and another gentleman, before us during two sittings to give us the explanations required, and nobody else could give us the explanations. They would have to come from outside, and the sub-committee was appointed to go into these papers because the general committee saw that they did not have the time, and therefore did not go through them. A sub-committee of five was appointed and obtained all the information possible and were unanimous in adopting this report. I have no objection to having the papers laid on the table for the information of hon. gentlemen.

Hon. Mr. SCOTT—Better limit the printing to the report of the sub-committee?

Hon. Mr. McMILLAN—I may tell hon. gentlemen that the papers are somewhat voluminous, and I am willing to admit that it will be a great deal of trouble perhaps for the hon. gentlemen to go through them. But there are papers that will give

the information that we would like to have —an abstract statement of the details, as far as assets and liabilities are concerned, and accounting to some extent for the shrinkage. That consists of one or two sheets. If I had all the documents laid on the table except that abstract and the report of the sub-committee of the Standing Committee, and had these two documents printed, I would be content. The printer would certainly get that abstract and report up in two hours.

Hon. Mr. FORGET—I think only a part of the details of the shrinkage of the assets would be unsatisfactory. The report of the sub-committee is short and we can have it in print by to-morrow. We could find the other details on the table. How could we choose among fifteen hundred or two thousand men?

Hon. Mr. VILLENEUVE—The member for Glengarry has had all the documents before him that he wished. He made the motion before the House ten days ago.

Hon. Mr. McMILLAN—I am not the whole Senate.

Hon. Mr. VILLENEUVE—The hon. gentleman represents the shareholders of the bank, and every document was laid before him. We brought two experts from Montreal who examined the assets and explained the shrinkage, and everything was made satisfactory. The report we made this morning was unanimous. It would not take five minutes to read that report to the House, and hon. gentlemen will find that everything there is as explicit as possible. If we were to have all these documents printed, it would take a week or more. We have had three sittings of the Banking and Commerce Committee, and two or three of the sub-committee, and every precaution was taken. We had one of the best accountants to assist us, one who knows the state of the bank perfectly well. He gave every explanation, and in such a way that he satisfied even the hon. member for Glengarry, and the hon. gentleman from Ottawa. I think there is no use in delaying any more. We should go on with the bill.

Hon. Mr. McMILLAN—I propose to amend my motion, to read as follows: That the report of the sub-committee appointed to investigate the affairs of the Banque du Peuple to the Committee on Banking and Commerce, as well as the abstract statement submitted to them by the valuators, be authorized to be printed for the use of members.

Hon. Mr. FORGET—The abstract statement may be the whole report.

Hon. Mr. McMILLAN—No.

Hon. Mr. FORGET—What does the hon. gentleman call the abstract statement?

Hon. Mr. McMILLAN—It is only one sheet of paper. I can tell the hon. gentleman what it means. It means under one heading the shrinkage due to notes that were found valueless; shrinkage due to real estate; shrinkage due to mortgage, and bonds, and so on—that is all.

Hon. Mr. VILLENEUVE—You have that before you.

Hon. Mr. FORGET—I wish the hon. gentleman would put that in his motion so that we would know exactly what he wants.

Hon. Mr. McMILLAN—It is there.

Hon. Mr. FORGET—It is not mentioned.

Hon. Mr. DANDURAND—I should like to know if that abstract statement is already on one single sheet, or if it is clerical work that must be done? Is it a sheet that bears that name, so that we may know what is to be printed—the report and a certain sheet headed abstract statement. If it is work that is yet to be done how can we define it?

Hon. Mr. McCALLUM—I know very little about this matter myself, but my first impression, and I think the impression of many senators, is that this was a very bad failure—that the business was not conducted honestly; that the stock diminished in value very soon. The directors made reports that the bank was in a good position, and in a few days afterwards the bank failed. The hon. gentleman opposite says it would not be right to expose the names of those people. I say it would. It might prevent others from getting into trouble. The whole world ought to know who they are. I know many senators will vote against the bill if we do not get that information.

Hon. Mr. FORGET—I want it thoroughly understood that I do not wish to hide any information from this honourable House. I want to give all the information we have, and I think it could be got when the hon. gentleman from Glengarry opposes, as he probably will, the third reading of the bill. He has all the information he wants, and his speech will very likely be made on those notes. I am quite desirous of giving all the information possible, but I do not want any delay. If the House gives orders to print too many papers, it will cause a delay which may prevent the passage of the bill. If the hon. gentleman wants only a statement showing the depreciation of real estate from such a date to such a date, I am not opposed to it.

Hon. Mr. McMILLAN—This is the document that I wish to accompany the report of the sub-committee. It is headed "Banque du Peuple Synopsis, showing the shrinkage in the different items of assets from the 28th February, 1895, to the 1st January, 1899, and algo the shrinkage from the 1st of January, 1899, to the 1st June, 1899," all on that sheet of paper.

Hon. Mr. OGILVIE—I think it would be very much better for those who are in favour of the bill to have the report of the sub-committee and that abstract printed, then every member of the Senate can have a copy and can read it. At the present time, I feel certain that not one-half the members of the Senate know anything about the matter except what has been told them.

Hon. Mr. VILLENEUVE—As chairman of the sub-committee, I have no objection to printing their report and the abstract to which the hon. gentleman from Glengarry refers. No one can object to that.

Hon. Mr. OGILVIE—That is all that is asked for.

Hon. Mr. VILLENEUVE—As far as printing all the papers connected with it is concerned, I object to it decidedly.

Hon. Mr. MILLS—The papers can be printed in the proceedings so that every member of the House can have them before him to-morrow.

The motion, as amended, was agreed to.

BILLS INTRODUCED.

Bill (141) "An Act to confer on the Commissioner of Patents certain powers for the relief of the Penberthy Injector Company."—(Mr. Casgrain.)

Bill (140) "An Act respecting the Canadian Railway Fire Insurance Company, and to change its name to the Dominion Fire Insurance Company."—(Mr. Clemow.)

Bill (158) "An Act respecting the Edmonton District Railway Company, and to change its name to the Edmonton, Yukon and Pacific Railway Company."—(Mr. Power.)

Bill (166) "An Act respecting the Temiscouata Railway Company."—(Mr. Wood.)

Bill (71) "An Act to incorporate the Algoma Central Railway Company."—(Mr. Casgrain.)

Bill (104) "An Act respecting the Dominion Permanent Loan Company."—(Mr. Power.)

A QUESTION OF PRIVILEGE.

Hon. Mr. FERGUSON—Before the orders of the day are called, I have to direct the attention of the House and hon. gentlemen to a report of an incident in this House relating to myself which has found its way into the newspapers in an incorrect manner. It is the first time since I have been a member that I have called attention to an error or misrepresentation in newspaper reports, of our debates, and I do not do it in this case in consequence of the great importance of the matter that it involves, but with a view, if possible, to get a little more consideration and justice from the press than we are receiving. If an hon. gentleman is misrepresented in this House and the attention of the newspaper or its reporter is called to the matter, one would think a correction would follow, but as the tree falls there it lies. Whatever way they report you they seem to think they must not go back on themselves. I am very sorry that is case. I know that the newspaper men cannot always get the right idea as to what passes here; therefore, I am not at all inclined to be harsh with them or make any severe criticism, but when attention is called to an error one would think that a correction should follow as a matter of course. On Friday last, during the dis-

cussion on the Grand Trunk Agreement, I made a statement with regard to the evidence given by Mr. Wainwright before the Drummond County Committee last year, and I read Mr. Wainwright's exact words as reported in the blue book. My hon. friend, the senior member for Halifax, speaking later, read a letter from Mr. Wainwright explaining that the words that I had read from that document, having reference to the amount of interest at which they could now borrow money, was a mistake in the report, that he had not known it until recently, and that he was not correctly reported. I find, however, that the newspapers put it that Mr. Wainwright contradicted my statement. My statement was not contradicted. I made the statement on the strength of the report. I am very careful about the statements I make, and I was simply repeating what I found in the report, and the letter which Mr. Wainwright had put in the hands of the senior member for Halifax did not contradict anything I said, but just put Mr. Wainwright right in the matter of reporting, but I find that the newspapers have got it in a different way. I have the *Mail and Empire* before me, in which there is no report of what I said, but simply this statement referring to remarks made by the hon. gentleman from Halifax, and giving a version of something which hon. gentlemen know did not occur at all. Mr. Wainwright did not call in question the accuracy of my statement, but he did call in question the accuracy of the report.

Hon. Mr. POWER—I have no criticism to pass on what has been said by the hon. gentleman from Marshfield, but I may give Mr. Wainwright's further explanation. I wish to explain how it was that that error came about. Mr. Wainwright never saw his evidence after it was taken down. He had not an opportunity to read it over, and it was not signed by him, and consequently the fact that that mistake remained in the evidence is not to be wondered at.

GEOLOGICAL SURVEY AMENDMENT BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (146) "An Act further to ament the Act respecting the Department of the Geological Survey." He said:—I mentioned the contents of this bill when I introduced it. In the first place, there is a proposal to amend section 4 of the Act of 1890 relating to the Geological Department. The proposed bill reads:

No person shall be appointed to the department under class B of schedule A of the Civil Service Act unless he is a science graduate and so on.

Previously under the law the provisions were that:

No one shall after the passing of this Act be appointed to the department under class B of schedule A of the Civil Service Act unless he is a science graduate of either a Canadian or foreign university or of the mining school of London or of the school of mines of Paris or of some other recognized science school of standing equal to that of the said universities and schools, or graduates of the Royal Military College and in each case only after having served a probation of not less than two years of scientific work in the department, or unless he has served a probation of not less than five years in the scientific work of the department, or he has had experience for the same number of years in a similar work, official or otherwise elsewhere.

The section reads:

Unless he is a science graduate of either a Canadian or foreign university or of one of the mining schools of London or the school of mines of Paris or of some other recognized science school of standing equal to that of the said university or school or graduate of the Royal Military College or unless he has served a probation of not less than five years in the scientific work of the department.

Hon. gentlemen will notice the distinction. There is an enlargement of the class who are made eligible for appointment, with no degradation of the qualifiation required. There is a further section, a provision for appointment on approbation. It reads:

Any person so appointed shall be appointed on approbation and shall not receive a permanent appointment unless he has served a probationary term of at least one year during which probationary period he may be rejected by the head of the department or by the deputy head, but if he be not rejected the deputy head shall at the expiration of the probationary period signify to the head of the department in writing that he considers the person so appointed competent for the duties of the department, and the appointment shall thereupon become permanent.

My hon. friend, the leader of the opposition, on the first reading took exception to the words "Or by the deputy head." I think, in all probability, my hon. friend's suggestion is more in conformity with the settled principles of parliamentary government than the retention of these words, and the deputy head may formally, as the act of an executive officer, report to his chief and the chief can carry out his suggestion if, in his opinion, the public service requires it.

Hon. Sir MACKENZIE BOWELL—I should infer from the remarks of the hon.

leader of the govern ment that he proposes to have this rejection by the deputy head struck out.

Hon. Mr. SCOTT—Yes, we can do that in committee.

Hon. Mr. POWER—When we go into committee on the bill, I presume the hon. minister will explain why it is that the probation of two years, which is required by the existing law, has been reduced to one year. I presume it is because of the difficulty of getting officers for the department.

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

UNORGANIZED TERRITORIES GAME PRESERVATION ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (153) "An Act to amend the Unorganized Territories Game Preservation Act, 1894." He said:—This bill is simply providing that the remaining bison in the North-west Territories shall be absolutely protected until 1902, instead of 1900. That is a period of two years longer.

Hon. Mr. LOUGHEED—Do the reports of the department indicate an increase in the buffalo or bison of that country? Has my hon. friend any information on that point—as to whether the reports of the Department of the Interior indicate any increase in the herds of buffalo or bison?

Hon. Mr. MILLS—I cannot inform my hon. friend as to that. This bill came from the House of Commons, but I understand that there are buffalo or bison in the Territories.

Hon. Mr. LOUGHEED—A great many people are skeptical as to the existence of them.

Hon. Mr. MILLS—It is said that there are, and I have no doubt the Minister of the Interior ascertained the fact before he introduced the measure, and if there are, the object is to give them protection for two years longer.

Hon. Mr. KIRCHHOFFER—I understand there are two herds of wood buffalo in the barren lands, and it would be a good thing if they were propagated and increased, I think they should receive all the protection the government can give them.

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

LAND TITLES ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (149) "An Act further to amend the Land Titles Act, 1894." He said:—In laying out the towns in the North-west, Moosejaw, Regina, Medecine Hat, Q'Appelle, and some others, the same mistake was made as was made in Ontario, and the division of the country round those particular towns was planned and they were prepared to be sold as villa lots. It was found that the lands were not really available for any other purpose than farming, and therefore it was desirable to restore them to the condition of farming lands, and practically to cancel the plans that were filed, and provision was made in 1894 authorizing the judge, on application, to cancel the plan and restore the land to the condition of a farm. In a case that arose not very long ago before one of the judges, he held that the law as it then existed applied only to those particular subdivisions that came under the Land Titles Act, and many subdivisions were not under the Land Titles Act, and therefore it is to remedy that particular defect in the law that the amendment in the first section of this bill is proposed, in order that where it appears to the judge that it is in the interest of all parties that the land should be restored to its original condition, and the plans practically obliterated, he is authorized to do so, irrespective of the Land Titles Act. The next clause refers entirely to Indian lands, and makes provision for subdividing Indian lands wherever it is desirable to establish a town site.

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

DOMINION LANDS ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (148) "An Act further to amend the Dominion Lands Act." He said:—By referring to the first clause of this bill hon. gentlemen will see that the object is to change the terms upon which school lands

are sold. Heretofore school lands, under the law, were sold under the five years' system : that is, one-fifth shall be paid down at the time of the purchase, and the balance in five yearly instalments. It is found by the department that a larger price will be obtained if the terms are made ten years instead of five, the interest being paid with each instalment, and where the lot has been subdivided, being perhaps in the vicinity of a town or village, or perhaps a railway station, and a smaller area than 140 acres is being sold, the terms will remain the same as before, the one-fifth being payable. The next clause of the bill provides that the words "perfect in title" shall be struck out. The object of the second clause is to bring the practice of the department into conformity with the law. Homesteaders under the law, as it now stands, are allowed six months to perfect their entry after they notify the agent. Practically, I am informed by the department, the time is allowed to count from the period when the man first proposed to go on the land, and this clause is to bring the law into conformity with the practice of the department as it is. The latter clauses relate to the change in the formation of the board of examiners. As the law at present stands, the board consists of eight surveyors, and the expense of an examination is found to be unnecessarily high. More persons attend, in order to get the fees, than are necessary, and this proposes to reduce the number of examiners to three, and authorizes the examination to take place at a point that may be most convenient. Instead of taking place at Ottawa, if the plaintiff is a resident say at or near Regina, or some other point in the North-west, the examinations may be taken there upon these lands.

Hon. Sir MACKENZIE BOWELL—I should like to inquire of the minister as to the disposition of the interest which is paid upon these lands. The interest, I believe, which has been paid by the purchaser of school land heretofore has been 6 per cent. Is that to be continued?

Hon. Mr. SCOTT—I think so. I am not aware of any change contemplated in that respect.

Hon. Sir MACKENZIE BOWELL—I suppose the interest which is paid upon the unpaid purchase goes to the credit of the school fund so as to augment the capital?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—I ask this, because I read a discussion on that question in some of the Manitoba newspapers in which they pointed out that that interest ought to be paid to them. If the interest is paid on the purchase, it forms part of the actual capital, and consequently becomes part of the capital of the school fund, and should be credited to the school fund the same as the price paid for the land. Is that the practice?

Hon. Mr. SCOTT—I understand there has been no change in the practice. None has been made, I certainly should have heard of it. The interest goes into the fund, and the fund is credited to Manitoba.

Hon. Sir MACKENZIE BOWELL—What interest do you allow the Manitoba Government of this fund? Orginally I am of opinion it was 5 per cent; is it that now?

Hon. Mr. SCOTT—I am not very sure. I will ascertain before the bill goes to committee.

Hon. Sir MACKENZIE BOWELL—I am in favour of the change which has been made in this respect. I think it will be likely to secure a larger amount for the lands, and certainly if you can get 6 per cent on the unpaid capital, it will assist materially, running as long as ten years, to augment the school funds of that province.

Hon. Mr. LOUGHEED—I would point out an objectionable feature in the bill, and that is, you propose to deal with sub-clause *f* of clause 90, which provides a limitation in respect to residence, and so on. Sub-clause *f*-2 of clause 4 is of the most sweeping character. It provides for no particular length of time in the matter of residence, but would permit the Minister of the Interior or permit the Crown to issue a patent to any one being in occupation of lands immediately previous to the extinguishment of the Indian title. It is a well known fact that the extinguishment of any Indian title is a matter of considerable publicity, and it would be an inducement to a great many persons to at once go into occupation of those lands, because there would be little or no probability of their possession being in any way disturbed; consequently, under this subsection they could immediately

demand of the Crown a title for the lands, because they were in occupation immediately before the extinguishment of the Indian title. Under clause *f*, of clause 90, you make provision for half-breeds who were in the North-west previous to 15th July, 1870, being entitled to certain rights and there is nothing parallel or analogous in the clause which you propose in this bill. There should be some explanation why such an extraordinary power should be given, and why such a sweeping clause should supersede the existing one.

Hon. Mr. SCOTT—Probably the hon. gentleman is aware that at the present moment Mr. Laird, who is the Indian Commissioner, and, I think, one or two officers of the department, have been deputed to extinguish the Indian title north of Edmonton, and it is known that there are a number of half-breeds there who have never received anything under the Act of 1870, or under the subsequent Act of 1885.

Hon. Mr. LOUGHEED—You are issuing scrip in satisfaction of their claims?

Hon. Mr. SCOTT—It is proposed to deal with them as under the Act of 1890, and it is for that purpose that the clause is introduced.

Hon. Mr. LOUGHEED—This deals with an entirely different subject. The granting of scrip to half-breeds, by reason of the extinguishment of the Indian title, is one matter, provided for by the Dominion Lands Act. Now you are providing for the granting of a patent to any person, whether half-breed or not, who may be in possession of lands immediately previous to the extinguishment of the Indian title, so that the question of the half breed claims is not taken into consideration at all in clause *f*-2.

Hon. Mr. SCOTT—The object, I can assure my hon. friend, at all events is to deal with the half-breeds when they are extinguishing the Indian title.

Hon. Mr. LOUGHEED—That is under clause *f*. In the bill which you have just introduced you have provided for that particular matter. Then in clause *f*-2 you proceed to deal with an entirely different subject, namely, the issuance of patents to persons their servants or agents who may be in possession of lands immediately previous to the extinguishment of the Indian title. What I say is, there should be some limitation to that occupation.

Hon. Mr. POWER—They should have been in occupation for some considerable time.

Hon. Mr. LOUGHEED—They should have been in occupation for some time; otherwise, if you leave a broad and sweeping enactment of this kind on the statute-book, immediately it is announced that there is to be an extinguishment of Indian title, you will have a deluge of persons upon the land to avail themselves of it.

Hon. Mr. SCOTT—The report is being made now, and this will apply only to parties found there before the Act is passed. There are a number of squatters on those sections besides the half-breeds, and they are entitled to receive patents for their land.

Hon. Mr. LOUGHEED—Why should they?

Hon. Mr. SCOTT—Are we to give them to homesteaders and others, and not give these squatters the same privileges?

Hon. Mr. LOUGHEED—You are not dealing with homesteaders.

Hon. Mr. SCOTT—We are dealing with white men found in possession of the lands under such circumstances. Does the hon. gentleman mean to tell me that they should not be placed on the basis of homesteaders? They may have been there ten years, or only one year, and you would not dispossess them.

Hon. Mr. POWER—As I understand the point raised by the hon. gentleman from Calgary is this, that persons who would be tempted to squat, hearing of the passing of this bill——

Hon. Mr. SCOTT—They would not be considered.

Hon. Mr. POWER—It occurs to me that the objection of the hon. gentleman from Calgary could be met by a slight amendment when the bill is in committee—to make those persons prove that they were in possession prior to January.

Hon. Mr. MILLS—I do not see what objection there can be to the clause. You are

anxious to get settlers into the country. You are willing to give them homesteads which they may occupy. You have large unsurveyed districts over which you want to extinguish the Indian title. Settlement is advancing in a north-westerly direction. You propose to set out lands for settlement, but there are already some people there. Surely we should be as much pleased to find them there as to have them come afterwards, so long as you are setting out lands for settlement, and I can see no reason in the world why these squatters should not be allowed to remain there and receive a grant of land. The provision here has a limitation. The experience in the settlement of Manitoba and the North-west Territories in many cases was this: where lands are being set out for settlement, you find here and there a squatter, a party who had been trading with the Indians, or supplying persons in the country with provisions they needed in their expeditions for trading and hunting, and those persons in some cases demanded large blocks of land, eight or ten hundred acres. In settling with them, in a few cases a very considerable area was recognized. This settles by law the amount of land that those persons you find as squatters in the territory are to receive. They cannot argue with the minister; they cannot insist on receiving a larger amount than the law allows, and the law removes any discretion the minister might have in the matter. He will be in a position to say to them, "The law allows 160 acres to each squatter; you stand in the same position as if you had been a homesteader after survey." It prevents controversy and assists settlement.

Hon. Mr. LOUGHEED—I am quite in sympathy with that class of squatters to whom my hon. friend refers. What I want to point out is this: it takes a considerable length of time to extinguish an Indian title. In the meantime very considerable publicity is given to the fact. The clause places no limitation upon the length of occupation of the squatter. Therefore, the moment you announce that you are going to extinguish an Indian title, many people will at once move on those lands for the purpose of securing areas of 160 acres. It is not material about their being bona fide settlers under this bill, but any person upon the wing can settle down on that Indian reserve and, without any qualification for settlement, demand from the government 160 acres. I say such persons should not be in any better position than a bona fide homesteader who goes on the land, and who is compelled to put in three years practically of settlement upon his land. You should place some limitations upon it. Furthermore you may have other Indian titles to extinguish than the Indian title that is now receiving the attention of the government. You make provision for all time to come. I simply direct attention to the matter so that when the bill comes before the committee it can be thought out in all its phases.

Hon. Sir MACKENZIE BOWELL—This can be better discussed in committee. We have got into the habit of discussing such questions with the Speaker in the Chair as if we were in committee. I wish to supplement what my hon. friend has said in reference to this clause. The hon. Secretary of State did not seem to grasp the real objection that he took. He did not object, under the system which has prevailed in the past, to granting patents to such settlers as the Minister of Justice has described. With this bill before the House and the probability of its becoming law, and the knowledge which prevails all over the North-west that this bill has been introduced, and that Mr. Laird is now negotiating with the Indians north of Edmonton with the view to the extinguishment of their titles, what is to prevent any one from sending his servants to squat on a desirable piece of land there? If they are on the land ten days, there is nothing to prevent them from making a demand for a patent. If the parties who are there, either as servants or as agents were going to be permanent settlers, there could be no objection to it at all. But we know very well from past experience, especially in the United States, when a proposition has been made to acquire Indian titles to land, there is a rush from all the other States, to get possession of the best localities. And so it will be in this country. There will be speculators in our North-west as well as in the United States, and the moment this law is put on the statute-book it may be abused in that way. I think that is the only point my hon. friend intends to make.

Hon. Mr. SCOTT—I shall bring the matter under the notice of the Minister of

the Interior before the bill goes to committee, and I presume, with the experience Mr. Laird and those associated with him in the department have had, unless a man had considerable improvements, his claim will not be recognized.

Hon. Mr. LOUGHEED—It is not in Mr. Laird's discretion.

Hon. Mr. SCOTT—Oh, yes it is. Any man who squatted a few months before Mr. Laird went in there would not be recognized.

Hon. Sir MACKENZIE BOWELL—My impression is the privilege would be greatly abused if the bill passes in its present state.

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

DEPARTMENT OF THE INTERIOR AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (147) "An Act to amend the Act respecting the Department of the Interior." He said:—This bill is not unlike, in some of its features, the bill relating to the Geological Branch. The necessity for this measure arose very recently, when a Mr. Dufresne, who was computor under the chief astronomer, left the service, and it was found impossible to appoint a successor except at $400 a year, and there was no one with the qualifications necessary that would accept that sum. This bill is for the purpose of enabling the department, irrespective of the Civil Service Act, when a specialist is required in that particular branch, to name some one who has the capacity and who naturally will expect the remuneration due to an officer possessing high qualifications. Under the Civil Service Act of 1895, as the hon. gentleman knows, clerks commence at a salary of $400 a year.

Hon. Sir MACKENZIE BOWELL—A third class clerk.

Hon. Mr. SCOTT—There is no third-class clerk now. I think there are only two classes, second and first, so that it leaves the department in a rather embarrassing position. The necessity for it arose in the case that I have referred to on a report from an officer of the department.

Hon. Sir MACKENZIE BOWELL—Is there not a clause in the Civil Service Act that permits a minister to employ a person with special qualifications and pay him a higher rate than a second class clerk?

Hon. Mr. SCOTT—An officer in the service of the country, who is under Parliament and who has very strained ideas on that subject, declines to recognize that principle. Every man must come under the regular provision of the Act.

Hon. Sir MACKENZIE BOWELL—Unless he has a special qualification?

Hon. Mr. SCOTT—There has been a difficulty in filling up the particular vacancy to which I have referred.

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

POST OFFICE AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (155) "An Act to amend the Post Office Act."

(In the Committee.)

Hon. Mr. SCOTT—As was explained on the second reading of this bill it refers to certain details of the Post Office Act, giving the Postmaster General additional power, fixing a fee for late mailable matter, on the same principle, I presume, as quick deliveries, and rates fixed for the insurance of registered letters up to $25. The hon. leader of the opposition asked for some particular explanation as to why clause 127 exempted British Columbia from the operation of the clause. The reason given at the time was the substantial reason, that in British Columbia it is quite impossible to find railway mail clerks who have served for ten years, and therefore that province was exempted by the Act of 1894, when some amendments were made, and it is continued to be exempted because they could not get officers who had been ten years mail clerks for the offices of superintendent. For that reason it is considered only fair that British Columbia should be excluded.

On clause 2.

Hon. Sir MACKENZIE BOWELL—Can you explain why, if you are adopting the principle of insuring registered letters you confine its operation to sums not exceed

ing $25? I take it for granted that if $5 is inclosed the fee for insuring its proper delivery would not be as much as if it were $25.

Hon. Mr. SCOTT—No.

Hon. Sir MACKENZIE BOWELL—If it is to be a graduated insurance, why confine it to $25?

Hon. Mr. SCOTT—Because it is a novelty.

Hon. Sir MACKENZIE BOWELL—A novelty?

Hon. Mr. SCOTT—Yes, in Canada. It has been tried in other countries and has been found acceptable. I have no doubt when we have had some experience of it here it will be widened. The Postmaster General wished to see how it worked, and what loss it might entail on the Post Office Department.

Hon. Mr. LOUGHEED—It will have an affect on the issuing of post office orders?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—Do I understand this to mean $25 cash. Would not an accepted cheque be treated as actual cash.

Hon. Mr. SCOTT—You can pay a fee for cash or a draft. I do not know whether it would apply to parcels, it says "registered mailable matter."

Hon. Sir MACKENZIE BOWELL—I suppose it means anything not exceeding in value $25.

The clause was adopted.

On clause 3.

Hon. Mr. LOUGHEED—Why do you except the Territories and simply deal with British Columbia in the clause? The mail clerks in the Territories have about the same term of service as the mail clerks in British Columbia. The mail service was practically organized in both sections about the same time.

Hon. Mr. SCOTT—I presume the draftsman took it from the former statute of 1894-95.

Hon. Mr. LOUGHEED—You could easily appoint an outside man?

Hon. Mr. SCOTT—There would be no difficulty because the law is widened now. Only half the ten years is required to be put in on the road.

Hon. Mr. LOUGHEED—You would debar many men who might have reasonable expectation of becoming superintendent by reason of this limitation.

Hon. Sir MACKENZIE BOWELL—There is another serious objection to this provision. It is perpetuating a system of provincialism. It has been the practice heretofore to move officers from one section of the country to another. There is no reason why a competent official of this character, who has been in service in Manitoba or the North-west Territories, or anywhere else in the country, should not be sent to British Columbia and vice versa. It seems to me on the introduction of a province into confederation, there might be an excuse for a few years for adopting a policy of this kind, but after they have been a part and parcel of the Dominion for ten or fifteen years, I think the system is bad to confine appointments to any one particular place. We have been obliged to remove officials from Manitoba to British Columbia, particularly in the Customs Department, and customs officials have been sent also from Ontario and British Columbia into the Yukon Territory, and a great many have been sent to the Rossland and other districts, for the simple reason that you want men who have had experience in the work. It enables an officer better to collect the revenue. In this case, a superintendent should be a man who has had a good deal of service, yet my hon. friend says because they have not had officials long enough in the service in British Columbia, therefore you must exempt them from the operation of the law. The best way to meet that local demand is to exchange officers. Why not extend the same principle to all the departments at once? You have sent a man from Ottawa, to take charge of the New Westminster penitentiary, simply because you had no man there with the experience necessary to justify you in placing him in the position. Why it should be confined to this department alone, I do not know. If British Columbia, or Prince Edward Island, or any other province is to be exempt from the general operation of the law, you had better exempt them all at once and pre-

vent a Quebec officer from being sent into Ontario, or an Ontario officer being sent into Quebec. It is vicious in principle and will lead to abuse—I will say abuse of power, and of political influence. In a constituency where they have not a man actually qualified for a position, the influence may be such as to induce the minister to appoint a man who is totally unqualified for that office. I lay it down as a general principle,—and I think those who have had any experience in the filling of these positions, cannot help coming to the same conclusion—that the sooner the confining of the appointments to any one particular place is abolished, the better for the country.

Hon. Mr. SCOTT—The hon. gentleman will see that the position of British Columbia is peculiar and different from that of any other part of the Dominion. There is no other place in the Dominion where so many new mail routes have been opened. There are more in British Columbia than any other portion of the Dominion, up through the Cariboo and Kootenay districts and all through that country. A man from the east, who had not served in British Columbia, would be quite incapable of gaining in a short time that experience which one, who had been in the country for three or four years, had acquired; and for that reason British Columbia was excluded. I do not think that the parallel of the penitentiary will apply, inasmuch as the Post Office Inspector in British Columbia has to be an active officer, familiar with all the routes and highways of the country, and it could not be expected that a man being sent from the east could possess that information at once. That is the only reason British Columbia should be exempt from the law and the department should be allowed to select the most intelligent of those who had been serving in the best parts of the country.

Hon. Mr. FERGUSON—I think this committee is rather missing the full scope of the amendment contained in clause 3. The old Act provides that no person shall be eligible, except in British Columbia, for this position unless he has served ten years as a railway mail clerk, but it is now proposed that any person shall be eligible in any province of Canada, except British Columbia, if he has served five years as a railway mail clerk. The real scope of the clause is to make any railway mail clerk who has served five years eligible for this office of superintendent in all the provinces except British Columbia, instead of ten years as formerly. We certainly should be furnished with some reason, when a staff is increasing in number, and when experienced men are easier to obtain than in former years, why it is that experience is going to be cast to the winds and a man of the limited experience of five years is to be made eligible for an office which, in earlier years of the service, required ten years?

Hon. Mr. SCOTT—He must serve ten years, but one-half of it may be served in the inside service if the Postmaster General thinks proper. Ten years has to be served in all cases, but one-half may be inside and one-half outside.

Hon. Mr. FERGUSON—I do not think that is so.

Hon. Mr. SCOTT—Yes, it reads that way. He must be at least ten years in the mail service, and must serve as mail clerk at least one-half. There is no intention of shortening the period.

Hon. Sir MACKENZIE BOWELL—The argument of the hon. Secretary of State in favour of this clause leads me to the conclusion that it ought not to be adopted. If you require an experienced man to superintend all the mail clerks in a country which is growing rapidly, as in the Kootenay district, surely you should select one who has had that experience instead of one who has not. All he has to do is to superintend the work and to see that it is properly done, and the moment the mail service is established, then it is for the superintendent to see that the employees do their work properly. It is not his duty to travel over all these roads. The inspectors do that.

Hon. Mr. POWER—As a matter of fact, this provision with respect to British Columbia is in the existing law. I understand the hon. gentleman thinks the exception should be removed?

Hon. Sir MACKENZIE BOWELL—Yes.

Hon. Mr. POWER—Perhaps he is right, but the experience of the department should be the best guide. With respect to the other point, I cannot see why an officer who has been employed in the office of the inspector of post offices for five years, and who

has been dealing with the letters which go over the railway line, and who has been a railway mail clerk for five years, should not be nearly as good as one who has been a railway mail clerk for ten years.

Hon. Mr. SCOTT—After the discussion we had on this point on the second reading, I sent the bill to the Postmaster General for his view and I received the following:—

The reason for the exception in British Columbia from the provisions of chap. 127, is that the railway mail service has been only so recently organized in British Columbia that there are no mail clerks there of ten years standing, and but for this exception it might be necessary, in case of vacancy, to send to British Columbia a superintendent from some other part of the Dominion.

This provision is not new, but is the present law. The only part of the section which is new is that which allows the ten years to be distributed partly in active service on the railway and partly in the office of the Chief Superintendent.

Hon. Mr. LOUGHEED—Entirely apart from the existing Act, in dealing with the merits of the bill, there is no qualification whatever upon the appointment to office in British Columbia. Why should so wide a distinction prevail between the other parts of the Dominion and British Columbia? You require a very considerable service in the other parts of the Dominion, and at the same time there is not the least qualification necessary for a superintendent of railway mail clerks in British Columbia. You can appoint a man who has not had a year's experience on the railway or mail service and make him superintendent of British Columbia. I have heard no good reason advanced yet why so broad a distinction should be made between the other parts of the Dominion and British Columbia.

Hon. Mr. MILLS—I suppose the hon. gentleman knows the reason for the introduction of this clause?

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. MILLS—It seems to have been the Act for 1894.

Hon. Sir MACKENZIE BOWELL—My hon. friend is altogether too conservative for me. He is marching on towards toryism at a rate which rather surprises me and will surprise the whole Dominion.

Hon. Mr. DANDURAND—Hear, hear!

Hon. Sir MACKENZIE BOWELL—In the first remarks I made I called atttention to the fact that when British Columbia and the North-west Territories joined confederation, there might have been an excuse for that, because at the time the system did not prevail which prevails now, but that has passed away, and I see no reason why it should be continued. I am not so wedded to what took place twenty or fifteen years ago ——

Hon. Mr. MILLS—Or five years ago.

Hon. Sir MACKENZIE BOWELL—Yes, five years ago.

Hon. Mr. DANDURAND—Hear, hear!

Hon. Sir MACKENZIE BOWELL—There might be questions on which we disagreed five years ago which do not exist to-day, and we might be working together. I do not think I should be rowing in the same boat, however, as my hon. friend who cheers derisively at the remarks I made. But what we should all object to is that if any principle has been adopted in a bill, whether it is five or two years ago, and we find circumstances do not exist to-day as they did then, and that should be abolished, I am sufficient of a reformer myself to have it abolished at once. I am not half as big a Tory as my hon. friend the leader of the government. I am sorry he is not still more of a Tory in matters of public interest. He would do better and there would not be much opposition.

Hon. Mr. DANDURAND—I did not speak derisively when I said hear, hear. I approved of the proposition that five years ago we might hold one view and abandon it now.

Hon. Sir MACKENZIE BOWELL—Is it the fact that in the case of a man you wished to reward for services, who never had any experience at all as a mail clerk in the Post Office Department, he can be put over the heads of those who understand their business? Because that appears to be the provision, and one would be led to suppose that it was done for the purpose of providing for those who had claims on the government setting aside the Civil Service Act. If that is the case, we had better repeal the Act altogether.

Hon. Mr. SCOTT—It is placed at ten years all over Canada except in British Columbia and I think you may trust the Postmaster General to that extent.

Hon. Mr. LANDRY, from the committee, reported the bill without amendments.

USURY BILL.

REFERRED TO COMMITTEE OF THE WHOLE.

The orders of the day being called :

Consideration of the amendments made by the Standing Committee on Banking and Commerce to ((Bill J) "An Act respecting Usury."—(Hon. Mr. Dandurand.)

Hon. Mr. LOUGHEED—I hope my hon. friend will not proceed with this bill until it is printed. I understand important amendments have been made to the bill which the members of the House have not had the opportunity of studying.

Hon. Mr. DANDURAND—The hon. gentleman was not here when we deferred the consideration of the bill. It was decided at that time that there was no reason for printing the bill, inasmuch as it appeared as amended in the minutes of this chamber, and for that reason nobody moved that it should be printed, and the House concurred in that.

Hon. Mr. LOUGHEED—Did the House agree that it should not be reprinted?

Hon. Mr. DANDURAND—It is reprinted in the minutes of Friday last on page 500.

Hon. Mr. OGILVIE—I would recommend the hon. member to take the advice of the hon. gentleman from Calgary and have the bill reprinted, as otherwise a great many members would vote against it who would not do so if they had the bill before them in reprinted form.

Hon. Mr. DANDURAND—The whole bill appears on page 500 of the minutes. The Committee on Banking and Commerce have maintained the limit of interest at 20 per cent which appeared originally in the bill, as I submitted it. Instead of making the bill general they have reduced it to sums under one thousand dollars. It covers all the usurers I want to reach who lend small sums of money from $50 and perhaps somewhat lower, up to two or three hundred dollars, and it is not open to the objection that it interferes with loans which have been made to railway promoters and to developers of mines where people, under the form of interest, bargain for a share of the profit. They are not touched by the bill at all. The interest from date of suit is reduced to 6 per cent. There is a penal clause added, which is clause 8. Then clause 9 declares that the Yukon Territory is excepted. As I have stated, the interest is reduced to 6 per cent from date of suit. In reprinting the bill from the sub-committee to the Banking Committee, a phrase was left out which I want to place in the bill again. The members of that sub-committee, two of whom are present here, the hon. Minister of Justice and the hon. member for Ottawa, will agree with me when I state that we intended reducing the rate of interest from the date of suit to six per cent, and in reading the reprinted form of the bill I thought I did it in clause 5. It was in the second clause of my bill as printed. Clause 5 reads:

5. The principal of any sum of money, as expressed by section 3 of this Act, due and exigible, before the date of the passing of this Act, shall not, from and after the said date, bear a rate of interest greater than twenty per cent per annum; and from and after the said date no rate of interest greater than six per cent per annum shall be recovered under any judgment, rendered before the said date, allowing a greater rate than six per cent per annum.

As hon. gentlemen will see, it simply affects judgments already rendered. I therefore move to add the following to section one:

But the rate of interest should be reduced to six per cent per annum from the date of issue to process in any suit, action or other proceeding for the recovery of the amount due.

Hon. Mr. POWER—I do not think that adds very much.

Hon. Mr. DANDURAND—The maximum rate of interest is 20 per cent. After maturity, in cases where the instrument does not mention the rate of interest, the legal rate of 6 per cent will be charged.

Hon. Mr. MILLS—Would my hon. friend accomplish what he desires by taking out of section 5 "rendered before the said date?"

Hon. Mr. DANDURAND—This clause only covers judgments which are hanging over people at 60 and 100 per cent. I confess I tried to remodel clause 5.

Hon. Mr. McMILLAN—You want to make it retroactive.

Hon. Mr. DANDURAND—Clause 5 is retroactive. The amendment I am moving to clause one makes it declare that it is for the future as well as for the past. By clause five we make it apply to judgments at the rate of 6 per cent.

Hon. Mr. LOUGHEED—Does that cover all cases on which judgment has been issued notwithstanding there may have been a contract that a larger rate shall be charged?

Hon. Mr. DANDURAND—Yes.

Hon. Mr. LOUGHEED—Then I understand if two parties solemnly enter into a martgage paying eight per cent, and the lender sues the borrower, that that mortgage contract is not to retain its validity, but immediately on the suit being entered becomes reduced to six per cent.

Hon. Mr. DANDURAND—That was the intention of the committee. This is for sums under $1,000.

Hon. Mr. POWER—The hon. gentleman of Montreal should read his amendment again. He must see that clause two of the bill does not deal with sums under $1,000 alone. It deals with sums of all amounts. Clause three deals with the amounts of $1,000, but the preceding clause deals with all amounts, no matter what the amount of the loan is. That is why I ask the hon. gentleman to read the amendment again because he is doing more than he wishes to do.

Hon. Mr. McMILLAN—Would it not be better to go into committee and discuss these clauses?

Hon. Mr. OGILVIE—If my hon. friend leaves clause eight as it stands now, he will find a great many members obliged to vote against the bill.

Hon. Mr. FORGET—My hon. friend from Calgary asks in case mortgage bears eight per cent, under this bill if the mortgage is sued on will it bear only six per cent. If the rate is twenty per cent or over, it is reduced to six per cent after the judgment but up to twenty per cent the contract is good.

Hon. Mr. FERGUSON—All this shows it is useless to go on with this bill until the final bill, as reported from the committee, is printed.

Hon. Mr. DANDURAND—We have it at page 500 of the minutes. I move that this bill be referred to Committee of the Whole to consider the amendment.

The motion was agreed, to and the House resolved itself into Committee of the Whole.

(In the Committee).

On clause 2.

Hon. Mr. LOUGHEED—Why repeal clause one of chapter 127 which deals with interest in every ramification of business?

Hon. Mr. DANDURAND—In the clause which is substituted you will find it practically re-enacted.

Hon. Mr. LOUGHEED—You are dealing with a class of contracts under $1,000. Why should you eliminate the enabling clause of the Interest Act? It is entirely unnecessary?

Hon. Mr. DANDURAND—Because you will find in the clause that is substituted you have the whole wording of that section. It is the law clerk who prepared this under the direction of the Minister of Justice.

Hon. Mr. LOUGHEED—You propose now to substitute clause 1 for clause one of chapter 127, and as far as I can see that clause does not deal with the limitation of $1,000.

Hon. Mr. DANDURAND—The clause which we are substituting is a general clause.

Hon. Mr. LOUGHEED—You start off with a prohibition at once. Clause one is not parallel at all with chapter 127. You are interfering with the whole Act, and you are placing the prohibition on chapter 127, and making this clause which we are now considering referable to all matters of contract under chapter 127.

Hon. Mr. DANDURAND—We are simply making a limitation of 20 per cent.

Hon. Mr. LOUGHEED—This limitation of 20 per cent, as I understand it, applies only to loans of $1,000 and under.

Hon. Mr. DANDURAND—Yes.

Hon. Mr. LOUGHEED—Then you are striking out the law which relates to the rate of interest on all amounts.

Hon. Mr. DANDURAND—That is subject to clause 2 which declares it is only applicable to sums of $1,000 and under.

Hon. Mr. LOUGHEED—The law provides for freedom of contract in interest. You substitute for that a limitation that all transactions shall be limited to 20 per cent. You start off with the prohibition, no one shall stipulate for, allow or exact a rate of interest larger than 20 per cent.

Hon. Mr. DANDURAND—I will satisfy my hon. friend by moving that clause 2 be replaced by the clause in the bill as I drafted it, limiting it to amounts under $1,000.

Hon. Mr. ALMON—Do I understand that if this bill passes a man can legally loan money at 20 per cent?

Hon. Mr. DANDURAND—Yes.

Hon. Mr. ALMON—Do you suppose if I go back to Nova Scotia and say that I voted for a bill to put down usury which admits such a rate of interest that they will not consider me a fit subject for a lunatic asylum?

Hon. Mr. DANDURAND—Twenty per cent upon a small sum for a short time, is not considered an exorbitant amount. A proposition was made to fix the limit at ten per cent, but a member from the North-west asked that the rate be not reduced, because for small loans and for short terms it has been usual to lend money at fifteen to twenty per cent. I am after a certain class of money lenders, and those money lenders I know I can reach by fixing the maximum at twenty per cent.

Hon. Mr. FERGUSON—I admit that it will regarded, in my province, as rather a queer way of putting down usury by putting the rate at twenty per cent. It will be like the old political watchword we used to hear about, "Come along, John, and put down bribery and corruption. We have lots of money."

Hon. Mr. POWER—The bill as it came from the committee provided that in no case—it was not limited to sums under $1,000—should any person stipulate for, allow or exact more than twenty per cent. I was not aware that any gentleman in this House thought that any greater rate of interest should be allowed. I think the hon. gentleman from Calgary only claimed that in the North-west loans were sometimes made as high as twenty per cent, and I do not think there can be any objection to this provision that in no case shall more than twenty per cent be recovered, and the bill which the committee has reported prohibits a higher rate of interest than twenty per cent per annum in any case. Now, the hon. gentleman who has charge of the bill proposes to amend it and provide that it shall apply only to loans of sums of less than $1,000. I do not see why he should make that change. I do not think the clause goes too far as it is. If there is any hon. gentleman in this House who can show that it is desirable that more than twenty per cent should be allowed, let him rise and speak now or for ever hold his peace.

Hon. Mr. McMILLAN—I cannot see why you give the privilege to a rich man to borrow any sum over $1,000, while you limit a poor man who wishes to borrow less than $1,000, to a rate of 20 per cent. If I understand this bill properly, it does not reach those who borrow over $1,000.

Hon. Mr. DANDURAND—No.

Hon. Mr. McMILLAN—I think that is a discrimination in favour of a rich man which this House ought not to recognize. I would rather see the $1,000 left out entirely. There are instances no doubt where a rich man would like to borrow $2,000 at 20 per cent or even more, and that may be less to him than 20 per cent on $1,000 to a poor man. The rich man may be willing to pay a sum exceeding 20 per cent, 30 or 40 per cent for a short loan. He is at liberty, according to this bill, to do it, while the poor man must be limited, because he cannot borrow more than $1,000, and he is subject to the penalty this clause imposes if he enters into a contract to pay more than 20 per cent. I think the bill is wrong from first to last.

Hon. Mr. CLEMOW—We were told that the object of the bill was to protect the poor man. That poor men were obliged to pay exorbitant rates of interest. This bill is to protect that class of the community. I suppose it is small in a large population, but we must all admit it has been a crying evil in the past, and the object of this bill is to meet the cases which have been brought to the notice of this House by the hon. gentleman from Montreal. That is why the amount is limited to $1,000. Cases were instanced where large sums of money had been borrowed at high rates of interest.

The amounts ranged from $20 to $200, if rich men choose to pay a large rate of interest, they know what they are doing; they do not require any protection. This bill is to protect the poor men who are obliged by necessity to borrow money from parties who are so usurious in their ideas that they charge extortionate rates of interest. I do not see how you can reach such a class as that without legislation such as is proposed here.

Hon. Mr. DANDURAND—My amendment is to prohibit a larger rate than 20 per cent for any sum under $1,000.

Hon. Mr. LOUGHEED—I am sorry the hon. gentleman has jeopardized the passage of this bill by the language of the latter part of the clause. There is not a loan company in Canada but would be a loser by it; I refer to the limitation of interest to six per cent between due dates and judgment.

Hon. Mr. CLEMOW—Is not the rate limited now?

Hon. Mr. LOUGHEED—No.

Hon. Mr. CLEMOW—Can they collect more than six per cent after judgment under the law as it now is? I say no.

Hon. Mr. LOUGHEED—They can collect according to contract.

Hon. Mr. DANDURAND—I will admit they can in the province of Quebec. If the hon. gentleman thinks six per cent is too low from the date of the issuing of the writ, let him propose seven or eight.

Hon. Mr. LOUGHEED—I say where a contract has been entered into between a borrower and a lender, whether under mortgage or any other class of contract, that contract should be enforced in its entirety until judgment is obtained. At the present time that is the law throughout the Dominion of Canada—the contract rate applies until the recovery of judgment. If you adopt this clause you at once offer inducements to a borrower, be it on mortgage or occupying any other position, to keep the lender in court with his suit dragging along possibly six months, a year or two years, as I have known suits to do, so that he can have the advantage of that money at six per cent from the time the writ is issued until judgment is recovered. If you legalize the rate of interest as you are doing at least 20 per cent, I say that until the recovery of judgment at least, if not until the payment of the money, the borrower should be bound by the contract into which he has solemnly entered, and you should not offer a premium on fraud, because it would be a fraud for a man who agrees to pay 8 per cent per annum to say to the mortgagee, "I will permit you to sue me; I will resist and delay the suit in every possible way, and I will have the use of your money at 6 per cent notwithstanding my contract."

Hon. Mr. CLEMOW—My point is this: a mortgage becomes due to-day bearing, say, ten per cent and it is not paid. Can the mortgagee claim from the mortgagor anything more than six per cent after that time?

Hon. Mr. LOUGHEED—Yes, all he has to do is to set out in his statement of claim that there is a contract to pay a certain rate of interest.

Hon. Mr. CLEMOW—I am speaking of the interest after the mortgage is due. You cannot collect more than six per cent.

Hon. Mr. LOUGHEED—The matter has been settled by the Supreme Court. If it is provided in the mortgage, for instance, that the rate of interest shall be ten per cent and that the mortgage shall expire at a certain date, then the mortgagee would not be entitled to recover more than six per cent after the due date of the termination of the mortgage; but if the mortgage provides, as nearly all mortgages provide now, since the authority to which I have alluded, that the rate shall continue until the debt is paid—"whether paid at maturity or afterwards," are the words usually used in the mortgage—then that contract bears interest at the rate stipulated until payment is made.

Hon. Mr. CLEMOW—Provided the contract so stated. But if it does not contain those words, and no mortgage did until very recently, it merely carries six per cent until paid.

Hon. Mr. LOUGHEED—My hon. friend from Montreal proposed to wipe out the contract between the parties, and to provide that the rate of interest shall cease from the issuing of a writ.

Hon. Mr. CLEMOW—But the contract is at an end.

Hon. Mr. LOUGHEED—No.

Hon. Mr. DANDURAND—The hon. gentleman will remember I spoke of a reduction from twenty to ten per cent. A majority of the committee thought six per cent should be the rate that a sum should bear from the institution of suit. My hon. friend moves no amendment to the sum fixed.

Hon. Mr. LOUGHEED—I am simply pointing out to my hon. friend and to the House the impropriety of invading contracts representing millions and millions of dollars throughout the whole Dominion of Canada, and making practically a laughing stock of this Senate. If we are to approach this subject we had better do so from a business standpoint, and not enter upon practically a cancellation of existing contracts or, in other words, a confiscation of money.

Hon. Mr. FERGUSON—I notice my hon. friend substitutes a clause differing from the clause reported by the committee. The bill as reported provides that the rate of interest shall be reduced to six per cent unless another amount is fixed by express terms in the instrument; but in this amendment it is proposed to reduce the rate to six per cent, notwithstanding the contract.

Hon. Mr. DANDURAND—If the hon. gentleman will read the clause, he will see it does not bear that interpretation. If the contrary has been provided, according to the clause it cannot go beyond twenty, but I want to reconcile that clause with clause five which provides that for judgments bearing a larger rate of interest which had been rendered before the passage of this Act, they shall after the passing of this Act bear no greater rate of interest than six per cent. I thought we should declare that for the future as well as for the past.

Hon. Mr. FERGUSON—There is that difference anyway, that in the first clause of the bill, as reported from the committee, the interest would not be reduced to six per cent, but would remain at any rate provided for in the contract. We are now asked to reduce the rate to six per cent no matter what the contract was.

Hon. Mr. DANDURAND—Yes, for sums under $1,000.

Hon. Mr. LOUGHEED—Surely my hon. friend will appreciate the fact that the great majority of the mortgages in the Dominion of Canada are for sums under $1,000, and the borrower is perfectly willing to pay eight or ten per cent, as the case may be; are we by this legislation to involve the whole country in law suits, as would undoubtedly culminate in the event of the passage of this legislation, to reduce the rates to six per cent?

Hon. Mr. DANDURAND—With the permission of the committee, I will practically return to the original clause. I had struck out the word "ten" and substituted a "six," and I am prepared to say the reduction shall be ten if it meets with the approval of the committee.

Hon. Mr. LOUGHEED—If there is a contract to pay a fixed amount, why should there be any reduction?

Hon. Mr. DANDURAND—Because when a borrower has borrowed at a higher rate than ten per cent, and fails to pay, and shows thereby that it is impossible for him to pay, it is but just, when a judgment may hang over his head for a number of years, that we should say that the rate of interest is reduced to ten per cent. I think ten per cent is quite a large rate of interest. We allow twenty, but we say ten per cent from the date of suit until payment is made.

Hon. Mr. ALLAN—If the hon. gentleman makes some alteration of that kind, it may to a certain extent meet the objection, but I have been trying to make out the case between the two lawyers, and what I could not understand was this: there is a great deal of money loaned in the North-west at 8 per cent, and the borrower undertakes to pay that 8 per cent until the money is repaid. If the bill as it stands now was to have the effect that when a mortgage of that kind became due, if the party loaning the money had to sue the mortgagee, no matter what trouble it might involve, he could not get more than 6 per cent, it seems to me it would be a most outrageous thing to meddle in that way with an enormous amount of business throughout the whole country.

Hon. Mr. DANDURAND—I have suggested that I am ready to change the 6 per cent and make it 10 per cent.

Hon. Mr. LOUGHEED—Why not say after judgment?

Hon. Mr. DANDURAND—It would be from the date of suit that the interest would run.

Hon. Mr. FERGUSON—It is hard to understand what we have before us from the various modifications in the clause, but if I am right that this clause, which formed number two of the bill as the hon. gentleman introduced it in the first place, or as it was reported from the sub-committee, then I understand that the reduction, on the writ being issued, to 6 per cent will be only in cases where the usurer had demanded more than 20 per cent.

Hon. Mr. DANDURAND—No. The interest is reduced to ten per cent from the date of suit on all sums borrowed below a thousand dollars.

Hon. Mr. FERGUSON—Whether the rate was twenty per cent or ten per cent or any other rate?

Hon. Mr. DANDURAND—It cannot be reduced if it is below ten per cent.

Hon. Mr. FERGUSON—This bill is aimed at usurers, and the twenty per cent rate has been fixed as one which will be regarded as excessive or usurious, and one of the penalties for such a charge is, when the suit commences the interest will be brought down to ten per cent, but that that will not apply to cases where the rate of interest is seven or eight per cent, or any reasonable rate.

Hon. Mr. DANDURAND—It cannot be reduced if it is eight per cent, of course, because we make the minimum ten per cent. But if it were any rate from 11 per cent to 20 per cent then it would be reduced to 10 per cent. I move that this amendment be adopted.

Hon. Mr. FERGUSON—I think the hon. member has rather confused the matter, and that he has departed from the bill as reported from committee. I think he should have met the objection of the hon. gentleman from Calgary, which, after he enlarged upon it, I could see the importance of—that we should not repeal the old law which is intended to affect all loans of money, but that we should bring this in to have the effect we want under the bill, and if my hon. friend had simply provided for that and not introduced a clause which differs so widely, he would not have got into difficulties.

Hon. Mr. DANDURAND—I am not departing from the principle laid down in the bill as reported from committee, because in clause 5 they have reduced the interest after judgment to 6 per cent. If we say now 10 per cent we will have, when we come to clause 5, to replace the six per cent interest by uniform rate of ten per cent. I am still in accord with the bill as reported.

Hon. Mr. POIRIER, 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, 12th July, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

MANITOBA AND SOUTH EASTERN RAILWAY COMPANY'S BILL.

RULES OF THE HOUSE SUSPENDED.

Hon. Mr. POWER—In the absence of the chairman of the Committee on Railways, Telegraphs and Harbours, I move that the rules of the House be dispensed with in so far as they relate to Bill (157) "An Act respecting the Manitoba and South Eastern Railway Company." The rule requires posting up for twenty-four hours before the bill goes to the committee. The Railway Committee meets on Friday, and the bill will not be posted up till to-morrow. I make this motion in order to avoid the necessity of the bill being postponed till next week.

Hon. Mr. ALMON—Is this a bill on which there will be much debate? Will it cause any delay?

Hon. Mr. POWER—The bill is likely to be amended in our House, and it is desirable that it should go to the House of Commons if it is to pass this session.

Hon. Mr. ALMON—I am anxious that we should get to the consideration of the Drummond County Railway Bill. There are many obstructions put in the way of that bill, I think it is three weeks, or nearly that length of time, since the bill was brought before us, and there have been different things brought up to prevent the discussion going on. That may not be done purposely, but it is done, and if this bill is likely to take any time I shall oppose this motion. If the hon. gentleman can show me that it will not occupy much time, I do not wish to raise any obstacle. If the object is to lose time, I object.

Hon. Mr. POWER—It will not occupy any time. The object of the motion is to save time.

The motion was agreed to.

OIL SUPPLY FOR THE INTERCOLONIAL RAILWAY.

INQUIRIES.

Hon. Mr. FERGUSON inquired:

1. If tenders were called for in May, 1896, by the Intercolonial Railway for one year's supply of lubricating and burning oils?
2. What offers were received for such supply of oils?
3. What were the analyst's reports on the samples accompanying each tender?
4. Were contracts awarded and successful tenderers notified?
5. Were such contracts subsequently cancelled, and if so, when?
6. Was any contract entered into during the year 1896, or subsequently, with the Galena Oil Company, of Detroit, U.S., or its agent, A. Lichtewhein, of New York, for the supply of oils to the Intercolonial? If so, what was the date of such contract?
7. Was such contract the result of a public advertisement for tenders?
8. Were samples furnished by the said Galena Oil Company? If so, what were the analyst's reports on them?
9. What was the cost per gallon of lubricating oil supplied to the Intercolonial Railway for each of the years 1895, 1896, 1897 and 1898?
10. What has been the amount paid to the Galena Oil Company for oils from the 1st of July, 1896, to the present date?
11. Were any deductions made to the Intercolonial Railway by the said Galena Oil Company on contra account or any other cause?
12. Were new tenders called for, for the supply of oils since the first contract was made with the said Galena Oil Company?
13. Is the contract with the Galena Oil Company aforesaid on a mileage basis, with a guarantee of a reduction of 10 per cent on the previous cost of lubricating the Intercolonial Railway?
14. Was a similar offer with the same guarantee made by John Humphrey & Son, of Moncton, the 27th of May, 1895, and declined by the Intercolonial Railway?

Hon. Mr. MILLS—The answers are as follows:—1. Yes. 2. Offers were received from John McGoldrick, St. John, N.B.; Galena Oil Works, Toronto; J. R. Hutchins, Montreal; Eastern Oil Company, St. John, N.B.; Samuel Rogers & Co., Toronto; A. Holden & Co., Montreal; Imperial Oil Co., Petrolia, Ont.; The Bushnell Oil Co., Montreal. 3. The reports of the analyst are too lengthy to be given in answer to an inquiry, but will be given on motion for a return. The reports received from the analyst were, however, not acted upon, and the oil recommended in this report was not selected, nor were contracts awarded based thereupon. 4 and 5. The Imperial Oil Company were notified, on the 7th of July, 1896, that the contract for passenger coach oil, summer use, engine oil, summer use, freight car axle oil, summer and winter use, cylinder oil, petroleum "A," and single or hand lamp oil would be awarded to them; but, after the change of government, the minister, on looking into the tenders, and receiving a more favourable offer from the Galena Oil Works was authorized by Order in Council to notify the Imperial Oil Company that a contract would not be executed with them, and it was awarded to the Galena Oil Works of Toronto. 6. The contract with the Galena Oil Company bore the dates of 17th of September, 1896, and 23rd September, 1896, being for lubricating oil and signal oil respectively. 7. Yes, the letting of the contract was the result of the public advertisement for tenders; the Galena Oil Company was one of the tenderers, and their tender was regarded as more favourable than any of the others—containing as it did a provision or agreement to supply the oil to the Intercolonial Railway at a cost per car mile 10 per cent less than the oils had cost the Intercolonial Railway for the preceding twelve months. 8. Samples were furnished by the Galena Oil Company, and the analyst's report thereon will be furnished when called for by a motion for the papers. The department was satisfied with the reports on the Galena Oil Company's product; it is being used by the Grand Trunk Railway Company, the Canadian Pacific Railway Company, the

Canada Atlantic Railway Company, and all the principal railways of the United States, and to the extent, it is believed, of 95 per cent of the railways in the latter country. 9. The price per gallon for lubricating oil supplied the Intercolonial Railway in 1895 was:

	Winter.	Summer.
Passenger coach oil.....	19½c.	15⅜c.
Engine oil.....	21½	22
Freight car axle oil.....	8¼	9¼
Cylinder oil.....		30
Dynamo oil.....		22½

The total cost of lubricating oil used for locomotives and cars from the 1st of November, 1895, to the 31st of October, 1896, was $33,377.75. This amount was for the twelve months preceding the commencement of the contract with the Galena Oil Company. 10. From the 1st of November, 1896, to the 31st of October, 1897, the oil furnished by the Galena Oil Company for locomotives and cars cost $43,174.09, and for the twelve months from 1st of November, 1897, to the 31st October, 1898, lubricating oil from the Galena Oil Company used for locomotives and cars cost $40,266.12. As the contract with the Galena Oil Company is on a mileage basis, the figures per car mile for the years mentioned will have to be obtained from Moncton,—and this information is in course of preparation. 11. In making payments, there has been deducted from the Galena Oil Company's account a sufficient sum to assure a saving of 10 per cent a year, according to the contract, for each year during which the same has been in operation. 12. New tenders have not been called for lubricating oils since the first contract was made with the Galena Oil Company. 13. Yes; the contract with the Galena Oil Company is, as above stated, on a mileage basis, with a guarantee of a reduction of ten per cent, as above stated. The amount paid the Galena Oil Company for oil for the years 1896-97, 1897-98 and 1898-99, is $99,429.41. A sufficient amount has always been kept back in making payments so as to cover the guarantee. 14. J. A. Humphrey & Son, of Moncton, N.B., tendered for oil on the 27th May, 1895, along with others; they gave prices for engine oil, cylinder oil, passenger coaches; but they made no offer to oil passenger coaches according to mileage, and gave no guarantee of reduction in cost of oiling cars or coaches; but they made an offer to oil all locomotives on a mileage basis, and guaranteed a saving of ten per cent from the cost in the previous year.

The prices per Imperial gallon with guarantee were:

Cylinder oil.. .....80c.
Engine oil..... .....40c.

BILLS INTRODUCED.

Bill (126) "An Act respecting representation in the House of Commons."—(Mr. Mills)

Bill (86) "An Act to further amend the Insurance Act."—(Mr. Scott.)

Bill (154) "An Act further to amend the Customs Act."—(Mr. Scott.)

THIRD READINGS.

Bill (30) "An Act respecting the Atlas Loan Company."—(Mr. Power.)

Bill (155) "An Act to further amend the Post Office Act."—(Mr. Scott.)

INTERCOLONIAL EXTENSION BILL.

DEBATE RESUMED.

The order of the day being called:

Resuming the further adjourned debate on the second reading (Bill 138) "An Act to confirm an agreement entered into by Her Majesty with the Grand Trunk Railway Company of Canada, for the purpose of securing the extension of the Intercolonial Railway system to the city of Montreal," and on the motion of the Hon. Mr. Perley, that the said bill be not now read a second time, but that it be read a second time this day six months.

Hon. Mr. McCALLUM said:—When speaking last Friday at six o'clock, I informed the Senate that I would only speak a very short time on this bill, but on considering the matter, I think there are some contradictions between members supporting the passage of this bill, and I will refer to them. My hon. friend from West Northumberland showed us that the action of the Senate two years ago saved the country $700,000.

Hon. Mr. McKAY—Hear, hear!

Hon. Mr. McCALLUM—When speaking the other day, I did not read the remarks of the hon. gentleman from West Northumberland (Mr. Kerr) in the House, and he did not appear to be satisfied with the expressions which I used. I will read to-day just what the hon. gentleman stated. I may say, further, that the hon. senior member from

Halifax (Mr. Power) tells us that this is substantially the same bill, that there is no difference, and when I conclude my remarks I will leave the hon. gentlemen to settle that difference among themselves. In order that there may be no misapprehension about the matter I will read from the remarks of the hon. gentleman from West Northumberland. I probably did not make it very plain the other day, but I will try to do so now. He said:

> The Intercolonial road from Halifax to Montreal shows an improvement in our financial terms of nearly $273,000. Is that not an encouragement?

I agree with him that it is an encouragement. However, the earnings of every railway company in the country are increasing, and that is not a sign at all that this bargain is better or worse than the previous arrangement which this House rejected. The government promised us that they would keep track of the earnings and expenditures on the Drummond County Railway, and be in a position to tell us at the end of a year whether it would pay us to enter into this arrangement or not. Have they done so? No. One says it is better, and another says it is substantially the same, and as far as I am concerned, I am satisfied they should have another year in order to show the people of this country whether it will be beneficial to purchase this road or not. The hon. gentleman from Northumberland (Mr. Kerr) also said:

> Just here I would like to refer to a fact. This matter was before the Senate on a previous occasion. Fortunately or unfortunately for me, perhaps, I was not present, but I learned yesterday from the hon. leader of the opposition in this House that by the course the Senate took when this matter was before them on the first occasion the country had saved over $700,000 of money. I am glad to hear it. That item stands to the credit of the Senate, and what I want to do is to see that the item is not blurred out by anything we do now. I want the item to stand there to the credit of the Senate, that this Senate has been the means of saving the country some $700,000. I as a member of the Senate I intend to the end of the chapter to stand up for the rights and dignity of the Senate. I will advocate its rights on all occasions, and I will give credit where I think it is due. I am bound to say that the Senate has been the means of saving this country $700,000 by the course they took then. I submit further, the Senate ought to be satisfied with that.

I do not wish to be uncharitable, but it looks to me as if there had been some engineering in this matter. I do not wish to censure anybody, but it appears to me as if the hon. gentleman from West Northumberland (Mr. Kerr) had been put up to smooth down the senators which had voted against the measure before, and wanted to smooth over the leader of the opposition to support what that gentleman had called "a damnable bill." The hon. senator from Halifax (Mr. Power) says this bill is substantially the same bill that the Senate rejected two years ago. If it is, I do not see how the senators who voted against this arrangement before are going to support it now. I ask hon. gentlemen to consider for a moment the fact that this thing is well engineered. The hon. gentleman from West Northumberland is put up to smooth down hon. gentlemen and get votes in favour of this measure. My hon. friend, the senior member for Halifax, who is an old politician, knows all about it. He will not give us credit for saving anything to the country, because he says it is the same bill substantially. I may have to address myself a little further to the senior member for Halifax, but I shall do it with the greatest kindness possible. I have the greatest respect for him. I was sorry the other day that he went so far as to tell this Senate to consult a member of the other House, a member, learned in the law, as to his own standing at the bar of Nova Scotia, and he spoke of his valuable services in the legislature of his province. I admit all that, and I say it was not necessary for the hon. gentleman to say it. We know him. I know him. I know that he is a most industrious and intelligent member, and his desire is to act in the interests of the country. It was not necessary to refer us to anybody to tell us what his character is. We know it already. In this House, for nine years, if he was not the elected leader, he was the virtual leader of the House, and discharged his duties well. I know he is close to the government now, and many people in the country think he ought not to be outside of the government, but inside of it. I may have to disagree with the hon. gentleman in many cases. For instance the other day he told us that the ex-Minister of Railways was favourable to the purchase of the Drummond County Railway, and he undertook to prove it by quoting his remarks. If he was favourable to it, why did he not take it when the road was offered for $500,000, with all the right of way of which my hon. friend spoke the other day, and which he said was so valuable. But the ex-Minister of Railways would not take it, and he even

says in his evidence that it was peddled round and offered for $400,000. The ex-Minister of Railways would have been guilty of great neglect if he did not take advantage of that offer if it was such a bargain. There is something strange about the whole transaction. The hon. gentleman says there is no corruption in this business. I do not charge corruption against anybody. I never did, and I do not now; but there is something strange about it. This gentleman, who virtually holds the stock in the Drummond County Railway, had at one time only 500 shares, but when this government came into power, his holdings increased until he got possession of the road. I understand that he has been manager, to a certain extent, of a political organization. It is strange that the price of the road should go up from $400,000 to the price we are asked to pay for it since it came into his possession. I do not say there is anything wrong, but putting the facts together, I think there is something for the boys in it, and I think there is something for the machine. I think this gentleman has been hugging the machine pretty closely. The hon. gentleman from Northumberland says we saved the country $700,000 by rejecting the first bill. The hon. gentleman from Halifax says we did not save a cent. The government do not admit anything. They are afraid the country might learn that the Senate saved so much to the public treasury. My hon. friend from Northumberland, in the goodness of his heart, let the whole thing out. He tried the other day to excuse his remarks. He says the hon. leader of the opposition told him that the Senate had saved the country $700,000 in this matter. It is something new for the hon. gentleman to take the leader of the opposition in this House as his father confessor or his director on this question. But he was bound that he should tell the truth. I want to see how they work this thing in order to get the Senate to adopt the bill. They do not tell us that this is better than the other bill. They do not tell us so, because the eyes of the people are on them. If the leader of the government will acknowledge that the government were mistaken before, it would make quite a difference in my judgment. But the hon. gentleman asks us to swallow ourselves, to vote for the same thing that we voted against before. I find that on the first occasion ten senators voted for the ratification of this transaction and thirty-seven voted against it. The government now wants us to appear before the country that we were forced to pass this measure. They hold a threat over our heads—a club that they will abolish us if we do no pass this bill. I do not think the Senate are to be frightened by any such threat. I am in favour of bringing the Intercolonial Railway to Montreal. I believe that every man in this country wants the Intercolonial Railway to connect with Montreal, but the government have taken the wrong way to do it. For my part, I want to have the connection at Lévis and Quebec, and you can then get connection with Montreal on both sides of the river. But we look at the expense we are imposing on this country, it is another thing. This arrangement is to last 99 years in the first place and then 99 years more, and then for ever. It puts me in mind of the enterprising lumber man that kept a lumber yard and had all kinds of lumber for sale. A man wanted to purchase posts from him and he said, "Yes, I have cedar posts." "Will they last well?" asked the purchaser. "Yes," said Pat, "they will last for ever, and if you turn the other end down, they will last as long again." That is the way with these gentlemen. They are not satisfied with a 99 years lease, but they want 99 years more and then for ever. I wish to make a few remarks in reference to another branch of the trade of this country. We all know the large amount of money that we have expended in digging and enlarging our canals to prepare for the increasing trade of the country. When the Minister of Justice said the other day that the government would spend a large amount of money at the entrance to Welland Canal on Lake Erie, I was very much pleased. He did not tell me, because it was not in his department, what depth of water they were going to get, or anything of that kind; at the same time I know the government should be very careful and I hope they will see that there will be plenty of water.

Hon. Mr. MILLS—Twenty-two feet.

Hon. Mr. McCALLUM—If they do not have plenty of water at the entrance to the canal, all the expenditure upon our canal system will be useless. There are gentle-

men in this House now who remember the stand I took on that question many years ago. I hope the Minister of Justice remembers it. Probably the hon. senator from Cape Breton (Mr. McDonald) remembers it. I was left out of court then—I may be now, but I tell hon. gentlemen this is a serious matter. After all the expenditure in the enlargement of our canals, to-day vessels cannot enter Port Colborne. I raised my voice at the time and said the government had made a great mistake, when adopting the 14 foot draft for our canals, in not having considered the question of the depth of the harbour at Lake Erie then. I shall be very much pleased if my hon friend the Minister of Justice will tell me what depth of water they expect at Port Colborne harbour.

Hon. Mr. MILLS—Twenty-two feet.

Hon. Mr. McCALLUM—I can tell my hon. friend that he cannot get 22 feet at Port Colborne if he spends $2,000,000. I know that outside of Port Colborne harbour there is nothing but rock, and any man who has a knowledge of the trade of the country, especially any vessel owner, knows that outside of a harbour you should have good anchorage. If you let your anchor go on the rock, there will be no safety. They are going to build a breakwater out into the lake, to raise the water. If they have to increase the depth of water from 14 to 22 feet, how much is it going to cost the country? The Minister of Justice knows I raised this question before and showed him that Port Maitland harbour was the proper harbour for the entrance to the canal, and for this reason to-day there is 17 feet of water at the entrance to Port Maitland harbour, and for miles up the river you have 20 to 30 feet. There is a bar outside of the harbour for a short distance. Probably it would take a dredging machine a couple of days to remove it. I tell hon. gentlemen that for 54 years Port Maitland harbour has not cost the government of this country one cent for dredging, and I defy contradiction. I know that the Minister of Justice has a good deal to do, but I would ask him to look at the expenditure at Port Colborne harbour during that time. He will find that it has cost a large amount of money to dig and blast, to drill and to dredge, and yet they talk of going on with that work now. I hope they will not. It will be worse than the Drummond County Railway business. They will spend a great deal of public money with little advantage to the country. I see an item of $350,000 in the estimates to improve Port Colborne. I have nothing against Port Colborne. I have a great many friends there. If it is the best place, spend it there by all means. There is quite a controversy going on in that part of the country, naturally, and the people of Port Colborne, of course, are anxious to get the expenditure. They are foolish enough to pass resolutions in their council. Much they know about harbours! Look at Port Maitland. There is a sandy beach of four miles with good anchorage outside and clay bottom, and as I have said, with a very little expense you can get 22 or 24 feet of water there all the time. I want the government to look into the matter. I might read some letters showing what people think about the matter. Here is an article I find in the Toronto *Mail and Empire* of 14th June, 1899, headed "Defence of Port Maitland." The people round Port Maitland had to defend their harbour; other people were abusing it. If the Minister of Justice can spare the time to come up to my place, I will show him Port Maitland harbour. I will go with him and sound the river myself. I cannot take the time to bore, but I have seen boring 22 and 24 feet, and there was no rock in the way. I am giving him this invitation, because it is important, in the interest of the country, that the question should be settled properly. I know he has no prejudice in the matter and is willing to take the best place irrespective of consequences. I know he would not stoop to get any political advantage, and in this case he could not if he tried. It would not make any difference. I would not accuse him of doing it. In a letter to the editor from Stromness, that's where I live, but I did no write this letter, and I was not consulted about it—the writer says:

DEFENCE OF PORT MAITLAND.

In a letter to the editor from Stromness, "Fair Play" replies to two items which recently appeared in the marine column of the *Mail and Empire* from Port Colborne, which he characterizes as "gross and glaring misstatements of clearly established facts." "Fair Play" says:—

"In the first item referred to, it was stated that the tug 'Golden City,' with Captain Carter, took soundings off Port Maitland harbour and the statement was also made that the depth in mid-channel at the harbour mouth was but twelve and one-half (12½) feet, and

that it was unsafe to enter drawing more than nine feet. The tug 'Golden City' was at Port Maitland, but we much doubt if Captain Carter, of whose integrity and ability we have a very high opinion, ever found the soundings as stated, in the proper channel laid down by coast pilots for entering the harbour. The article was probably written by some one unacquainted with the facts.

"The second item was even more insulting to the people of Dunnville, Port Maitland and vicinity, than the first; inasmuch as it stated that the inhabitants of those places were jeopardizing the lives and property of the marine public by distributing literature tending to show why their own magnificent natural harbour would be a more suitable place for a port of entry to the Welland Canal than the gigantic stone quarry known as Port Colborne. The people of this vicinity have a right to draw attention to the splendid harbour, unequalled in many respects on Lake Erie, and intend to do so if they prefer, notwithstanding the censure of the Port Colborne Town Council, whose object in acting as they do is clearly evident to every thinking person. It is a most natural and legitimate object, too, if they did not misstate facts and pass votes of censure on competent and respectable gentlemen to gain their point; but as they are themselves undoubtedly well aware Port Maitland is the far better harbour, they seem resolved to stick at nothing to get the improvements the government is now considering making.

"We will now state a few facts about Port Maitland harbour, it being comparatively unknown doubtless to a large section of your intelligent readers. We challenge any one to prove by any government chart or coast pilot (Canadian or American) that the facts are otherwise than as stated below. Other vessels can take soundings as well as the tug 'Golden City,' and a great deal better if these two articles stated her soundings of Port Maitland harbour.

"Grand River harbour, or Port Maitland, named from the celebrated Sir Peregrine Maitland, is a truly magnificent natural harbour. A spacious bay, miles in width, flanked on either side by a bluff point reserved by government for defence purposes in case of trouble, gives natural shelter in making the piers with north-easterly to north-westerly winds. With westerly winds the bay is still somewhat sheltered by the upper point or cape. With southerly winds the ship is driven swiftly in, and the only necessity is to carry abundant sail. This harbour can be, and has been, made by sailing schooners without the assistance of a single tug: for steamers it is dead easy. A sandy beach extends far out on each side of the river, forming, with the points, the bay above referred to. Sand dunes shelter the inner harbour, which could easily be converted into fortifications of great resistance. Two long wooden piers extend from the river mouth on either side, sixty yards apart at their outer end; the west pier has the lighthouse, an open frame tower —fixed white light about fifty feet above the water.

"Inside the harbour the river extends with great depth, broad and placid, with easy curves to Dunnville, a distance of five miles. The old canal enters the river about a quarter of a mile from the east breakwater. The land about the river is a marsh flat, intersected by creeks, and rising at the outer end in the sand hills referred to above. The bar outside the harbour referred to in the Port Colborne despatch has eleven feet of water over it. The harbour can be entered from the west in seventeen feet of water; from the east in fifteen. The water in the channel between the piers varies from twenty to twenty-five feet. The bar could be speedily removed, simply by a dredge, in a short time, and a depth of twenty feet throughout the harbour, or even to twenty-five feet, easily maintained. If any one doubts these statements let him come and look for himself."

I know that is a fact. I know that in order to get the truth before the public, that young man took soundings himself. The consideration of a proper entrance to the canal is very important, because seven months of the year the larger portion of the trade will go by our canal. If it does not, our policy heretofore has been all wrong, and the sooner we find it out, the better. But we do not help it if we build a breakwater to raise the water over the rock bottom at Port Colborne. It will cost a great deal more to do that than it will to dig the canal from Port Maitland to the junction of the Welland Canal. I do not wish to be misunderstood in reference to this matter. I know that the business of the country at one time came in by Port Maitland, and that the commerce from the lakes and from the St. Lawrence went through that way for four years, and we were doing four times more business in the Welland Canal then than we are doing now. When the government decided to make the canal 14 feet from Lake Erie to Montreal, they made this mistake, the third mistake which has been made with reference to the Welland Canal. Two of the mistakes were excusable, but the third was not, and was ruinous to the interests of the country. If the government make a fourth mistake, which they will do if they do not consider this matter seriously, it will be detrimental to the trade of the canal. We all know how much a man in charge of a vessel tries to keep clear of a rock bottom, because it will not hold his anchor, and if the ship goes down the least bit in the sea and strikes the rocks she springs a leak and there is no chance for her. I know that it would be necessary to dig eighteen miles of canal and enlarge the feeder. It could be done. I have made a few figures in reference to it, and I know something about canals and dredging. They have placed $350,000 in the estimates for Port Colborne harbour, and I know that they could dig that 18 miles of canal much cheaper than going to Port Colborne. You can do it for $650,000 to $700,000. If the government wish to do it, and do it in haste, they can set the dredges to work to-morrow. They can advertise for tenders and have it finished for next spring's navigation. It is the easiest digging I know of anywhere in Canada. There is no rock anywhere, and any one can see what it will cost. It would have to be dug

five yards deep, eighteen miles long, 100 foot bottom and some of the bottom of the feeder is now two feet below the lake level and for two miles out of the eighteen miles the route is through the Grand River swamp is from three to four feet down below Lake Erie's level. I know these facts, and therefore I say that we should be careful not to waste money in that way. They should not go over to Buffalo to see what they have done in the rocks there. They should look for a natural harbour. There is plenty of water to-day and it is not costing a cent in a lifetime scarcely. I am glad the hon. Minister of Justice gave me an opportunity to mention this matter. I will read another letter to the House, addressed to the editor of the *Mail and Empire* as follows:—

PORT COLBORNE HARBOUR.

To the Editor of the *Mail and Empire:*

Sir,—There have been three errors made in making Port Colborne or what was known as Gravelly Bay the entrance on Lake Erie to the canal, two of which are excusable considering all circumstances, and one is not.

When Hon. Hamilton Merritt was digging the Welland Canal he had to do the work by hand with men and wheel-barrows; there was no dredging machinery in Canada in those days, and he did well, considering the circumstances and what he had to overcome. He got the canal from Port Dalhousie to Port Colborne whith wooden locks, with seven feet of water on the mitresills, and dug a feeder from Dunnville on the Grand River, twenty-one miles, to feed the canal, to what is known as the junction, seven miles, from Port Colborne. It was found that seven feet of water and wooden locks were not sufficient to carry the trade through the canal, so there was a stone lock built at the junction and a stone lock at Port Maitland, and about two miles of canal dug, from Broad Creek, that is to say, Stromness, in order to use Port Maitland and the feeder to pass the trade that way, which was done with eight feet draught of water for four years until the canal was enlarged and deepened to ten feet. Locks one hundred and forty feet long and twenty-six feet six inches wide and a new aqueduct were built over the Welland River, instead of the wooden one with ten feet of water, and there was plenty of water at Port Colborne harbour for ten or even twelve feet of water. Taking all the circumstances into consideration, it was considered in the best interest of the country and excusable so far to this point. But when the government decided for fourteen-foot navigation from Lake Erie to Montreal, making Port Colborne harbour the entrance to the Welland Canal, they have made a great blunder, knowing, as they must have known, that the depth of water outside of the harbour over the rocky bottom will not float a vessel drawing fourteen feet of water. It may do in calm, smooth water, but not in heavy, stormy weather. Then, vessels taking Port Colborne harbour are liable to come to grief. This is what I call mistake No. 3, and should have been looked into and avoided when the depth of water was adopted of fourteen feet from Lake Erie to Montreal.

That is the third mistake to which I called attention of the Mackenzie government, and my hon. friend in front of me will remember it. If my advice had been taken, if they had even treated it with any consideration at all, we would be in a much better position to-day to take the trade of the country by our canals without any further expenditure:

To continue, by undertaking at Port Colborne, Lake Erie, to build a break-water and outer harbour, to smooth the water over the shoals and rocks, will be, if carried out, what I call mistake No. 4. It will be what the people of Canada will call a wilful mistake when the government have all the facts before them. And what I call mistake No. 4 will be more serious than all the others. To avoid making mistake No. 4 the entrance to the Welland Canal should be on Lake Erie at Port Maitland, sheltered from all winds except the south wind; sheltered from the west by Hyde's point and from the east by Rock house point, located on a sandy beach at the mouth of the Grand River, with plenty of water for miles up the river large enough to accommodate a large fleet of vessels, in fact with more room than is required for a harbour on Lake Erie for all the business of the canal if a hundredfold more than at present. The question of cost should be considered as well as the advantage. By going to Port Maitland you have nine miles more canal, but you will be eighteen miles further up Lake Erie and have a harbour that is free from ice from a week to ten days in the spring before Port Colborne. By going to Port Maitland the feeder from the Grand River to the junction, a distance of about eighteen miles will have to be deepened and made wider, which can be done by dredging—easy, good digging, no rock—and ought to be done at less cost than building an outer harbour and breakwater at Port Colborne, which breakwater will have to be renewed often and never will be satisfactory, as it never has been as a harbour for the purpose for which it was intended. After digging and blasting a basin out of the rock outside of the lock to make a harbour for vessels at a great cost, any one knowing the circumstances of the enlargement of the Welland Canal knows that Port Colborne was not chosen or considered a good harbour for the entrance to the Welland Canal on Lake Erie, but a make-shift from time to time intended to accommodate the trade of the country from year to year.

If the government of Canada will spend a million of money to build an outer harbour at Port Colborne by building a breakwater, they will find that it will be a failure as a harbour in comparison with Port Maitland, where the water at the entrance of the Grand River is twenty feet and the natural harbour inside the river with a depth of from twenty-five to thirty feet of water, where it has not cost the government a dollar for dredging in the last fifty-four years. It would be interesting for the public to know how much it has cost for digging, dredging and blasting to make Port Colborne an artificial harbour during that time (fifty-four years), and after all the expenditure it is considered a failure, even by those that are favourable advocates of outside harbour and breakwater, by advocating the expenditure of more money to overcome former mistakes. A breakwater will calm the sea in its lee, but the breakwater will require renewing and keeping in proper repair to be of any use, which will be adding to the expenditure annually. So they should take warning and choose the proper harbour on Lake Erie, as they have all the information required to choose the proper port.

This short letter is from one who knows a little about Port Colborne, Port Maitland, the Welland Canal, and lake shipping.

Yours, &c.,

A BRITISH-CANADIAN.

OTTAWA, June 26.

I do not know that I can add anything to that, but I am very anxious to have a proper harbour for the Welland Canal on Lake Erie. Without it, all the expenditure on the canals will be useless, though all the heavy freights for eight months of the year must be moved by water. My object in bringing this matter before the House at all is that the Minister of Justice may be careful to look into this matter and see what it has cost already. He may think I have no confidence in him. It is true that politically he is not my leader, but I have confidence in him as a man. I look upon him as the most industrious, the most intelligent and the most learned man in the government, although he may not be the most influential. As far as this Drummond County Railway matter is concerned, I can tell the minister, that he cannot get this bill through the Senate unless he admits that this is a better arrangement for the country than the former one. My hon. friend from Northumberland says it is, but if we act on his assurance and pass the bill, his friends will go on the stump and say that the Senate weakened. Unless the government acknowledge that this bargain is better, I am sure to vote the other way. Much as I think of the Minister of Justice I will not swallow myself on his account.

Hon. Mr. MILLS—My hon friend makes an extraordinary request when he asks me to make a confession to him and the House, that the government, before I was a member of it, made a mistake two years ago in respect to a contract which up to this hour I have never read. All I ask my hon. friend is not to vote upon the old contract. It is dead; but if this is a good one, whether I make any confession or not, let him give it his support. I am like George Washington in that matter: I cannot tell a lie.

Hon Mr. McCALLUM—The hon. gentleman was not in the House when the first bill was rejected, but his predecessor promised us a lot of information. Ministers generally are bound by the policy of their predecessors, but I do not know that it will hold in this case. I addressed myself particularly to the Minister of Justice on this question of harbour improvements on Lake Erie, and shall be pleased if he will let us know in some way publicly, before Parliament prorogues, what they propose to do at Port Colborne, what they want this $350,000 for, and how much more money they expect to spend before they get, what I believe they can never get, a harbour at Port Colborne.

Hon. Mr. CLEMOW—This debate has taken considerable time, and in my opinion a great deal of irrelevant matter has been introduced into the discussion. I intend to discuss the bill purely from a business point of view. The last time this question was before the Senate I took occasion to say that I did not think we had sufficient information to enable us to arrive at a satisfactory conclusion respecting it. Since that time I have not been enlightened in the slightest degree by anything that has taken place with reference to the present bill as compared with the bill of two years ago. It is true we are told by the Minister of Railways and Canals that this bill is identically the same as the previous bill. The Secretary of State demurs to some extent to that statement. He says it is better to the extent of some $6,000 a year. Another hon. gentleman, who has been referred to, contends that this arrangement is better by a very large amount. However, I am not going to dwell on this point. In the first place, I assume that the sentiment expressed by the hon. gentleman from Westmoreland the other day is the one which should prevail in this country—it should be ascertained, in the first place, whether it is desirable, in the interests of the country, that this road should be extended to Montreal. Before we can arrive at a decision on that important matter, it is necessary to understand the whole subject, and the benefits to accrue to the country from the proposed extension. The government have taken a very inopportune time to consider the subject, when there are vast improvements under consideration, when in all probability, the bridge at Quebec is to be constructed, and when it was almost certain that other roads from the west would find an eastern terminus at Quebec. It seems to me that prudent business men would have taken the trouble to examine, and to ascertain by actual observation, the effect that this would have in the future business of the country. The first course to pursue should have been to ascertain the amount of business that the Intercolonial Railway would gain by this extension to Montreal. We are in the dark

upon that subject. If what we heard last year is true, that the business between Lévis and Montreal is very insignificant—not sufficient to maintain the lines now in operation—it seems an extraordinary proposition that by adding a third line we are going to increase the business to such an extent as to give profitable employment to three lines. That is the first thing that a business man would have considered. He would then have ascertained by practical experience whether it would be a profitable enterprise, because it does not matter, as far as the interests of the Intercolonial Railway are concerned, whether the eastern terminus is at Lévis or Montreal. The Intercolonial Railway has the entire business of the maritime provinces, and it could not be taken from that road under any circumstances. Therefore, the first consideration, as prudent men, would have been to ascertain the extra amount to be realized through the extension to Montreal, and to calculate what extra expense the country would be put to by this extension. The government have a perfect right to consider, as part of their policy, the extension of the Intercolonial Railway to Montreal, but before doing that they should have been in a position to convince this country that it was a prudent course to adopt in the general interest of the Dominion as far as revenue and expenditure are concerned. I think calculation of that sort could have been made, and if the government could have shown to Parliament that there was sufficient business to warrant it, I do not believe any one would object to the extension of the road. But we are in the dark and cannot get any information. Two years ago we were told "If you give us a year or two to find out these details, we will come down the next session and give you such a statement of the advantages of this policy that no man will demur to the carrying out of the proposals the government have made." But they decide, in the first place that the road must be extended to Montreal. That policy having been decided upon, it was of course necessary to ascertain what arrangement could be made for that extension. No other party was in a position to treat for this service. Did they inquire into these circumstances before entering into the arrangement? They made an agreement with the Drummond County Railway Company. We are told that this road was constructed some years ago for the purpose of meeting a local want in the transportation of tan bark in that section. But I suppose the supply of tan bark was exhausted, and there was no business for the road, and the owners of it were most anxious to dispose of the property. What did this property consist of? The rails, whatever condition they were in, and the right of way, and it was necessary for the government to ascertain what arrangement they could make with the Grand Trunk for the carrying out of this policy of extension. The Grand Trunk Railway knew that the government were in such a position that they must accept any proposals that were made to them. Whether these proposals are right or not, hon. gentlemen are in a position to decide. The company made an offer of the Drummond County Railway, and that offer was accepted conditionally on its sanction by both Houses of Parliament. We all know that when people have an unprofitable road on their hands, they will dispose of it at almost any price. The longer they hold it the more they will lose; therefore, they will dispose of it, as a merchant will dispose of old stock, for what it will bring. Now, let us inquire into the nature of the arrangement that was made with the Grand Trunk. What do we get in return for the $140,000 a year that we are to pay? We receive the benefits accruing to this new line in connection with the Drummond County Railway and the Grand Trunk, some thirty-five miles I believe, conditional on the government paying a certain portion of the expense attending it. So far as the Grand Trunk is concerned, they had the matter in their own hands. The road was there, and the government agreed to pay this enormous sum of money for a very questionable advantage. Did they ever take into account the collateral advantages that would accrue to the Grand Trunk by this arrangement, or the immense advantage it would be to the Grand Trunk to have a large western trade given to them for all time to come under any circumstances? It seems to me the arrangement savors very much of a huge combine. It appears to me the Grand Trunk and the government have entered into this combine to the exclusion of all other roads in the country. Is it right for any government to enter into a combine of this kind to the detriment of any other road? It is very natural to suppose that the Grand Trunk would make the best arrangement they

could. I do not blame them for that. If they did it upon commercial principles I would not have a word to say, but the government did not have the necessary means of ascertaining whether the public were paying too much for the supposed advantages they were deriving by entering into this arrangement with the Grand Trunk. They went on and concluded the arrangement to some extent, and have had a couple of years experience, and what is the result to-day? Can they give us an exact idea of the benefit that will acrue in the future if this arrangement is sanctioned by Parliament. I have not seen any information on this point anywhere. It is true there was a document the other day in the hands of some hon. gentlemen, but it was marked private and confidential, and no honourable man could make use of its contents at that time. That secrecy has been removed and the document has been referred to, but the contents of it amount to very little. The government have not taken the course which any prudent man would take to find out whether this would be a beneficial arrangement for the country or not. They were very hot headed and went to work for the purpose of assisting their political friends. I say that it was the duty of the government to consider whether this contract would be in the best interests of the country. I do not think it will be found that the business will be so increased as to compensate in the slightest degree for the extra expense of the business being transferred from Lévis to Montreal. It can be easily calculated. If a long haul in the past had not been sufficient to pay the expenses of the Intercolonial, how can we expect, a longer haul to compensate the government for entering into this extended agreement? It increases the liabilities of the country to an enormous extent. I do not care how you view it, but if you capitalize $140,000 a year you will find there will be an additional sum to the debit of the Intercolonial of between seven and eight millions. That has to be made up in some way. Then they made a most extraordinary agreement which is embodied in the bill before Parliament to-day and which no man can understand, at least I cannot. The phraseology is such that, in order to understand it a man would require to be throughly conversant with railway matters, but I can see that the greatest trouble was taken to conserve and protect the rights of the Grand Trunk in every detail. The government were expected to pay for every small item that possibly could be managed. It was well laid out, for the purpose of protecting the interests of the Grand Trunk. Then, consider the enormous risk that this country takes by going into this arrangement. We have to pay a proportionate part of the betterments that may take place on this road in the future. We do not know whether it will be $100,000, or $200,000, or $500,000. We are completely at the mercy of the Grand Trunk for anything done in the future. It is all very well to say, "You have a voice in the matter," but the Grand Trunk are well up in their business, and they will convince the government that these improvements are necessary to carry on the business of the country. If they want an additional store-house for freight business, or require additional carsheds or office room, the cost of all these will be proportionately borne by the country for the benefit of the Grand Trunk. Is this not a very great risk we are undertaking? We join with them, we may say, as partners to a certain extent, without the right that partners generally have. We are not joint proprietors. That road will be theirs, and this country will be bound to pay $140,000 a year and all the other extra expenses connected with it, and we get nothing in return except the provisional arrangement by which we can use that road under certain circumstances. Supposing that great bridge, which has cost so much money, was blown up, would we be liable for that?

Hon. Mr. SCOTT—Oh, no. We are only liable for the roadbed.

Hon. Mr. CLEMOW—I am glad to hear that, but no one can understand this arrangement. I thought we were joint partners and became liable for everything. I have gone over the schedule and cannot comprehend it. I do not believe there is a man in this House, except a railway man, who can understand it. Whoever undertook the responsibility of preparing that document was more imbued with the necessity of safeguarding the interests of the Grand Trunk than the interests of the country.

Hon. Mr. DANDURAND—The hon. gentleman must have read the contract with blue spectacles.

Hon. Mr. CLEMOW—I do not care whether the spectales were blue or white, I am only telling you my impression and giving my opinion of this agreement as a business man, and I say there has been a disregard of the first principles attending business transactions in this arrangement with the Grand Trunk Railway. I may be wrong, but until I see evidence before me of such a character that I can place reliance upon it to convince me otherwise, I cannot see that it would be well for this country to undertake the very great risk in agreeing to the proposition now before us. We are told that the concessions we are getting are very great. What are they? I do not think they amount to much. It is said the business will increase. It will increase, but it will be in the maritime provinces to a very great extent. We are sure of that at any rate. That is something the country is sure of for all time to come; therefore, I think it would be better if the government had given more time to the consideration of this important subject, and had all the figures placed before the people of this country, to enable them to arrive at a decision whether it was right before entering into an agreement of this kind without much information. By this agreement we are bound for ninety-nine years. There will be very few of us here at that time to know the effect of this arrangement. The trade of this country is improving and increasing. This country has shown marvellous improvements within my time. I recollect when we had not a railroad, and when we had not a harbour in Montreal. I remember the time when we merely had one sailing vessel a year visiting our shores. What changes have taken place since then hon. gentlemen like myself know. I have no doubt if I could live as long in the future as I have lived, I would see this country still increasing in prosperity, and the advantages of this country in place of decreasing will increase. Therefore I think it is right and proper that we should take care to protect ourselves in every possible way. We should not give away, on any consideration, any of those valuable points that we can control at the present time. As you all know, the Intercolonial was built for a purpose—a national purpose—to meet the necessities at that time with respect to confederation. No man has a right to find fault with what has been done in the past, as far as the Intercolonial Railway is concerned. I do not believe any hon. gentleman does. It has served a very good purpose, and has satisfied the people of the lower provinces that the people of the upper provinces have carried out the compact made at confederation. Therefore, we do not find fault with what has been done in the past, but I want to preserve our rights for the future. If it is necessary to retain that road let us retain it, but do not let us get into another arrangement whereby we will lose a large amount of money, whereby the capital of that Intercolonial Railway will be increased to $89,000,000, without a corresponding possibility of getting a revenue. It is a matter of perfect indifference to me, as it would be to the people of this country, if you went into an arrangement of this kind provided it could be shown that there would be a substantial benefit arising therefrom for all time to come from the increased outlay that would be incumbent upon you at the present time. As far as this arrangement is concerned, I do not think the government have pursued the policy which is usually adopted by strict business men. They told us last year they had not time for their surveyors to go over the road to examine it, and that they would be in a better position this session to judge whether they were right or wrong. They have made this arrangement with the Drummond County Railway. Whether it was a good or bad arrangement the future will decide. Did they endeavour to see whether some other route could not be secured upon better terms? Here is a road possessing no advantages except roadbed and the iron rails. There was no revenue from it all. They want to arrange this matter without finding out if there was any other road that would compete with them. There are collateral benefits arising from the purchase of that property, I am told that there is no intermediate business. There cannot be. It passes through a miserable country and as far as the revenue for the Drummond County Railway is concerned, it would be nil for all time to come. That is a very important factor in making arrangements of this kind. If a prudent business man went into it he would say "Here I am offered the Drummond County Railway at $1,600,000. I am offered another road at $2,000,000. I find that I had better pay the $2,000,000, than to buy the first mentioned road at the $1,600,000. And why? Because the collateral advantages incidental to the $2,000,-

000 are so great that in time it would repay far more than the difference between the $1,600,000 and the $2,000,000." I do not know whether that is the case or not, but I know that in Quebec there is a feeling that there is a road that would better accomplish the object in view than the Drummond County Railway. Those are facts for consideration. If the government had told us plainly all that took place, the same as any business man would do, we would be able to judge whether the arrangement was for the benefit of the country or not. It is clear to any man that that would have been the course adopted by any prudent business man. Then, again, what will be the effect in the future? The Canadian Pacific Rrilway, of course, will take advantage of that bridge at Quebec, and the Northern Road and other roads will come in too, and before long you will find there will be a great many roads competing for the business of the Intercolonial Railway. Of course they want something in return, and therefore they would give you very satisfactory terms to get this western trade. The collateral benefit accuring to the company ought to be sufficient to enable them to give the traffic arrangement at a nominal figure. Take the case of a wharf in a large place, the owner is only too anxious to give a steamer free access to the wharf, knowing that the collateral benefits arising would be sufficient to pay him. That is the principle underlaying this whole transaction. Whether the government have taken that into account or not, I do not know. I am desirous of doing all I can for the purpose of advancing the material interest of this country, but at the same time I want to be certain that what I do is done with a proper knowledge of the subject, and then I know that I have done right. It is said that we have no right to deal with this measure, that the House of Commons has to do with it because it is a pecuniary matter: if we have no right to interfere, why submit it to our consideration. If the arrangement is a bad one, and we consent to it, we must bear the odium attaching to it, or if the arrangement is a good one, then we get credit for endorsing it. Under any circumstances they cannot with any justice say that the Senate has not the right to deal with the question. Having placed it before us, I am bound to give it the best consideration I can, and to vote as my conscience dictates. Relieve me from responsibility and I will do as I like, but as long as I have to vote, I consider myself in duty bound to do the best I can and give the best advice in my power as to what would be advisable for all the parties concerned. I do not look at this from a political standpoint. I never do in a case of this kind. I look upon it as a business matter. We should all give our opinion to the best of our judgment, irrespective of our political proclivities. I have done that in the past, and will do it in the future. I may not be here very long, but I do hope at some future time the government will be able to give us more information and place the matter so clearly before us that no man will hesitate to vote on it. If they do that, in view of what has taken place in the past, in view of the fact that last year we had not sufficient information before us, we can vote intelligently on the question. I do not think they have exercised sufficient caution in coming to this solemn arrangement involving an expenditure of seven or eight millions for all time to come. It is an important matter to the country. I know some people have very expanded views at the present time. I remember once when we thought more of $14,000 than we do now of millions. We are now voting large sums of money because the country is prosperous, but there is a termination to all things, when one exceeds the bounds of propriety and what is considered right. Therefore, we should be careful that we do not place this country in a position that will make them liable to difficulties in future, because we may not always continue prosperous. We should be prudent and take care of our resources, and not part with what has been given to us as an inheritance. For all these considerations, I believe that we would best serve the future of this country by delaying this matter in order to give the government a further opportunity of rectifying, if they admit them, the mistakes of the past. Perhaps they believe they have given us all the necessary information. I have merely seen the agreement made with these people for ninety-nine years and have tried to comprehend it, but I cannot. It is beyond my comprehension. It may be due to my ignorance, but there is the fact. I want the government to place this matter before us in a manner that we can all comprehend, so that we can all give a vote on the question which will be in the

long run satisfactory to the people of the country.

Hon. Mr. PROWSE—This is a question which involves a large amount of money, and I do not think it would be out of place to discuss it very fully. It it estimated that it involves an expenditure of about $10,000,000. If that is the case I do not think we have so much money to throw away. If we were getting full value for our money it would be all right. The ostensible reason held out to the people of this country for the introduction of these bills is to extend the business of the Intercolonial Railway by having its terminus in the city of Montreal. And for what purpose? For the purpose principally of stopping the annual loss which is caused by the operation of the Intercolonial Railway. In the first place I may say that the Intercolonial Railway was not built as a commercial enterprise. The government did not go into the scheme for the purpose of making money out of it. The object was first to unite the provinces together, to develop interprovincial trade between the upper and lower provinces, and to open up that vast country through which it runs. If it was anticipated to be a paying speculation we would have found financial companies prepared to put money into it, as they have into other railways. The object the government had in view was entirely different from that which railway companies have. Railway companies invest for the purpose of making money for themselves. The government would not be justified in investing money for the purpose of making money. It was for the purpose of developing interprovincial trade and uniting the provinces together. The only justification that I can see for the passing of these bills is to put a stop to the loss which has been sustained year after year by the country through the operation of the Intercolonial Railway. But why are we asked to single out this particular public work to stop a loss that is incurred every year? We are giving annually large subsidies to railways throughout the Dominion of Canada. They return no direct profit, but they are of indirect benefit to the country by opening up and developing trade. My hon. friend from Monck has dwelt at some length on the expenditure on canals. A very large expenditure is made every year, amounting to millions, to enlarge the canals of the country. That expenditure will go on for years to come. We do not expect the canals to be profitable, but the country will be more than compensated for the outlay through the benefit they will be to the trade of the Dominion. Is it necessary to extend the Intercolonial Railway into the city of Montreal? This, I take it, is the principle involved in the bill. We have communication between Montreal and Quebec to-day by the River St. Lawrence, by the Canadian Pacific Railway and the Grand Trunk Railway. The South Shore Railway is under way, and in addition to that, there is every prospect, if we leave the Drummond County Railway in the hands of the able men who are managing it, that we will have another route to Quebec by that line. Have we railways enough between Montreal and Quebec to accommodate the trade of the country? I think we have. Those railways could do a great deal more work than they are doing at the present time. Then why should this country go to the expense of acquiring a competing line? The more competition the lower the freight will be, and the less chance there will be to make the expenditure profitable to all parties. If the argument advanced by the hon. gentleman from Marshfield (Mr. Ferguson) is correct, that there is ten times as much unconsigned freight going east from Montreal as there is of freight controlled by the Grand Trunk, then it may be of some advantage to have proper facilities in Montreal to secure that freight; but if, on the other hand, the statement which has been made by the hon. gentleman from British Columbia (Mr. Templeman) is correct, that there are ten carloads consigned direct to the parties for whom it is intended to the one that is uncontrolled, then the advantage of getting into Montreal is very much less, for it is only one-tenth of the freight that we can control by this extension. We already have facilities for getting traffic from Montreal to Quebec. The Grand Trunk Railway may be relied upon to secure for their own line, supposing we do not put these bills through, all the freight they can from Montreal to Lévis? Once the freight gets to Lévis, what is to take it away from the Intercolonial Railway? The trade for Halifax and all the lower provinces must go by the Intercolonial Railway, whether we get into Montreal or not. The question is, are we making a good bargain to extend the Intercolonial Railway to Montreal? We will get pretty much all

the trade of the Intercolonial Railway from Lévis down, and the Grand Trunk will endeavour to get all they possibly can secure from Montreal to Lévis, and from the west down to Quebec. Another consideration is this: taking it for granted that it is advisable, and in the interest of the country, that the Intercolonial should be extended to Montreal, the question arises, is the plan suggested by this arrangement the best that can be adopted? It may and it may not be. I think with the hon. gentleman from Rideau (Mr. Clemow) that it would be better to wait a reasonable time to ascertain the effect of the arrangement already made. We know that a bill similar to this, some say identically the same, and some a less favourable arrangement than this, was rejected by the Senate two years ago. We can all see that this bill is better than the one rejected in 1897, but that alone would not justify us in passing it unless it should be passed on its merits. It is understood that both political parties are committed to giving $1,000,000 to the bridge across the St. Lawrence at Quebec. If that is the case, surely it is only reasonable to expect the government, if they vote that $1,000,000, to secure running rights over that bridge for the Intercolonial. If we can secure that, where is the necessity, everything else being equal, of paying interest on that million dollars, which is perhaps $30,000 a year—why should we lose $30,000 a year in interest for the bridge at Quebec and pay $40,000 a year for the rental of Victoria bridge from the Grand Trunk at Montreal, when we can utilize the bridge at Quebec for the same purpose? That, in my opinion, ought to be well considered before we commit ourselves to this scheme. Then, again, it is a question whether it is not best, in the interests of this country, that our Intercolonial Railway, if we have to extend it further west from Quebec, should go to the north side of the St. Lawrence. In my opinion from Quebec west it should go on the north side of the St. Lawrence, because it is on the north side of the St. Lawrence that we have the greatest extent of country. It is a new country, and traffic between the east and west will be altogether through our own country. If we keep on the south side, there is great danger of a large portion of that traffic going through the United States and giving to the United States the advantages and the benefits of trade that ought to be confined to our own people on the north side of the St. Lawrence. I would not say this in favour of the Canadian Pacific Railway more than in favour of the Grand Trunk. We have an equal interest in both of these enterprises and are anxious to see both of them prosper and develop the best interest of the country. In that view alone I advocate the one in preference to the other. It appears to me if that is the best way for our trade to go, the government ought to be in a position to make a better bargain if we are committed to paying $1,000,000 towards the Quebec bridge in the interests of this country in crossing the river at Quebec than coming up to Montreal and crossing by the Victoria bridge. Now, in reference to the value of this extension, the contract that has already been entered into provisionally is one to which some consideration should be given. It has been said that this whole scheme has been introduced and cooked for the purpose of satisfying the supposed claim on the party in power of a certain gentleman in Montreal, and to accomplish that the government should buy this Drummond County Railway, and he would get the benefit of the sale. That may be worth taking into consideration when we examine the bargain itself, but I may say this, no matter how much that gentleman may make out of the bargain that should not of itself prevent us giving it the full consideration which it deserves, if it deserves consideration at all. If Mr. Greenshields makes two or three hundred thousand dollars out of it, that does not concern us. We should ascertain whether the bargain is in itself beneficial to the country or not. It seems to me that it is an unfair and unreasonable thing for the government to buy that Drummond County Railway. If we buy the road it becomes absolutely the property of the Dominion. We do not buy the Grand Trunk section; we only rent it. I wish to make a remark in confirmation of what the hon. gentleman from Rideau Division said. It is almost impossible for a layman to understand this agreement. It has been so drawn that we should not understand it. We are told that we are renting the Grand Trunk from Ste. Rosalie to St. Lambert, and we are to pay five per cent interest on that contract. It is valued at about $50,000 a mile, and we are told by

competent men that a railway can be built from Ste. Rosalie to St. Lambert for a lower price. But that is not the worst feature of the transaction. Although we are supposed to have half the road for this rental, and we are to pay interest on it at the rate of five per cent, it is double the rate we should pay. It is equal to buying the whole road from the Grand Trunk because the government can now, or will within a very short time, be able to borrow money, not at five per cent, but at two and a half per cent. Indeed they tried a year ago to borrow from the poorest people of this country at that rate. They introduced a measure whereby they would not pay widows and others who had their money in the savings banks more than two and a half per cent on deposits. They anticipated that the rate of interest on money would come down to two and a half per cent; but in this agreement they are to pay five per cent to the Grand Trunk, practically for all time; I do not understand that. It appears to me that if they wanted to make a fair and honest bargain with the Grand Trunk, they should have done with the rentals exactly as they are doing in this bill with the betterments and maintenance, just pay according to user, and the same way with the bridge, instead of paying $40,000 a year for the bridge, they should pay according to user. It may be said the business of the Intercolonial Railway is going to increase. So much the better. If it does so, we will be better able to pay the increased amount for rental in proportion to usage. I think, in that regard, a very great mistake was made. There may be another way of explaining the traffic arrangement. I do not wish to go into the details of the measure in that regard, further than this, as far as the traffic arrangement is concerned, if the Intercolonial Railway management have a good live agent in Montreal to do their business and compete for the trade for the Intercolonial Railway, so that too much of it should not go by the Canadian Pacific Railway to St. John or by the Grand Trunk Railway to Portland we would get traffic at Montreal for the Intercolonial Railway and save the expenditure which we are asked to incur for this extension. Another point that I might refer to is this, that while we are buying the Drummond County Railway, we are only renting the Grand Trunk, and from whom are we renting it? We are renting it from the company. But the company are not the owners of that road. The bondholders are the owners of that road, and we may be living in a fool's paradise and, although we think we have a bargain with the Grand Trunk for ninety-nine years, with the option of a renewal, the bondholders may come and foreclose these bonds. Where would the government be in that case? They would be shut out, and left with the Drummond County Railway on their hands, a road ending nowhere, or a new bargain would have to be made with the new management of the Grand Trunk. It looks to me as if the government could not lose anything by delay. This House rejected the measure that was submitted to us in 1897. I believe the whole country was in sympathy with the policy we adopted at that time. Notwithstanding our action on that occasion the government were so committed to this scheme that they did not stop their plan of operations. When they found they could not succeed fully, as their scheme was blocked by this House, they leased both roads one from the Drummond County Railway Company and the other from the Grand Trunk, and the extension has been managed in that way ever since. I do not object to the government going on with that for a year or two longer. We were promised the result of that experiment by the hon. gentleman who led the House in 1897. We have not yet received that information, and although I would not be disposed to attach much importance to the results, whatever they might be, still I think this country has nothing to lose by a little longer delay—say two years. Let the matter be fully discussed in the press, on the platform and elsewhere, and then, if after it is thoroughly discussed throughout the length and breadth of the land, the country is anxious to carry out the policy of the present government and returns them to power under that policy, I am satisfied if the measure comes to this House again it will not be opposed any longer. There is nothing to be lost by continuing the present arrangement for a year or two, and we have everything to gain. When we have the bridge built across the St. Lawrence at Quebec, we will be in a better position to deal either with the Canadian Pacific Railway or the Grand Trunk Railway, or with any other company that may have a road to that point then. Looking at it in every

way, I think it is in the interest of the country to postpone the consideration of this question to a future date.

Hon. Mr. DEBOUCHERVILLE—The question, I believe, is on the motion of the hon. gentleman from Wolseley to postpone the second reading of this bill for six months. It was understood that in discussing the question we might at the same time deal with the bill for the purchase of the Drummond County Railway. Before entering into the consideration of the advantages and disadvantages of these two contracts, I should like to call the attention of the House to some features in the form of this bill. I have always thought that in any contract where Her Majesty's name is used that name ought always to be first. In this agreement I see that it is put in this way—"the company of the first part and Her Majesty Queen Victoria represented by the Minister of Railways and Canals of the second part." I think that is wanting a little in respect to our sovereign. (Cries of hear, hear.) Hon. gentleman may laugh; for my part, although I am not British to the core, I am a loyal subject to Her Majesty, and I consider that this should not occur. More than that, if hon. gentlemen will look at section thirty-eight they will see something which I am convinced the Minister of Justice must have overlooked. I hardly believe that a British subject could have put such words in the contract. I suspect they must have been put there by some foreigner. These are the words:

That the company shall and will, if during the term of this lease Her Majesty well and faithfully performs all the covenants and agreements herein undertaken by Her Majesty to be performed, at the expiration of this lease, on request by the minister, execute and deliver to Her Majesty, Her successors and assigns, a renewal of said lease for a second term of ninety-nine years, and shall at the expiration of said second term, upon like faithful performance on the part of Her Majesty.

I do not believe there is a gentleman who would dare to use such language towards another gentleman, and I cannot but protest against such language in a bill presented to Parliament. I hope and believe that, even if the motion of my hon. friend is rejected, the bill will not be read the second time until this is changed.

Hon. Mr. ALMON—Perhaps the hon. gentleman knows that the gentleman acting for the Grand Trunk Railway is not a British subject.

Hon. Mr. DEBOUCHERVILLE—I do not, but it strikes me the expression is not very loyal. Taking advantage of the permission of the House to discuss both bills at the same time, I shall take up first the Drummond County Railway Bill. The new contract is considered by some hon. gentlemen more advantageous to the government than the bill of 1897. Others say it is exactly the same thing. I differ from both. I think it is a great deal worse than the bill of 1897. In the contract, as we had it in 1897, in the fourth clause there is this provision:

That any conveyance of such right of way upon any portion of the said line of railway or branches thereof not yet executed by the owners thereof and delivered to the company shall, previously to the acceptance of this lease, be duly executed and delivered by the persons having title to said right of way; and any unsettled claims or demands of any kind or description which may prejudice or affect the title which Her Majesty is hereby acquiring to the company's property shall be fully paid, satisfied and discharged and further, that in the event of any claim for right of way, or in the event of any debt or demand of the company being hereafter preferred against Her Majesty, which ought to have been paid or satisfied by the company in pursuance of this agreement, if demanded Her Majesty may, on payment thereof, deduct the amount of such claim out of any rents due and payable under this lease.

Her Majesty was obliged to pay $70,000, but any claim put in against the government could be deducted. By the new plan the company will get $1,600,000 and will give no guarantee. I consider this last agreement is more disadvantageous than the other. It is calculated that $70,000 a year for ninety-nine years would give the company $2,000,000. It seems to me clear that the capital cannot be settled by rent when that capital is loaded with conditions which may take away the whole sum of money during the course of the lease. I have some figures here which go to the point. In 1882 the government of Quebec sold the North Shore Road, one part of it to the Canadian Pacific and another part to another company. They sold it clear of debts. The two companies were saved from any debt that might accrue against the road. The government was able to pay and ready to pay its way along and therefore it was improbable that there would be any debts. What has happened? The government was obliged

to ask the legislature to pay in 1883 $244,625.59.

In 1884	$269,475
1885	90,000
1886	34,000
1887	18,000
1888	33,500
1889	15,000
1890	6,956
1892	52,821
1893	50,000
1894	5,000
1895	290
1897	3,240

Out of these there were revotes for $60,000, $8,500 and $5,000, making in all about $73,000. I think there was something over $800,000 against the government which they had to pay. Supposing the same thing happened in this case, I do not believe that the proprietor of the company is such an immensely rich man that debts might not accrue. In this arrangement the government have not taken the precaution to provide for that, while in the contract of 1897 they did take that precaution. Therefore, I think I am right in saying that this contract is not as good as the previous one. It has been said by the hon. leader of the opposition, reading from a memorandum, that the road from Richmond to Lévis will become a purely local road. This road passes through a well settled country, and the Drummond County Road passes through a country which is not settled and not in a condition to be settled. That makes a great difference. What will be the result to that part of the country? Instead of having a road belonging to the Intercolonial, not having another road in competition with it, open the whole year round, it will become a purely local trade. The road will become preserved for old wagons and engines and broken down employees, and whenever the snow falls heavily the road will be stopped. That will be the result that will be reached, and why? I was asking an hon. gentleman from the lower provinces if there was a great difference in the time from Point Lévis to Montreal and he said two or three hours. I looked at the time table and did not find any difference. If the Grand Trunk takes no more time to go from Lévis to Montreal than the Drummond County takes, then it shows the Drummond County is not in a proper condition. I call attention to the fact that the country will be paying much dearer for the road without having that security which we had in the last contract. The $70,000 which was to be paid to the Drummond County comprises $6,000 for the road which the government had acquired from the Grand Trunk to pass over the Chaudière bridge on the road to Lévis. But does the Grand Trunk give a great advantage to the country by allowing the government road to cross the Chaudiére bridge and the route to Point Lévis? I think it would be much cheaper to pay $6,000, and I will explain it by reading clause three of the agreement :

That Her Majesty shall and will pay to the company a share of the cost of maintenance of the rail, way between and including Ste. Rosalie and Bonaventure station, and Chaudière bridge and connections, including tracks, bridges, switches, sidings-signals, appliances of all kinds, platforms, water-tanks, water supplies, fuel stations, fences, crossings and all other appurtenances and appliances used by it jointly with the company and upon the two joint sections, it has the right and privilege of usage included in this demise, such share of the cost of maintenance to be in the proportion that the combined engine and car mileage of the Intercolonial Railway trains made over each of the above mentioned joint sections bears to the total combined engine and car mileage running over each of the above mentioned joint sections during each month.

As I understand, on this section of the road, from the western part of Chaudière bridge to Point Lèvis, the Grand Trunk will not run. It is a little local road and will not have much to do. It will not have many trains a day, but the Intercolonial will have the greater part of the mileage. The Intercolonial Railway will be obliged to keep up trains going to the lower provinces and will have to carry all the freight which the Grand Trunk will give to it, therefore, if the cost is to be kept on each section according to the mileage and usage, the Intercolonial will have to pay on that section of the road probably ninety per cent of the cost and usage. I do not think I am exaggerating, but let us say seventy-five per cent. I think that is not much. Now, what happens? This bridge is not a new bridge ; it was built a long time ago. This road is not a new road ; it is built on trestle work. This trestle work, as everybody knows, is very apt to decay and it has probably decayed already. This bridge was not built for the immense engines which the government has bought in the United States lately ; therefore the usage of the railway will oblige them to renew this bridge, to renew this road and to renew these trestles, and they will have to pay seventy-five per cent. I think $6,000 a year would have been a much better bargain for the government

than to have it as it is. On the rest of the road, what are we paying? We are paying $140,000 for the road from Ste. Rosalie and over the St. Lawrence bridge and for the terminal in Montreal. I think it is thirty-three miles from Ste. Rosalie to the bridge.

Hon. Mr. SCOTT—Thirty-five miles.

Hon. Mr. DEBOUCHERVILLE—This is over a completely flat country. It was stated by a gentleman in the House of Commons who ought to know, that there are about ten or twelve cities or towns from St. Hilaire to St. Hubert. There is the town of St. Hyacinthe.

Hon. Mr. DANDURAND—The hon. gentleman is mistaken. The statement made was that there were ten or eleven towns or villages.

Hon. Mr. DEBOUCHERVILLE—Name them.

Hon. Mr. DANDURAND—The hon. gentleman said it was stated in the other House that there were ten or eleven towns or cities. The expression was ten or eleven towns or villages; so that if you have two or three towns on the road the declaration is true and the remainder may be villages. There is St. Hyacinthe and there is St. Lambert. They are two towns and the balance are undoubtedly villages.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman was asked to name them.

Hon. Mr. DEBOUCHERVILLE—There is not one village.

Hon. Mr. DANDURAND—I will mention St. Hilaire.

Hon. Mr. DEBOUCHERVILLE—The railway passes outside the village. It was not worth while for the hon. gentleman to interrupt if that is all he has to say. There are no villages where the railway passes.

Hon. Mr. DANDURAND—Yes.

Hon. Mr. DEBOUCHERVILLE—The railway passes St. Villières, St. Hilaire and St. Hubert, and there are no villages.

It being six o'clock the Speaker left the Chair.

After Recess.

Hon. Mr. DEBOUCHERVILLE resumed. He said:—When the Speaker left the Chair at six o'clock, I had shown that the present contract with the Drummond County Railway was worse than the contract that was submitted to us two years ago. I have demonstrated, I think, that the security taken by the government against the company, if any claims were made against the railroad and paid by the government, might be taken off the $70,000, or the $64,000 rather, because we must not forget that $6,000 was for this arrangement between the Drummond County Railway and the Grand Trunk which is taken off by this present contract. Therefore, being weighed down by those conditions this rent for ninety-nine years could not be negotiated, because those who bought did not know really what they would get. I may add that by the old contract, after paying during ninety-nine years, the government was free and had nothing more to pay. Just now, if we give them $1,600,000 they can easily get $64,000 supposing they put it in our institutions in Montreal, the Montreal Bank and other banks. They may get $80,000 if they put it at five per cent, which I think can easily be obtained on mortgage. I come now to the Grand Trunk agreement. The Grand Trunk Railway by this contract will have from the government first $140,000 a year which at three per cent gives $4,600,000 for how many miles of the Grand Trunk? Thirty-five. I thought it was thirty-three, but I was informed by the hon. Secretary of State that it was thirty-five. In that country no rocks will be touched and no obstacles will be met with, I think the road could easily be built for $20,000 a mile. Supposing we take off half the cost of the road, $10,000, that would be $350,000. There are two bridges, one very important bridge at St. Hilaire and another important one, not quite so large, at St. Hyacinthe. I think I am within the mark when I put them at $600,000 together. One-half of that would be $300,000. Then $300,000 and $350,000 would be $650,000. That would be about the surplus over $4,000,000. There remains $4,000,000 for the bridge in Montreal and for the terminal. It must not be forgotten that we have voted lately a large sum for improving that bridge. When that bridge was built we must remember that iron was dearer

than it is now, and steel was dearer than at present. I think it cost $6,000,000 when it was erected, but things are much cheaper now. Take $3,000,000 for that and there would be still $1,000,000 for the terminal that the government will have to pay for the user of the road. We are going into a partnership in which all the improvements may be lost after a number of years, and we shall pay for the user of the road also, and apart from that, we are also going to give a sort of quasi monopoly to the Grand Trunk Railway. I would be very sorry that the hon. gentlemen should think that I am inimical to the Grand Trunk or the Canadian Pacific or to any road. I am in favour of all the roads, more particularly those two, which certainly are the cause of the great prosperity of Canada. But I do not think we should pay more than is necessary, and in this case we are certainly paying more than we ought to pay. Take half and we will not have more than 25 per cent of the passenger traffic on that road. There are some other curious points in this arrangement. I suppose the government does not like to make any amendment, but I presume they will amend this 50th clause, which reads :

Nothing herein contained shall in any way merge or affect the claims or rights of Her Majesty, if any such there be, as they now exist against the company, or the property of the company, other than that which is the subject matter of this agreement.

This looks very much like as if all the rights of the government were saved, but if you compare this clause with clause 45, it will be seen that Her Majesty shall have the right to :

Deduct from the rentals herein agreed to be paid to the company any sum or sums of money which may *hereafter* become due by the company to Her Majesty and for the payment of which the company is in default.

Therefore for the past you cannot count that money ; for the future you may. The first clause says that :

That Her Majesty shall and will during the continuance of this lease or any renewal thereof pay to the company the rent hereby reserved in the manner and at the times hereinbefore mentioned without any deduction whatsoever, save for the reasons and on account of the happening of any or either contingency or contingencies hereinafter mentioned.

By this it looks to one who reads it carelessly, as if the rights of Her Majesty are safe. But I do not know. They take away the right of Her Majesty to be paid. The hon. gentleman shakes his head and says it is not so. The hon. gentleman will not deny the accuracy of what I have read. I may construe it differently? Lawyers can put different constructions on the plainest language. Why should we lengthen the Intercolonial Railway? The Intercolonial, as the hon. gentleman from Prince Edward Island (Mr. Prowse) said just now, is a political railway. It is not a railway which belongs to New Brunswick, Quebec or Nova Scotia. It is a railroad which belongs to the whole Dominion. It is the house of our father, I might say. If our father was to say, "Here is the paternal house; I have five or six children, but one of my children only shall have the right to be here and the others can only come in if he permits them." If you consider that the Grand Trunk is to have the right to put its notice on the Intercolonial Railway cars and buildings, that is enough for people coming from Europe, and it is only from Europe we can expect large numbers to use the Intercolonial to go to the North-west—is not that a sort of monopoly? Then there is the 40th clause. I do not know if the government will accept the amendment of the hon. leader of the opposition, but even if you strike out the clause there will certainly remain a great advantage to the Grand Trunk, and why should we give a greater advantage to the Grand Trunk than to the Canadian Pacific Railway? Why should we give a greater advantage to the Grand Trunk than to the Parry Sound, the St. John Railway, the Quebec Central, the Drummond County and the South Shore Road which will soon be built? It seems as if the city of Quebec is always to be thrown aside. When the Intercolonial Railway came to Rivière du Loup it was necessary to connect with the Grand Trunk. The government thought it advisable to buy the extension to Lévis opposite Quebec. By extending it to Point Lévis we give the same right to all the railways—we give the same advantage to every one of those railways now existing, and to others which will certainly be built before ninety-nine years have passed. Therefore, I shall vote for the amendment of the hon. gentleman from Wolseley, because I think there is a clause in the bill which I consider very disrespectful to Her Majesty; because we are paying too dear for the Drummond County Railway; because we are going to deprive a large district of the province from Richmond to Point Lévis of a road like the Grand Trunk connecting

with the Intercolonial at Quebec and leaving them with a poor local road, and because we are not doing justice to the other railways. For these reasons I shall vote against the bill.

Hon. Mr. ALMON—I should be sorry to give a silent vote on this question, because it is my duty to explain the position I take. I was in hopes that the hon. leader of the government would have made an alteration in the bill which would enable me to vote for it. The alterations which have been proposed are so trivial that I cannot consent to sacrifice the interests of the country by voting for the measure. I differ from the hon. gentleman from Prince Edward Island who spoke about the necessity of the Intercolonial connecting with Montreal. I think that is absolutely necessary for the Intercolonial, but we have that connection already. We are now tenants of the Grand Trunk, and the Secretary of State says that we are doing very well indeed in that relation. My hon. colleague, the senior member for Halifax (Mr. Power) has told us how well things are going on now, and I quite agree with what he says. I think he said that the road was a very level road, well equipped in every respect; that the attendance on board the trains and the cuisine were all that could be desired, that the trains made good time and arrived at Montreal on time. Others confirmed everything that he said, and it struck me as testimony to the good way they get on now as yearly tenants. I do not see why we should not continue that relation. More than that, I should have no objection to increasing the lease to three or five years. At the end of that time we could see how it was succeeding. A number of hon. gentlemen claimed in this debate that the government had not supplied promised information to see whether the arrangement was a good one on which to make a permanent agreement. The Drummond County Railway, as we have been informed, is a road which commences nowhere and ends nowhere. It can have no through traffic, and any one who has travelled on it will see that there is no local traffic. What does one see from the car windows? A country covered with small trees. In many places where clearances were made, it has grown up again with small spruce and birch, and where the forest has been cleared there is very little cultivation. There are a few farms, but there is nothing of any importance. I saw no village or even the nucleus of a village. A village is generally supposed to be formed in the first place with a blacksmith's shop and next with a lawyer's office.

Hon. Mr. KIRCHHOFFER—Is there not a tavern?

Hon. Mr. ALMON—Yes, the lawyer would likely be found near the tavern. What is to become of the blacksmith's shop in such a country? The fire would go out for want of horses to shoe, and the lawyer would, in the absence of clients, go to the devil. All that a stranger would discover there would be a sulphurous smell, whether it would be from the half burnt embers of the smithy or from the general way in which the lawyer makes his exit it would be difficult to tell. You may ask why was this road ever built, there being no through traffic and no local traffic. That is difficult to answer. I think it was chiefly, perhaps, for the two subsidies which were given to aid its construction, one from the Dominion and the other from the local authorities. There is another reason which I will explain by quoting in prose some words of a poem by Peter Pinder, which I once read. A farmer went into a town to buy some razors. He bought half a dozen, and when he got home started to shave himself. He pulled some hairs out, but the razor cut none. He tried one razor, then another and another and had bad success with all of them. This was on a Saturday, and not on Sunday morning, because according to Mr. Charlton's bill it is wicked to shave yourself on Sunday. On Sunday he went to church. On Monday he went to the hardware shop and said to the merchant "The razors you sold me won't shave." The merchant replied, "I did not think they would shave, they were not made to shave." The purchaser asked "what were they made for?" "Made to sell" was the reply. That's what the Drummond County Railway was made for—to sell, and the Minister of Railways was sold at the same time. He made a better bargain for it than he made with the Grand Trunk. The manager of the Grand Trunk is a shrewd Yankee, and a blue nose would have no chance with him—much less a Nova Scotian. The Minister of Railways persuaded us to give $50,000 towards building an elevator at Halifax. When the old government built an elevator there, the city was not asked to pay anything.

The Grit papers grumbled very much at having this elevator built, and said the government after building it should have bought cargoes of grain in order to use it. The government did not do that. No grain came to it, and the elevator was burnt down and there was a pean of joy from the Grits that the elevator was removed. We have now another one for which we have paid $50,000. Mr. Blair has gone to St. John to build elevators, and I am told has given notice to the Canadian Pacific Railway that they are no longer to have running powers over the railroad to Halifax. All the cargoes of grain, therefore, by the Canadian Pacific Railway, must stop at St. John instead of going on to Halifax. What we are to get for the $50,000 I do not know. Halifax is burdened with taxation. We have schools wherever they could be put. The school board never meet without voting an increase to the school masters or school mistresses. We are afraid to paint our houses because the tax collectors would own them. I have three properties where the rents I receive from them do not pay the taxes. It was not because we had plenty of money, therefore, that we voted that $50,000 towards the construction of an elevator. Under this agreement we are to give all the trade which comes from the east to the Grand Trunk. What is the Grand Trunk to give us? The hon. gentleman says they are giving us all the western trade. Let us look at that. All the western trade that the Grand Trunk can influence will be sent by w y of Portland. The manager of the Grand Trunk is a United States citizen. The United States people have some good traits in their character, and one is an intense patriotism, and when we put Mr. Hays' intense patriotism and his regard for his company together, you may depend on it all the traffic that he can influence to go by Portland will be lost to St. John or Halifax. All the traffic that is not going to Portland must come by the Intercolonial. It will be taken as far as Lévis by the Grand Trunk if it can be carried to that point at a profit to the shareholders. We have the carrying of the freight to Prince Edward Island, Nova Scotia and Newfoundland, and therefore if the Grand Trunk Railway showed a disposition to discriminate against the Intercolonial Railway we could put an extra price on the goods coming that way and prevent the Grand Trunk from diverting traffic from the Intercolonial. Therefore, I do not thank them for the east bound traffic which they give us. My great objection to this bill is the ninety-nine years clause. I think it will make us a laughing stock, not only now, but in future generations. About four years ago any one who read the English papers could have seen the account of a meeting of the Grand Trunk Railway Company in London, when it was decided that no dividend would be paid even on preferential stock; most of the shares could be got for the asking, and although everybody acknowledged the whole thing was bad, yet they must have thought it was irreparably ruined because the directors were never changed. There was the same grumbling from everybody. The president held out hopes but they have not been realized. It put me very much in mind of a person who is dying, whose physician recommends that another doctor be called in to consult, but the patient says "No, we might as well go on with the same doctor. There is no use making a change now." The Grand Trunk asked for the ninety-nine years. The same confession that the road was ruined four years ago was made in the committee room to-day. The person acting for the Grand Trunk said, three years ago, they thought it was all up with them. Those are not his words, but they convey his meaning. Is not that 99 years lease absurd? Supposing that war takes place—and God forbid—what will happen to the Grand Trunk? Half of its property is in the United States. The Republic would either confiscate it or not allow it to be used during the war. Of course, that is an unlikely thing, but a likely thing is that the bonding privilege may be suspended. I think that that threat will be carried out, and the bonding privilege may be taken away. History repeats itself. It is not a hundred years ago since an expedition went out from Halifax and took the greater part of the state of Maine. In this expedition Colin Campbell, afterwards Lord Clyde, the hero of the "thin red line" at Balaklava and the suppresser of the Indian mutiny, took a part. He had been serving for some time with half of his regiment with the garrison at Annapolis Royal. The people of Maine were very glad to be incorporated in the British possessions at that time. The celebrated Harvard convention was in session, in which the New England States threatened to break off their connection

with the other states, being dissatisfied with the war. We will go a little further back. Any one who has examined our archives will see that towards the close of the first American war, Vermont wished to leave the Union and join Canada. I have read the letter from the minister in England to Haldimand telling him not to receive negotiations, because in all probability England intended to make peace with the United States, and it would be just as well not to involve themselves. This was part of a plot carried on by a brother of Ethan Allen, who was a hero in the United States of the war for independence. One incident happened a little more than one hundred years ago, and the other not a hundred years ago. And yet we are told that nothing can happen in ninety-nine years. Since Joshua commanded the sun to stand still I do not think such a stupendous thing has occurred than this ninety-nine year agreement. How do we know that in ninety-nine years railways will be the means of carrying goods? If at the beginning of this century any one had said that goods would be carried by railroad, what would have been thought of him? Is it not likely that as great a revolution will occur in the next ninety-nine years? We will all be dead before then, but our grandchildren will be here, and it will be awkward for them when people say to them, "What old fogies your grandfathers were to make such an agreement." I am going to appeal to the Conservatives on this side of the House not to follow their leader, but to follow their own judgment. If it is felt that this is a bad bill, throw it out altogether. What did the militia do at Batoche? Did they follow their leader? No, he was three miles away from the line of battle when they said, "We are getting potted by those riflemen, and we will not stay here to be shot down. We will charge," and they no sooner charged than the officers were ahead of them, and Middleton had just finished his marmalade probably, and came up and said he had given orders for the charge. If hon. gentlemen defeat this bill, after voting as their consciences dictate, their leader will be pleased to see what they have done.

Hon. Mr. LANDRY—It is not my intention to prolong this debate or to inflict a speech on this House at this advanced stage of the discussion, but I do not think I can give a vote on this occasion without a word of explanation. In 1897 when this arrangement with the Grand Trunk and the Drummond County Railway Companies was before this House for the first time, we took a stand which for my part I am bound to maintain. At that time we found that the extension of the Intercolonial Railway to Montreal by the means offered by the government was not to the advantage of the Dominion, and by our vote we rejected the bill. There was a great deal of agitation in the country, threats were made also by the organs of the Liberal party and the Prime Minister of this country with all his supporters announced that a reform of the Senate was becoming more and more necessary. In the face of those threats I think we should maintain the stand we took at that time. For my part, I do not feel any disposition to yield to those threats. There is a constitutional way for testing the opinion of the country and threats will not improve the constitution.

Hon. Mr. MILLS—Is the hon. gentleman proposing to dissolve this House? Is he proposing something for himself or his wife's relations?

Hon. Mr. LANDRY—I am speaking of what has been proposed by the hon. Premier himself. There is no doubt that when public opinion has been consulted on a question, this House will yield to the decision. But public opinion has never been consulted on the subject we are now discussing. In the last general election this question was not one which was brought before the electorate. The extension of the Intercolonial Railway from Lévis to Montreal was never referred to. The electorate was not consulted on that particular point, and I maintain that, under those circumstances, the Senate had a perfect right, and was quite justified in taking the stand we took in 1897, and nothing since that time has occurred, in my opinion at all events, to justify a change in the stand which I then took. It is true that the contract before us to-day may be, in some details, different from the one brought before us in 1897, though the Minister of Railways said, in another House, that it is about the same. If it is the same contract, there is an additional reason for me to stand by my vote of 1897. In the sessions of 1897 and 1898, I was permitted

to put a few questions to the hon. Minister of Justice, and he was kind enough at that time not to answer them, but to say that he would answer me when a better opportunity presented itself. The opportunity presents itself to-day, and if the hon. minister will recollect the question I put at that time, he might be prepared to give an answer to-day. At all events, in order to prevent him from saying that he forgot the question, I shall read it to him together with his answer. At that time we were bound by the contract, if it had been approved by this House, to pay, during ninety-nine years, to the Drummond County Railway a lease of $64,000 a year plus $6,000 for the right of way from the Chaudière bridge to Point Lévis, and I asked the hon. minister last year if the action of the Senate in refusing to pass such legislation had not been more beneficial to the country than was generally thought. By its measure in 1897, the government was binding itself to give to the Drummond County Railway Company for a period of ninety-nine years $64,000 per annum, representing the interest of $1,600,000 capital at a rate of four per cent. This amount of $1,600,000 was the estimated cost of a railway between Chaudière and Ste. Rosalie. Now, the government has been able for several years to borrow money at a lower rate than three per cent. We could safely assert that the government, at all events, could obtain any capital at three per cent. The capital of $1,600,000, at the rate of three per cent, would bring $48,000 as interest every year. If this interest of $48,000 were deducted from the annuity of $64,000, it would leave $16,000 for a sinking fund. This sinking fund embodied in the annuity of $64,000 would, at the end of forty-seven years and a few months, reproduce the original capital of $1,600,000. I hope the hon. Minister of Justice will not dispute those figures. It is a matter of calculation, and I suppose the government first of all made those calculations. They will find that in a period of forty-seven years and two months, this $16,000, which is the surplus over the $48,000 interest on the $1,600,000 of capital, would reproduce the entire capital of $1,600,000, the estimated value of the road to be purchased. By binding itself to pay an annual grant of $64,000 during ninety-nine years, the government at the expiration of forty-seven years and two months, having paid the capital of $1,600,000, was undertaking, by its agreement to pay, during a further period of fifty-one years and ten months, $64,000 per annum for a capital already paid. This useless annual payment of $64,000 would, at the expiration of fifty-one years and ten months, form a capital in round numbers of $7,800,000. And then I asked was not this amount of $7,800,000 really saved the country by the action of the Senate in throwing out the Drummond County Railway Bill. Does the government deny the correctness of those figures? If so, wherein are they wrong and what are the correct figures? What was the answer of the Minister of Justice?

I would say to the hon. gentleman that this calculation reminds me of nothing so much as a statement made by Mark Twain in reference to shortening the Mississippi between St. Louis and New Orleans. He said that the windings of the river had, during the flood season, been cut off and that the result was, that the distance between New Orleans and St. Louis was some ninety miles shorter than in 1780, and at that rate of shortening by the year 3,000 and something, St. Louis and New Orleans would be brought together. Now, my hon. friend's calculation is very much of the same sort. I dissent from the view which he has expressed. I deny the gain to which he refers, and when a fitting opportunity occurs I shall be prepared to discuss that question with the hon. gentleman.

The minister admitted by that reply that he was not discussing the matter seriously but simply making a joke.

Hon. Mr. MILLS—The whole thing was a joke. Does the hon. gentleman pretend to say that what he was saying was not a jest? He surely was not serious.

Hon. Mr. LANDRY—Certainly I was serious. Why was I not serious? Why did the hon. gentleman say he would be ready to discuss the question with me at another time? I am ready to discuss the question with him now. He can joke if he pleases, but that is not the way to answer a serious question. If my calculation is not correct he can say it is not so and give his reasons. Has he any reason? Does he deny the figures? Does he deny that that payment would be made at the rate at which he could borrow money, say three per cent? Does he deny that at that rate the capital would have been paid in forty-seven years? He cannot deny it; he will not deny it. I see his colleague on his left (Mr. Snowball) is enjoying the discussion. That reminds me I questioned him too, and here is what occurred:

Hon. Mr. SNOWBALL—The transaction can be defended on its merits before the severest tribunal

which could be named, if the tribunal is an impartial one.

Hon. Mr. LANDRY—Will the hon. gentleman allow me to ask him one question? The hon. gentleman said just now that the $64,000 represented interest at 4 per cent on the $1,600,000; that ¾ per cent would represent the sinking fund. That would be $12,000 per annum for a sinking fund.

Hon. Mr. SNOWBAL—That is only my version.

Hon. Mr. LANDRY—I want to see if the hon. gentleman is in earnest when he says that that will be ¾ per cent.

Hon. Mr. SNOWBALL—Three-quarters of one per cent.

Hon. Mr. LANDRY—Three-quarters of one per cent in that transaction represents $12,000. One per cent would be $16,000, and ¾ per cent would be $12,000.

Hon. Mr. SNOWBALL—Yes.

Hon. Mr. LANDRY—Did the hon. gentleman calculate what that would bring the sinking fund to, if it was placed at compound interest, at 3 per cent during ninety-nine years? It would represent $87,063,645. That is what you are paying.

Hon. Mr. SNOWBALL—I do not know how many dollars it would make. The hon. gentleman is evidently unable to make a calculation. If he will come over to me, I will teach him a lesson in arithmetic.

Well, I am ready to have that lesson in arithmetic. I do not know what authority he will consult to give me that lesson. Does he deny the figures I put forward? On his own figure that he gave me, of $12,000, for the sinking fund, does not that amount, placed at 3 per cent for ninety-nine years produce a capital of over $7,000,000? If the hon. gentleman is right I am wrong and then he will correct me; if he is wrong he will keep silent. Well, I think he is wrong since he is unable to maintain his pretensions and to discuss them with me. Then comes that question of the $6,000 annually paid to the Drummond County Railway for the usage of that part of the railway from Chaudière Junction to Lévis, but there is something which must not be forgotten. That part of the road is already worked by the government which have also running powers over the other half. We must not forget that in 1879 an Act was passed by Parliament by which the government secured from the Grand Trunk that part of the Grand Trunk from Rivière du Loup to Hadlow Cove. That became the property of the government and the Grand Trunk running from Chaudière to Lévis had to pass over a part of the railway bought by the government from Chaudière Curve to Hadlow—they got running powers on that part providing they gave running powers over the part from Hadlow Cove to Lévis, and this is in black and white in the contract which was made on the 17th July, 1879. I remark *en passant* that in this contract Her Majesty, Queen Victoria, is the "party of the first part," and the Grand Trunk "the party of the second part:"

Now the said parties hereto agree as follows, that is to say that they, the government, do purchase the line of the Grand Trunk Railway from its junction with the Intercolonial Railway at Rivière du Loup, up to, and including, the first bridge east of the Hadlow Cove station grounds.

Clause 10 provides:

That the company shall have the right in perpetuity to run their trains and engines, separately or combined, and as frequently and at such times as the character and extent of their trafic may require, under the reasonable rules and regulations of the Intercolonial Railway, and under the direction of the officials in charge thereof, between Chaudière Junction and the first bridge east of Hadlow Cove station ground and to take up and deliver traffic at all places to and from their line all free of charge.

This clause defines the rights of the Grand Trunk Railway. What are those of the government? We find them enunciated in clause 13 which reads as follows:—

That the government shall have the right in perpetuity, and free of charge, to run their trains and engines, separately or combined and as frequently and at such times as the character and extent of their traffic may require, under the reasonable rules and regulations of the Grand Trunk Railway Company, and under the direction of the officials thereof, between Hadlow and Point Lévis station, to and from places between these points, in the yard at Point Lévis and to and from and beyond that station; also the right in perpetuity and free of charge to use the said Point Lévis station yard, and the tracks, sidings, platforms, and appurtenances thereof; but all shunting and making up of trains in and about Point Lévis station shall be done by the said company and under the direction of their servants.

By this contract the government had acquired a part of the Grand Trunk from Chaudière Junction to Hadlow Cove and had running powers from Hadlow to Lévis over the Grand Trunk, because the government gave similar running powers to the Grand Trunk from Chaudière to Lévis. Notwithstanding that, the government were willing to pay to the Grand Trunk Railway $6,000 per annum for ninety-nine years, and by the contract to-day the government is binding itself to pay over to the Grand Trunk a part of the usage of that road from Chaudière to Point Lévis which already belongs to them, and over which they have now running powers.

An additional reason which compels me to stand by the position I took in 1897 is this—

it was a good reason in 1897 ; itis still a good reason for me to-day—I claim that if the policy of the government is to construct a bridge at Quebec, they cannot, by this Drummond transaction, injure the bridge more than they are doing to-day. If you want a bridge at Quebec, you must try to get all the railway companies to aid in the building up of that bridge. The government will not build the bridge itself. The government will aid it to the extent of $1,000,000, but you must get the railway companies to combine with the city of Quebec to build the bridge. If you make the bridge useless for those companies, they will not contribute one cent towards the building of it, and the money offered by the government will be of very little use to the city of Quebec. I am considering this, certainly, from a local point of view, but that does not prevent one, in a general way, from saying that you would have succeded better in making the extension of the Intercolonial to Montreal beneficial to the country at large by interesting in it several companies instead of one only. Coming back to the Quebec bridge, what will be its use, for example, to the Canadian Pacific Railway? The Canadian Pacific Railway have a bridge at Montreal. If they want to go to Halifax, they will go by their own bridge at Montreal, and will not use the Quebec bridge. The Grand Trunk has its bridge at Montreal also, and all the traffic of the Grand Trunk going to Portland will cross the bridge at Montreal. But if the government had not made any arrangement at all with the Drummond County Railway and had not decided to extend its lines from Lévis to Montreal, there would have been a terminus at Lévis and the Grand Trunk and the Canadian Pacific Railway would have found in that terminus a sufficient reason to take an interest in the building of the bridge so as to arrive at that terminus and make arrangements for traffic there.

Hon. Mr. MILLS—Does my hon. friend argue that the Canadian Pacific Railway Company would abandon their line to St. John—the short line across the state of Maine—for the sake of carrying traffic down to Lévis to be given to the Intercolonial Railway.

Hon. Mr. LANDRY—No, but I say the Intercolonial would have been a feeder to the Canadian Pacific Railway if the Intercolonial had stopped at Lévis.

Hon. Mr. MILLS—But the Canadian Pacific Railway would not there be a feeder to the Intercolonial Railway because they would carry their traffic to St. John.

Hon. Mr. LANDRY—Because there is no bridge, but if there was a bridge at Quebec it would be different, for the Canadian Pacific Railway touches Quebec.

Hon. Mr. MILLS—The hon. gentleman does not catch my point. I say the Canadian Pacific Railway would never carry their traffic to Quebec for the sake of giving it to the Intercolonial Railway. They would carry it to the south side of the St. Lawrence at Montreal and take the freight on the line to St. John.

Hon. Mr. LANDRY—If there had been a bridge at Quebec, and the government had not brought the Intercolonial Railway to Ste. Rosalie, the Intercolonial Railway could have crossed at Quebec and become a feeder to the Canadian Pacific Railway and vice versa. If I did not catch the hon. minister, he has not caught my idea, or if he has got it he does not appear to have. I say that if the government has a policy towards Quebec in the building of that bridge, it should not on the other hand prevent the commerce of the Intercolonial Railway from reaching the Canadian Pacific Railway. The arrangements they are making now with the Drummond County Railway might have been made with the Canadian Pacific Railway.

Hon. Mr. MILLS—No.

Hon. Mr. LANDRY—Why?

Hon. Mr. MILLS—The reason is perfectly plain. The Canadian Pacific Railway Company have their own line to carry their own traffic to St. John. They have nothing to give us to-day at Montreal.

Hon. Mr. LANDRY—If that reason is good for the Canadian Pacific Railway it is good for the Grand Trunk. In the meantime you are making arrangements with the Grand Trunk.

Hon. Mr. MILLS—The Grand Trunk, under this agreement, have agreed to hand over to the Intercolonial all the traffic for the maritime provinces, not to take it to Portland, but to hand it over at Montreal. The Canadian Pacific Railway would not

make an agreement of that sort—it would not be to their interest to do so.

Hon. Mr. McDONALD (C.B.)—The Canadian Pacific Railway would have to do it if they took freight by the North Shore.

Hon. Mr. MILLS—They would not do it. The hon. gentleman must know that right well.

Hon. Mr. LANDRY—It is the first time I have heard of a company refusing to take freight. I think that the Canadian Pacific Railway would have been in a better position to make a bargain with the government than the Drummond County Railway, and would have given a better guarantee and more satisfaction to the public than the Drummond County Railway. For all these reasons I shall vote for the amendment.

Hon. Sir MACKENZIE BOWELL—Before the question is put, I desire to say that in voting for the second reading of the bill, it is for the purpose of enabling the House to go into committee to consider any amendments which may be made, therefore, I do not commit myself either to the principle or the details of the measure. If the amendments, of which notice has been given, or others which may be proposed—because there are some I think that may be very properly discussed in committee which cannot be discussed while the Speaker is in the Chair—should not be of a character to meet the strong objections which many members who have addressed the House have taken I shall reserve to myself the right to vote for the six months' hoist, at the third reading, and that I presume is the view of those who are opposed to the general principle of the bill. I wish that to be distinctly understood before I cast my vote. In saying that, I think I am expressing the opinion of a large number who probably will vote for the second reading of the bill. That is the parliamentary way of dealing with a bill of this kind. The hon. Minister of Justice has given notice of an amendment. I have also given notice of an amendment. These amendments cannot be discussed here. There is decided opposition to some clauses particularly that clause which binds the government to a traffic arrangement with the Grand Trunk Railway for ninety-nine years which, as I have already pointed out, leaves it in the power of the Grand Trunk Railway, providing it is found to be to their advantage, to perpetuate that agreement. That, I take it for granted, will have to be eliminated entirely, leaving power to the government alone to forego that portion of the agreement upon notice of three, six, nine or twelve months—whatever may be agreed upon by the House. If it is to the advantage of both, it can be continued. If it should not be to the advantage of the Intercolonial Railway to continue the present traffic agreement, then the government can give notice that the traffic arrangement into which they have entered, either the present or any other, must terminate. That is the ground that I have taken. I may say further that if I thought my vote would destroy the whole scheme, the leasing of one and the purchase of the other, entirely, I should vote for the amendment, but I am convinced from my experience in government and dealing with questions of this kind, that the government have so far committed themselves that even if they went out of power to-morrow, their successors would have difficulty in setting the whole agreement aside. Individuals may go; governments continue, and when ministers have pledged the government to any policy, and particularly when capitalists have acted upon that policy, depend upon it no government coming into power, however much they may dislike the agreement and the policy of their predecessors, when the country is committed to that extent in the manner I have pointed out, you are not likely to have it abrogated. I think my hon. friend, although we do not very often agree, will agree with me on that point, and those who have studied the history of our institutions—those who know anything about the working of free institutions as practised in England, which we are following as closely as practicable in this country, will agree with the position that I have taken. I do not wish in voting against my hon. friend's motion, to have it understood that I am thereby pledging myself either to the principle or the details of the bill, but if the details of the bill can be so amended as to make them in accordance with the position which I, and others who agree with me, hold, it remains a question how far we will go.

Hon. Mr. MILLS—It is not my intention at the present time to enter into a defence

of the policy of the government upon the agreement which has been entered into. I, of course, take a different view from my hon. friend opposite, because I think the agreement is one that will be found to be in the public interest. However, details may be discussed later. As I understand from the hon. gentleman, his friends about him, or the majority of them, are prepared to vote for the second reading of the bill, and we can consider then any propositions that may be submitted for discussion in Committee of the Whole. With that understanding I rest content.

Hon. Mr. MACDONALD (P.E.I.)—I have listened with attention to the discussion on the subject, but I have failed to hear from the advocates of this measure any argument to show in what great respect this agreement is better or more beneficial than the bill we rejected in 1897. If the government consider it a measure that should be passed, they should have been prepared to show that it is a much better measure than the one which we rejected on a previous occasion. I have failed to hear any senator attempt to prove anything of that kind. The hon. gentleman from Cobourg (Mr. Kerr), when he first addressed the House on this subject, admitted that this bill was $700,000 better than the first measure which was proposed here. But he subsequently sheltered himself, in making that statement, behind the view which had been expressed by the leader of the opposition. He had not the courage of his own convictions to say that, from his own examination of the question, he saw that it was that much better. I have looked into the measure with some care and consideration for my own information, and I find that it is not only that $700,000, better than the measure which we rejected in 1897, but that the whole arrangement is considerably better. Notwithstanding all that, I doubt very much whether the measure is one which is to the advantage of this country. It is an expenditure of the public money to an amount of at least $7,000,000 which we should not have undertaken at the time that measure was proposed. I consider, further, that the agreement which was made with the Grand Trunk, as it was first presented to this House, was not such an agreement as any business man would have chosen to lay before any body for consideration and endorsement. The more the agreement is looked into, the greater are the defects found within it. The hon. leader of the government himself has had to suggest an amendment to the measure. The hon. leader of the opposition has also had to propose another amendment which would make it less objectionable. Besides that, there are other objections to it. As the agreement was presented to us in the first place, its effect would be to prevent the extension of the Intercolonial at any future period beyond Montreal, and we know that there are gentlemen in this country—men of influence and position—who speak of its extension beyond Montreal and who think that at some future time it may be extended to Ottawa, Toronto or some other centre of trade; but with the existence of the agreement as it came before us in the first instance, it would have been impossible to extend the road beyond Montreal, because all its trade to the west would have to be delivered there to the Grand Trunk Railway. I am not now going into the details of this measure. I merely rise for the purpose of saying that my position is something like that of the hon. leader of the opposition. I feel that in voting against the amendment of the hon. gentleman from Wolseley (Mr. Perley) for the six months' hoist, I am not pledging myself as to the course I shall take when the measure comes to be further discussed. I reserve to myself the right of acting as the measure will appear to me after it has been amended and made more acceptable to the House than it is at present. I do not see that any great benefit will accrue to the people of this country, or to the Intercolonial, by its extension to the city of Montreal.

The Senate divided on the amendment, which was rejected on the following vote.

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The bill was then read the second time.

DRUMMOND COUNTY RAILWAY BILL.

SECOND READING.

The order of the day being called :

Resuming the adjourned debate on the second reading (Bill 133) "An Act to authorize the acquisition by the Dominion of the Drummond County Railway."—(Hon. Sir Mackenzie Bowell.)—

Hon. Mr. SCOTT—Should I presume, as this bill has been discussed with the other measure, both bills will be considered in committee at the same time.

Hon. Sir MACKENZIE BOWELL—No, when we reach that bill the hon. gentleman can move the second reading and then ask to go into committee. I take it for granted that that being the twin brother of the one we have been considering, no matter what way this may be disposed of the other will be disposed of in the same way.

Hon. Mr. McCALLUM—I do not see why we should let them go together.

Hon. Mr. ALLAN—Carried on the same division.

Hon. Mr. McCALLUM—The two go together. Deal with this one first before going on with the other. If the Grand Trunk Bill is defeated, the Drummond County Railway Bill will be defeated too, as I understand it. Let it be put down for the second reading on Friday.

Hon. Mr. SCOTT—I understand, the sense of the House is that we should take the second reading now and let it stand with the other.

Hon. Mr. McCALLUM—No. The Speaker has not declared it carried. If the Grand Trunk Bill passes, I will not oppose it any further, but if this bill is defeated, the other is defeated too, because they must go together.

Hon. Mr. MILLS—If any hon gentleman objects, as my hon. friend from Monck appears to do, to taking the second reading now, I am quite willing to let it stand till Friday.

Hon. Mr. LOUGHEED—The object which the hon. gentleman from Monck has in view is being defeated by postponing the second reading till Friday. It would then be impossible to consider the bills together. He is divorcing them because if the bill is read the second time on Friday, it will necessitate a reference to committee next week. I hope my hon. friend will consent to the second reading to-night.

Hon. Mr. McCALLUM—I think the hon. gentleman from Calgary was not here when the understanding was arrived at in reference to these bills. They were both discussed together, and there is an understanding that if the one passes the other is to pass, and if one is lost the other is lost. They will both fly or fall together.

Hon. Mr. McMILLAN—My understanding was that these bills should travel together, and if they should be divorced now, we are defeating the understanding we came to. I do not agree with the hon. gentleman from Monck. I think we should take the second reading now. I am one of those who voted for the six months' hoist in reference to the other bill. As that bill has carried, I am willing that the other should carry immediately on a division.

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

Hon. Mr. SCOTT moved that the bill be referred to a Committee of the Whole House on Friday next.

Hon. Mr. DEBOUCHERVILLE—The Drummond County Bill should have precedence of the Grand Trunk Bill. Supposing amendments are made to the Drummond County Bill and the government does not accept those amendments, the other bill falls. The government could not lease a portion of the Grand Trunk and not buy the Drummond County Railway.

Hon. Sir MACKENZIE BOWELL—The amendments, if there should be any, will be made to the lease into which the government has entered with the Grand Trunk Railway Company. There will be no amendments made to the Drummond County Bill, because it is simply a purchase, unless there are objectionable features in the bargain, the only amendment, therefore, to be made to that is to defeat the measure altogether.

Hon. Mr. DEBOUCHERVILLE—Certainly there is an amendment that could be made to the Drummond County Railway Bill without breaking the contract. The government might reserve to itself a certain sum of money to meet the claims which might be made against the government later on. That would not destroy the contract, supposing the government arranged for two or three hundred thousand dollars to meet such claims. There is no guarantee of that kind.

Hon. Mr. SCOTT—The question of priority can be discussed on Friday, if necessary.

The motion was agreed to.

CRIMINAL CODE AMENDMENT BILL.

ORDER OF THE DAY DISCHARGED.

The order of the day being called :

Second reading Bill (2) "An Act to amend the Criminal Code, 1892, so as to make more effectual provision for the punishment of seduction."

Hon. Mr. VIDAL said :—I think that the object I had in view in taking charge of this bill is sufficiently secured by what we have already done, and I, therefore, move that the order of the day be discharged.

The motion was agreed to.

SECOND READINGS.

Bill (157) "An Act respecting the Manitoba and South Eastern Railway Company."—(Mr. Power.)

Bill (166) "An Act respecting the Temiscouata Railway Company."—(Mr. Wood.)

Bill (139) "An Act respecting the Nova Scotia Steel Company, Limited."—(Mr. Power.)

Bill (104) "An Act respecting the Dominion Permanent Loan Company.—(Mr. McMillan.)

THIRD READINGS.

The following bills, reported from Committee of the Whole House, were read a third time and passed :

Bill (146) "An Act further to amend the Act respecting the Department of the Geological Survey."—(Mr. Mills.)

Bill (153) "An Act to amend the Unorganized Territories Game Preservation Act, 1894."—(Mr. Mills.)

Bill (149) "An Act further to amend the Land Titles Act, 1894."—(Mr. Scott.)

Bill (148) "An Act further to amend the Dominion Lands Act."—(Mr. Scott.)

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, 13th July, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

THE VOTE ON THE INTERCOLONIAL RAILWAY EXTENSION BILL.

Hon. Mr. MILLER—Before proceeding with the orders of the day, I would ask the House to have my name added to the minority on the vote on the Grand Trunk Railway agreement and the Drummond County Railway Bill. I was in one of the committee rooms when the vote was taken, otherwise I would not ask to have it added. I told one of the messengers to give me notice when the vote came on ; besides, I left the door open with the expectation of hearing the division bell, but no division bell was rung on the occasion—a thing very unusual on so important a question. I can only, of course, have my name added by leave of the House and I hope the House will consent to it.

Hon. Mr. POWER—I will move that the hon. gentleman's name be added to the minority.

Hon. Mr. MILLS—If the name is to be added, would it not be better to have it done as a matter of course? If a motion is made,

it will appear on the minutes and will show that the hon. gentleman was not present. Of course, if the addition of the name would have the effect of changing the vote, it would be a very serious matter.

Hon. Mr. MILLER—If there is any objection I will not ask it.

Hon. Mr. SCOTT—Let it go without a motion—by common consent.

BANQUE DU PEUPLE BILL.

AMENDMENTS CONCURRED IN.

The order of the day being called :

Consideration of the amendments made by the Standing Committee on Banking and Commerce to (Bill 6) " An Act respecting La Banque du Peuple. "

Hon. Mr. FORGET moved concurrence in the amendments made by the Standing Committee on Banking and Commerce to Bill (6) " An Act respecting La Banque du Peuple." He said :—As I gave some explanations on the second reading of this bill, and as it has been fully discussed in the general committee and in the sub-committee, and their report has been made to this House, I will refrain from making any more comments on it, unless some hon. gentlemen would desire more information, in which case I shall be pleased to give it.

Hon. Mr. McMILLAN—I do not rise for the purpose of opposing the adoption of the report. My opposition to this measure will be at a later stage. I simply wish the House to understand that I do not approve of the report. But the hon. gentleman did not mention that there was any amendment to the report.

Hon. Mr. VIDAL—The hon. gentleman moved concurrence in the amendment.

Hon. Mr. DRUMMOND—With the permission of the House, I would like to make a few remarks on the bill before the motion is carried. I have studied this bill very carefully, and, being a resident of Montreal, have been cognizant of the circumstances under which the unfortunate necessity for such a bill has arisen. Nothing can exceed the disastrous character of the collapse of the Banque du Peuple, and it is impossible to deny that the directors have incurred a very serious moral responsibility in regard to it, while as regards their personal financial responsibility, that is absolutely unlimited. I have always considered that they were brave men—perhaps their bravery was that of the boatman who, when he saw some tyros out sailing a boat in a stiff breeze said they feared nothing because they knew nothing. These gentlemen undertook a responsibility which was in the highest degree dangerous, as it pledged their whole existence financially to the solvency of the bank. With reference to the manner in which banks are conducted by the average board of directors, I have the opinion—it may be a wrong one, that if a bank is managed by a dishonest man, no board of directors can prevent its collapse. The very method of direction by a constituted board is such that it can be evaded successfully by a dishonest cashier or manager. If that be so, and it is my opinion most clearly, the collapse of the Banque du Peuple does not necessarily imply dishonesty, or even dereliction of duty, on the part of the board beyond a certain limit. I have the opinion from a long personal acquaintance with one or more of the directors that they cannot be accused of dishonesty or malfeasance of office. Granted that the bill is of an exceptional character, setting aside the law of the case to meet special circumstances, this House will remember that we were asked some years ago to postpone the impending suits for the purpose of giving them a chance to wind up the affairs of the bank successfully. We sanctioned the postponement, and I think that we did so wisely, though it might induce some special hardships on some creditors and depositors. No doubt it did. We have to deal, however, with the question which we have presented to us every now and then—a choice of evils. We have to face a condition of things and do that which, in our opinion, is the less of the two evils. That is our position at the present moment. In my opinion, if this bill fails to pass, the remaining assets of the bank will be dissipated in law and will reach neither creditors nor depositors. On the whole, therefore, I favour the passing of the bill with the amendments already suggested and perhaps one or two others which I shall take the liberty of mentioning. The amendment proposed in committee, which has just been presented to the House, saves the securities which at the time of the passing of this Act any judgment creditor could possess. That is all right enough. I trust the House will adopt some clause like that; but in addition

to that, while what I have said hitherto has been in the direction of deprecating too severe a judgment on the board of directors, nothing can be plainer than the necessity of providing that they shall not profit by their own lack of care, and while it is suggested, and possibly with some ground for it, that having a vast accumulation of assets, many of which are of doubtful value, and the value of all of which is a matter to be solved only by results—in fact the estimate with regard to which can only be a matter of opinion—I think the settlement at the rate of 45 cents to the depositors and creditors which they have accepted, and I think wisely accepted, may be considered as a finality as regards them. But, acting on the view that the directors should not be permitted to profit in any shape, and that there should be no ambiguity or uncertainty about the fact that they are bound, doubly and trebly bound, to give their best attention to this question and to work out these assets to the best advantage, and in no respect or manner to profit by any surplus which might, in the course of time, be realized from their disposal. I would, therefore, suggest to this honourable House that a clause be inserted calling upon the directors to dispose of the assets within a certain time. The ninety days which they are given to pay up the balance of the 45 cents and obtain a clearance from the depositors and creditors is all right enough. That is perfectly fair, but to call upon them to dispose of all the various properties within that time would be simply to say that they must be sacrificed and thrown away *coûte qui coûte*. I think that is absurd. They should be given a couple of years to wind up and dispose of all the properties and realize on all the assets, and at the end of that period they should be called upon to account strictly for the results of their stewardship, they having no benefit, if they fail to realize the estimate put upon them, and if there is any surplus, it should be handed over, in my opinion, to the shareholders who have put their money into this concern. It would seem at first sight to be a fair proposition that the depositors and the creditors should get that surplus. I do not think so, and for this reason: when a man fails and has a settlement with his creditors, he has to give a good deal of time to the settlement of the estate, and if there is any surplus, it goes to him. The creditors do not profit after having accepted a compromise. My sympathies are very largely with the shareholders. At one clap they found their capital disappearing and nothing left of it, and if there is any surplus, they are entitled to it, in my judgment. I happen to know some of the properties intimately. I have this morning gone over the statements in the possession of this honourable House, giving the details of these properties, and I am inclined to think that the estimate, while it may be exceeded, is not an unfair one. One property in particular, a property which was occupied by a manufacturing concern, and one of the largest of the assets, I find is estimated at 22 cents per superficial foot. I may say that I owned a property closely adjoining it which I disposed of the other day, at 22½ cents per foot. That being so, and knowing the locality of some of the other properties, I think that the estimate on the whole is a fair one. I would not like to delude the shareholders into the belief that there is a great probability of a surplus for their benefit, but if there should be any surplus, it should go to them. With these suggestions, I think that the House will do well to adopt the bill. My knowledge of some of the directors, as I have already said, inclines me to the belief that they are very unfortunate, but not guilty except to the extent that every man is certainly guilty who neglects a duty that he assumes. With these remarks, I venture to commend to this House the adoption of the bill, not only with the amendments suggested in committee, but with the further suggested amendments which I have pointed out in the few remarks which I have ventured to make.

Hon. Mr. McMILLAN—Do I understand the hon. gentleman to accept the notice that I gave yesterday, which is just on the lines of the hon. gentleman's remarks?

Hon. Mr. DRUMMOND—I accept it to a certain extent, so far down as the words "pro rata." The further suggestion that the following gentlemen should be named for the purpose of administering such assets seems to me rather unworkable. They might refuse to do it.

Hon. Mr. FORGET—He might die.

Hon. Mr. DRUMMOND—He might disagree with the directors with regard to his remuneration. There can be no possible

objection to associate some person with the present board of directors, but I do think it would be wrong to take the matter of the responsibility of winding up this estate out of the hands of the present board. They cannot possibly benefit. I would take very good care that they do not benefit to the extent of one stiver by any results, and I would judge them wrongly if I were to suppose that they would not strain the utmost of their ability to wind up the estates—they are bound in their own interest to do it—and to pay the surplus if it can be realized.

The motion was agreed to.

Hon. Mr. FORGET moved the third reading of the bill.

Hon. Mr. McMILLAN—With regard to Hon. Mr. Desjardins, his name was suggested to me by a party here interested in the bill, and for that reason I embodied his name in the notice I gave. However, I am willing to meet the hon. gentleman half way on reasonable grounds any time, and I think he had better postpone the third reading till later on, when we can get together and agree upon a motion.

Hon. Mr. DRUMMOND—There can be no possible objection to the name of Mr. Desjardins. The question is in what respect, and to what extent you would associate him with the directors.

Hon. Mr. FORGET—I would suggest that he be an advisor with the other directors.

Hon. Mr. McMILLAN—Yes, and if the Hon. Mr. Desjardins would not accept the position, I would ask the Chief Justice of the Supreme Court to name a man.

Hon. Mr. FORGET—Then we can name Mr. Desjardins, and if he does not accept we will go to the expense of having the Supreme Court name a gentleman. We may as well frame the amendment now.

Hon. Mr. VILLENEUVE—There are already three advisors of the bank. I have no objection to Mr. Desjardins. The directors, however, have not been acting alone. They have had Mr. John Crawford, Mr. Boyer and another gentleman very well known in Montreal The directors have done nothing whatever without the consent of these gentlemen. As far as the proposition made by the hon. gentleman from Kennebec (Mr. Drummond) is concerned, I have no objection to a certain extent, but it must be remembered that the assets of the bank are nearly $500,000 and the claim at 45 cents for depositors amounts to $700,000. So that there is not the least chance that there will be a cent left for the shareholders. I hope the House will not embarrass the directors and advisors, because there is certainly nothing to be divided. They are over $200,000 short to meet the claims of the creditors at 75 cents. Therefore, all this legislation will go for nothing. They have to meet within three months, $700,000, and they have only got $500,000. What is the use of trying to legislate and naming other inspectors to see whether there is anything left for the depositors? There certainly will be nothing left, and the directors are paying $195,000 of their own money. If they have done wrong they are suffering for it, and they will give $250,000 out of their own pockets to pay the amount the depositors are willing to accept from them. They certainly have a claim over the shareholders to anything that might be left, but I am positive there will be nothing left, and I do not see why we should legislate.

Hon. Sir WILLIAM HINGSTON—If what the hon. gentleman from Montreal (Mr. Villeneuve) says is correct—and I know that it is—there will be nothing left and it is not worth discussing. It makes no difference if we have nothing to divide. But I should be very glad to avail myself of the suggestion of the hon. gentleman from Kennebec (Mr. Drummond). The depositors in accepting 75 cents are done with the matter, and if there happens to be a little money over, I should say let it go to the shareholders. I quite agree with the hon. gentleman from Montreal that there will be nothing left over, and it is not worth while discussing it.

Hon. Mr. DRUMMOND—I move that the following be added as clause 5:

If, on the liquidation of the present remaining assets, it is found that the sum, together with the security above referred to, has realized more than sufficient to pay the 45 cents, any surplus remaining shall be divided among the shareholders of the said bank, and the said directors shall be bound to keep a strict account of said liquidation, and to produce the same in detail before each meeting of the creditors and shareholders to be called every six months after the passing of this Act and for the purpose of administering such assets the Honourable Alphonse Desjardins, shall be named as associate with the directors at such renumeration as may be agreed on,

and on his refusal, some other person to be named by the court on application by the directors.

The amendment was adopted.

Hon. Mr. FORGET moved that the bill be read the third time, as amended.

The motion was agreed to, and the bill was read the third time and passed.

NIAGARA, ST. CATHARINES AND TORONTO RAILWAY COMPANY'S BILL.

THIRD READING.

Hon. Mr. McCALLUM moved the third reading of Bill (69) "An Act to incorporate the Niagara, St. Catharines and Toronto Railway Company."

Hon. Mr. KIRCHHOFFER—I yesterday gave notice that on the third reading of this bill I would move an amendment, which I then gave notice of. I now wish to make an alteration, and move the following :—

That the said bill, as amended, be not now read a third time, but that it be further amended by substituting the following for the first subsection of section 8 :—

8. The company may, upon such terms and conditions as are agreed on with the purchasers of the railway right, franchises and other property of the St. Catharines and Niagara Central Railway Company, acquire such railway right, franchises and other property and own and deal with the same in as full and ample a manner as the said Niagara Central Railway Company could have done had the recent judicial sale of said company's property not taken place.

In making this motion, I do not wish to do it as we have done on another occasion, by referring the report back to the committee, a course which the House has pronounced against emphatically. But when this bill passed the committee it controverted a principle which was laid down very emphatically by the committee a short time ago, the principle of not allowing railways to parallel each other. In this case we have a railway seeking to perpetuate a charter where they run alongside of two railways. When the principle was enunciated and the House approved of it, as they did the other day, it seems a curious thing that the members of the committee who voted against the reconsideration of a bill which the committee has reported against on that principle should yesterday have reported favourably a bill to authorize a railway to parallel two other lines. One railway is the Grand Trunk, the other is the Canadian Pacific Railway, and they provide a service that is sufficient for all purposes.

Hon. Mr. SCOTT—The hon. gentleman is wrong in his statement. There are simply the two rails and there are three railway companies which use the one track.

Hon. Mr. KIRCHHOFFER—Then there are three railways instead of two railways.

Hon. Mr. SCOTT—They have running powers over the road.

Hon. Mr. KIRCHHOFFER—The people of that section have a service by both lines of railway.

Hon. Mr. SCOTT—Three lines.

Hon. Mr. KIRCHHOFFER—A controversy took place between the parties who represented this bill, for and against, as to whether this was not in effect seeking a new charter, and it was argued very strongly by the promoters that this was not a new charter at all, but that they already got rights. Against that it was pointed out that if they had got those rights, there was no reason why Parliament should be asked to give them new rights, or a renewal of them, and it was left a matter which I think many of the members of the committee did not understand, as to whether they had the right at all to renewal, or whether this was in the nature of a new bill.

Hon. Mr. McCALLUM—I did not want to stop the hon. gentleman while he was speaking, but I think he is out of order. He has given no notice of this motion. This is the third reading of the bill. He is out of order entirely. I want that point decided first, claiming the privilege afterwards to reply to my hon. friend.

Hon. Mr. KIRCHHOFFER—We have just been amending a bill where no notice was given.

Hon. Mr. McCALLUM—The hon. gentleman springs this on the House now at the third reading of the bill, and I say that he is out of order. I want the ruling of the Speaker. I have every confidence that the Senate will pass the measure, but there is no use taking up the time of the House discussing it if the hon. gentleman is out of order.

Hon. Mr. POWER—Before the question is decided I should like to explain just how the question stands. Before the committee's report came up in the House yesterday, the hon. gentleman from Brandon gave notice of an amendment as follows :—

That when the bill from the House of Commons (No. 69), "An Act to incorporate the Niagara, St. Catharines and Toronto Railway Company," is called for a third reading, he will move to amend the bill by striking out all the words in clause 8 after "same" in line 4 thereof.

It was pointed out by the counsel who represented the promoters of this bill, that if that amendment were made the railway company would have nothing but the railway, twelve miles I think it is, between St. Catharines and Niagara, whereas the people who are getting this Act of incorporation had purchased at the judicial sale all the property, rights and franchises of the Niagra Central Railway, and that this amendment, if it carried, would not leave them in possession of what they had purchased at the judicial sale. The amendment which the hon. gentleman has asked leave to substitute for the amendment of which he gave notice is to strike out the first subsection of the 8th clause altogether and substitute for it the subsection which he has read, and which gives to the company proposed to be incorporated by the bill before the House not merely the railway but all the rights, privileges and franchises which were owned by the Niagara Central Railway Company at the time of the judicial sale. The effect of that amendment is to put the purchasers who are seeking this Act of incorporation in exactly the same position in which the Niagara Central would have been if they had got this legislation before the judicial sale took place ; and that is only fair and reasonable. It is not altogether proper to refer to what took place before a committee, but hon. gentleman will remember that it was stated on behalf of the promoters that the object of this bill was to put the new company in the same position in which they were placed by the judicial sale. The sale had to be, it was thought, under the provisions of the Railway Act, ratified by this Parliament. It would be much better for the promoters of the bill that this amendment should pass than that the amendment of which the hon. gentleman for Brandon gave notice should pass, because in the one case the new company would have all the rights, whatever they may have been, of the old company, and in the other case the new company would have probably only the twelve miles of railway.

Hon. Mr. McCALLUM—I am satisfied now that the point of order is not well taken. This question was discussed fully before the committee. The hon. gentleman tried it before the committee and was largely outvoted. He does not want the part of the country where I live to have anything but the Grand Trunk and the Canadian Pacific Railway. He wants a monopoly for the Grand Trunk along the whole Niagara peninsula. We had before the committee a statement from the member from Lincoln showing that the action of the Niagara Central Railway Company had saved them 50 per cent in the freight from Thorold to the Suspension bridge. Well, if it has that effect it is a benefit to the people. I am not in opposition to the Grand Trunk. I should like to see that railway prosper, but I want the people to have something else beside the Grand Trunk. These people have done a great deal of improvement on this railway even for the short time they have had it. Some of the railway was built on wooden trestles from Thorold to St. Catharines. The company is now substituting steel trestles. The people want an outlet from St. Catharines to Hamilton, but the Grand Trunk wants to choke them off; however much I may respect the interests of the Grand Trunk and wish to see them prosper, I want the people of this country to prosper also, and have fair play, and not have more money taken out of them than should be taken. I am surprised at hon. gentlemen speaking as they do. If we take the action the hon. gentlemen from Halifax and Brandon suggest, you will give this company a law suit. They cannot go on with their improvements ; they must go to law, and the people must suffer in the meantime. I appeal to the Senate to support us in this matter and give us a chance to get to Hamilton, Toronto and elsewhere as long as the company give satisfaction to the people and a better rate than could be got without this road. The chairman of the committee knows how this question was discussed in committee—how it was gone over clause by clause. I should like to get an expression from him on this question, as to how the vote in the committee took place. The chairman is privileged to tell us what he thinks about this matter.

Hon. Mr. ALMON—It is laid down as a rule, a very proper one, that anything that has passed in committee, unless there is some grave fault in it, should not be referred to in the House. The hon. gentleman from Monck says there was a large meeting; that the question was thoroughly discussed and a decision arrived at. Two great railways are opposed to this little railway, because, they say, it will parallel their roads. We should hesitate, even if it was a little wrong, before we condemn this little railway. I do not believe in paralleling a railway where there is very little commerce, but between Niagara and Hamilton and Toronto, where so many people travel to see the falls, I do not think we should allow these two roads to monopolize the traffic. We should not allow them to monopolize the traffic, as they will do if this bill is defeated, because they would have the settling of the rates themselves. I say that this railway, small as it is, and in spite of its powerful enemies, should have the privilege conferred upon it by the Railway Committee, after the long and exhaustive discussion that took place upon it.

Hon. Mr. WOOD—I concur in the remarks of the hon. junior member for Halifax (Mr. Almon) with regard to this House overruling the action of the committee, because we know they have carefully looked into all the facts in connection with this measure and made a report to this House, and before we change that report we should have very strong reasons for our action. As I understand this matter, the reasons given for asking for the change in clause eight of this bill, adopting the amendment which has been proposed by the hon. gentleman from Brandon was simply because this railway parallels other lines of railway running between Hamilton and Toronto. The amendment proposes to give the new company precisely the rights that the old company had, and there appears to be a question as to whether the right of the company to build this extension has expired through lapse of time. The view I take of this question is that undoubtedly the old company originally possessed this right. Supposing that right had expired, and this new company which has purchased the rights of the old company came to Parliament and asked to have the time for that extension continued. I think that it would be almost unprecedented on the part of this Parliament to refuse this extension. While I entirely agree with the principle which the hon. gentleman from Brandon has laid down, that we should not incorporate two roads paralleling lines which already exist, yet where we have granted that privilege and where capitalists have expended their money and constructed part of the line for us, to reverse the policy on some technical point, like the point referred to here, that the road is not finished in the proper time, and say we would not allow the new company to build a competing line, would be very inconsistent action on the part of this Parliament. For my part, as I understand the question, I cannot support the amendment. I think the bill as it came from the committee should receive the support of the House.

Hon. Mr. MILLS—I agree with the hon. gentleman from Westmoreland. The proper time to consider the principle embodied in this amendment was when application was made to Parliament for the original charter. There can be no doubt of it. It was then the business of Parliament to consider whether they would grant a charter for the construction of this road, and whether they were not acting in a manner detrimental to the interests of those roads that had already established lines between Toronto and the Niagara frontier. But having granted the charter, and the construction of the road having been in part delayed through no fault of the present proprietors, it does seem to me we would be taking advantage of a technicality to the detriment of the company if we were to refuse to carry this bill as it stands. This is practically, in effect, an extension of time for the construction of the road. I understand litigation has taken place which hindered and delayed the company from going on and completing their road. Now all the mischief that was contemplated, all the wrong that could have been done, would have been done under the original charter. This is affirming the continuance of a power that these parties at this moment, I understand, possess, although the time which the charter has to run has very nearly expired. It may be that a wrong will be done to the existing lines between Toronto and the Niagara frontier by the completion of this road, but a wrong will be done also by refusing to those parties

an extension of time for the completion of the road they have undertaken. If Parliament has done an act which is mischievous in its effect, and if a wrong is to be done to existing companies that have completed lines, Parliament can hardly undo fairly what they have done in this case without compensation to those who hold the present charter. There is no proposition of that sort. The proposition is to prevent parties retaining the power which we have already conferred upon them, and under which the road would have been completed if litigation had not occurred which hindered them from going on.

Hon. Mr. POWER—If I may be allowed, as other hon. gentlemen have done, to violate the secrecy of the proceedings of the Railway Committee, I may mention that the vote on this bill was 13 to 10, so that it will be seen that there was not a full committee, and the indignity to the committee is not seriously to be considered. What is the position? The hon. gentleman from Monck speaks of the Niagara peninsula as if it had insufficient railway accommodation. As I understand it, there are three railway companies now running trains between Toronto and Buffalo—the Toronto, Hamilton and Buffalo, the Canadian Pacific Railway and the Grand Trunk Railway. I should suppose that those companies would afford a reasonable amount of accommodation to that particular district. Then, coming from the west, there is the Canada Southern and its connections and the old Great Western Railway. So that I do not think the ground can be taken that the people of that section of the country have not a sufficient amount of railway accommodation. This St. Catharines and Niagara Central Railway Company was first incorporated as far back as 1882, if not further back. It was regarded, and has been regarded from the first, as being more or less a speculative undertaking. Since 1882, the company have built twelve miles of railway, and, as I understand, they have not built a mile for the last twelve years. They were incorporated originally by the legislature of Ontario. In 1895 or 1896 they obtained from this Parliament the right to build extensions to Toronto, and I think that at that time certain members of this House, looked upon the Act of 1896 as being a sort of speculative charter—a charter which was bought for the purpose of selling—and the fact that no work has been done on the road since the Act of 1896 which authorized the extension to Toronto goes to show that that is really the character of the undertaking. The hon. Minister of Justice says that to pass this amendment and not to pass the bill just as it come to us, would be a wrong to the parties who bought at the judicial sale. What did those parties buy at the judicial sale? The judicial sale took place in April of the present year. If the right to make the extensions has lapsed, it lapsed in the autumn of 1898, and the purchasers at the judicial sale were quite aware of what had taken place, and the fact that those purchasers paid only $36,000 for this twelve miles of railway and the other rights and franchises of the company goes to show that they did not think they were getting a great deal, and if the parties who have bought this road got this twelve miles of railway and the right to extend to Fort Erie for $36,000 they ought to be making a good bargain. I fail to see that there is any wrong done to the parties buying. They knew just where they were and knew the position of the whole question just as we know it now. The position has not changed since the judicial sale.

Hon. Mr. McCALLUM—That is true, but the time is not out yet.

Hon. Mr. POWER—In reply to the question of the hon. Minister of Justice, the two years expired not later than the autumn of 1898—that is if those two years have expired at all—and when those parties bought at the judicial sale, they would be just in the same position as if they bought to-day. If the charter had not expired when they bought, it has not expired yet, and this amendment of the hon. member from Brandon gives the purchasers just what they bought at the judicial sale. The amendment reads:

> The company may, upon such terms and conditions as are agreed on with the purchasers of the railway, rights, franchises and other property of the St. Catharines and Niagara Central Railway Company, acquire such railway, rights, franchises and other property, and own and deal with the same in as full and ample a manner as the said Niagara Central Railway Company could have done had the recent judicial sale of said company's property not taken place.

That amendment does no injustice to any one. It gives the purchasers just what they bought, and I think from the past history of this company it is not unreasonable to

suppose that the people who own the road are not capitalists who can undertake to build a road, and we are giving a sort of speculative charter which may be used simply for the purpose of forcing a purchase of that charter by the Grand Trunk or Canadian Pacific Railway. I do not think that Parliament ought to do anything to help along a transaction of that kind.

Hon. Mr. McKAY—Has the amendment been changed since it left the Speaker's hands?

Hon. Mr. POWER—No.

The amendment was lost on a division. The bill was then read the third time and passed as amended.

DOMINION LANDS ACT AMENDMENT BILL.

THIRD READING.

Hon. Mr. SCOTT moved the third reading of Bill (148) "An Act further to amend the Dominion Lands Act."

Hon. Mr. LOUGHEED—When this bill was before the committee, I took the liberty of pointing out to the hon. Secretary of State what I thought was an omission, and a very negligent one in regard to sub-clause *f*-2 of clause 4. At the risk of wearying the House, I may possibly have to repeat what I said upon that occasion. I pointed out to the House that this clause provided that any persons, their servants, their tenants or their agents, who go upon public lands—that is upon Indian lands, because it deals simply with Indian lands—immediately previous to the extinguishment of the Indian title, and make a residence, so long as that residence is anterior to the extinguishment of Indian title of those lands, they would be entitled to secure from the Crown a patent for 160 acres. One can very well understand how that can be abused. Perhaps some hon. gentlemen may not be as familiar with the extinguishment of Indian titles as those of us who come from the North-west, and under whose attention this particular matter of legislation is very often times brought. Before it is possible for the government to extinguish an Indian title, hon. gentlemen can very well understand that considerable negotiations have to be entered into, and very great publicity, and great notoriety, in fact, given to the circumstance that the title is about to be extinguished. Hence the extinguishment of an Indian title is known to everybody in the country, and it sometimes takes perhaps a couple of years to accomplish. In this connection, we have to take into consideration that the Indian reserves are of the choicest lands in that country. Immediatly the public become notified that a certain reserve title is about to be extinguished, there is nothing to prevent hundreds of persons coming upon the wing, without having any stake in the country, without being citizens, without being in any way entitled to consideration at the hands of our government, going upon those lands, and though they are there only one month before actual extinguishment of the title takes place, they have a positive right by this statute to say to the government "We ask you now to issue us patent for 160 acres of land." The government have passed most restrictive legislation in regard to bona fide homesteaders. The government require the homesteader to go upon his land and pay a certain fee to secure an entry, and reside upon these lands six months in each year for three years and make costly improvements upon those lands, and yet at the same time by this legislation we give the right to aliens, or to anybody else who might come into the country without having any qualification, without having any claim upon the government, to go upon those lands and demand from the government 160 acres, despite the fact that they may not have been upon them a month. I ask is this reasonable legislation? Is this careful legislation? Is this protecting the interests of the country? Is this conserving the public interests in any sense? I can scarcely think that the government have any object in introducing slip-shod and ill-digested legislation of this nature, and it occurred to me when I pointed out the fact to the House that the Secretary of State would give some attention to placing a limitation of occupation of those who go on Indian lands; but I find no attention whatever has been given to the suggestion. Under the laws which obtain in the provinces, persons before they are entitled to lands by reason of undisturbed occupation must, in some cases, be on the land for twenty years, in others, ten or twelve years, and here you permit aliens to come in and occupy these lands without having any claim on the consideration of the government and give them a right to 160

acres of land, though they occupy them but for a month. I hope my hon. friend will not persist in putting this clause through without attaching to it some limitation. I would be satisfied with the same limitation as attaches to homesteads, namely, three years occupation of the land, or I would be satisfied, if this were to meet present exigencies in connection with the extinguishment of the Indian title in the north, that it should be limited to cases arising in connection with that particular reserve. The Secretary of State, in making reference to the Act the other day, referred to particular cases in connection with Indian titles to which I now refer. I am satisfied that it should be made applicable only to bona fide cases in connection with that reserve, but that we should put a sweeping law on our statute-books, giving anybody an opportunity to go on Indian lands and demand a title without any term of occupation, I object most emphatically to. I would further point out that this might possibly result in Indian difficulties. If you give license of this kind to persons to go on Indian lands, you at once place on the statute-book a clause which may result in an upheaval between settlers and Indians because persons anxious to get possession of these lands could put any number of their employees on them and get possession in the way I have indicated.

Hon. Mr. SCOTT—The suggestion made by my hon. friend would, of course, have very great force if they applied to reserves in the settled parts of Manitoba and the North-west Territories, but this clause clearly applies to lands which are a long way beyond settlement, where certainly there are no white men at present living. It applies to a section where the Indian title has not been extinguished.

Hon. Mr. LOUGHEED—Is not my hon. friend aware of this fact, that in the most populous districts of Manitoba and the North-west there are Indian reserves to-day, the title of which may be extinguished at a very early date? I would point out the Sarcee Indian reserve, six miles from Calgary. The Blackfoot reserve about fifty miles east of Calgary. The Piegan Indian reserve near Macleod, the Blood reserve a few miles out of Macleod. The Stony reserve about forty miles west of Calgary, and I might go on and name a dozen reserves occupying some of the finest lands in the North-west, the title of which has not yet been extinguished but may at any time.

Hon. Mr. SCOTT—But they will not be extinguished. I quite understand that the hon. gentleman has in view portions of the country where land has been reserved. This bill is not intended to apply to such reserves. Of course, white settlers would have no right to go on Indian reserves and would have no claim whatever. Indian reserves are lands which have been practically dealt with. In extinguishing the Indian title, certain reserves were made. This clause was never made to apply to these particular reserves; it was intended to apply to places where the Indian title is to be for the first time extinguished.

Hon. Mr. LOUGHEED—That may have been the intention, but as it reads it applies to all reserves.

Hon. Mr. SCOTT—That is the hon. gentleman's interpretation, but the department would not put that interpretation upon it. They interpret these regulations according to the spirit of them. This bill grows out of the necessity for making a treaty with Indians who are a long way above Edmonton, between Edmonton and the Yukon Territory. Travellers, as we know, have gone into that country by way of Edmonton, and we have discovered, for the first time, that there are numbers of Indians and half-breeds there, and why look upon the invasion of white men, crossing the country and looking after gold, as a tresspass on their liberties, and therefore we have sent a commission there for the purpose of extinguishing their title. This clause has no reference to reserves in the North-west, where the Indian title has already been extinguished. If the clause is misleading, as my hon. friend thinks it is, I am quite ready to accept any suggestion to put a limitation to it. It would seem rather absurd to do so, if its interpretation is limited to the cases which have been described where Mr. Laird and other officers of the department and commissioners are now engaged. The commission will be engaged probably from now until November in this new country, extinguishing the Indian title, laying off reserves and making other arrangements. The Indians in that part of the territory had never been settled with. They never until

now have been an element in our settlement of the North-west, but in consequence of people taking the new route to the Yukon via Edmonton, a considerable number of Indians have been found there, and they, knowing that Indians elsewhere have had concessions made to them, are insisting on their rights. This clause has been introduced to enable the commissioners, if they found anybody in possession of a place with improvements, to recognize the fact that they are entitled to 160 acres. I have no objection, if my hon. friend thinks there is danger of a considerable number of persons following up the commissioners and taking up land, of adopting a limit, but I think there is no danger of that.

Hon. Mr. LOUGHEED—Knowing the fact that the commissioners have gone a considerable distance beyond the field of settlement, quite a number of persons have followed them for the purpose of securing half-breed scrip. These persons could occupy the land and get possession under this clause.

Hon. Mr. SCOTT—Instead of saying "at the time of such extinguishment," I will score that out and make it read "in undisturbed possession on the 1st January last."

Hon. Mr. LOUGHEED—That will be satisfactory.

Hon. Mr. SCOTT—I would not approve of anybody following the commissioners to get possession. I did not suppose, as we are freely giving lands to immigrants coming into the North-west now, that anybody would be disposed to go so far north as that to secure land.

Hon. Mr. LOUGHEED—I did not refer to land so far north. I referred to reserves in the older parts of the country.

Hon. Mr. SCOTT—I am sure the department never had the idea that this clause would refer to such reserves, but to make it clear I move the amendment which I have suggested.

The amendment was agreed to, and the bill as amended was read the third time and passed.

THE USURY BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (J) "An Act respecting Usury."

(In the Committee.)

Hon. Mr. DANDURAND—In order that the members of the committee may understand how the bill stands, I would draw their attention to the fact that it is set forth on page 500 on the minutes of our proceedings, and if the hon. gentlemen would strike out the first clause, which I have moved to amend, and replace it by clause 2 of the bill originally submitted to this House, they will have the bill as it stands before them. Clause 2 is amended to read:

> Notwithstanding the provisions of chapter 127 of the Revised Statutes, no person shall stipulate for, allow or exact any interest or discount at a rate greater than twenty per cent per annum; nor after the maturity of any negotiable instrument or the expiration of the term of payment under any other contract or agreement shall interest be recoverable at a rate greater than ten per cent per annum, unless by the express terms of the negotiable instrument, contract or agreement the contrary has been provided.

This bill covers only transactions amounting to less than $1,000. Loans under $1,000 cannot be made to carry a larger rate of interest than 20 per cent, and when the loan matures and suit is entered, from the date of suit the judge will only allow 10 per cent. I see the hon. junior member from Halifax (Mr. Almond) smiling at the idea that a bill against usury will still allow borrowing and lending at a rate as high as 20 per cent.

Hon. Mr. ALMON—Hear, hear!

Hon. Mr. DANDURAND—I may tell the hon. gentleman for his information that a similar bill has just been passed through the House of Lords, and has been sent to the House of Commons providing that upon sums under $10 a party may claim and exact 25 per cent per annum, upon sums from $10 to $50 a party may claim 20 per cent per annum——

Hon. Mr. AMON—I did not know that the House of Lords deals with dollars and cents. I thought it was with pounds.

Hon. Mr. DANDURAND—Yes, and I am reducing their pounds into dollars. As the hon. gentleman can see, he will be quite able to return to Halifax and present many good arguments why such an apparently high limitation should be fixed, because on short loans the sum of twenty per cent interest for a week or a month is not very considerable.

Hon. Mr. MILLS—I would suggest that my hon. friend substitute $500 for $1,000 in the clause.

Hon. Mr. McMILLAN—That is the way it strikes me.

Hon. Mr. DANDURAND—I have no objection to that. The loans generally which are usurious, and which simply destroy all chances for the future for young men, range from $50 to $200.

Hon. Mr. MACDONALD (P.E.I.)—I will submit to the change so far as it goes; at the same time, I have very little confidence in the good effect a Usury Bill will have. Usury is one of those things which it is difficult to provide a remedy for by law. My idea from the outset has been that the only way we can effectually check this evil would be by leaving it to the discretion of the judges before whom such suits are taken to say whether the rate of interest charged is reasonable or not, and if they found it was not reasonable, to give them power to reduce it to a reasonable amount. That, I think, would very likely meet the evil which we are trying to remedy by this bill. I consider this is a measure which should have been introduced by the government and carried through as a government measure. It is scarcely the kind of legislation which a private member should be responsible for and be at the trouble of carrying through the House.

Hon. Mr. MILLS—My hon. friend will remember that the Insolvency Act, when Sir John Macdonald was at the head of the government, was carried through Parliament by Mr. Abbott, who was a private member.

Hon. Mr. WOOD—I must say that I concur in the first portion of the remarks of the hon. gentleman from Prince Edward Island with regard to the almost insurmountable difficulties in framing a bill to deal with the evil that this measure is intended to meet. I think we all agree as to the desirability of endeavouring to frame some legislation which will meet the evil that no doubt exists to some extent, particularly, I believe, in the city of Montreal from which the hon. gentleman comes, and probably in other large commercial centres. I must say, however, with regard to this clause, I am at a loss to discover any principle whatever on which the hon. gentleman is proceeding. From the very first this bill has been changed from time to time in every respect. At one time the limit to the rate of interest is 20 per cent, then it is 10 per cent. In this clause, as amended, it is proposed to make the maximum rate of interest 20 per cent, and when suit is commenced to reduce it to 10 per cent. I fail to see anything to justify action of that kind. Take the case where a loan has been made at 20 per cent; if the lender is justified in getting 20 per cent for that loan, what possible reason is there, when the man who makes the loan begins a suit to recover his money, that the rate of interest should be reduced one-half? I cannot see anything to justify that. The proposition now is to limit transactions of this character to sums under $500. I am unable to see any principle by which that sum is fixed.

Hon. Mr. DICKEY—The principle is interest.

Hon. Mr. WOOD—The hon. gentleman has referred to legislation which has passed the House of Lords. I do not know whether that bill has been printed and in the possession of members or not. If so, I have not seen it. I saw the report which was made by the commission which investigated this subject in the mother country, and as I understood from the character of that report, they confined that legislation to a class of people whose business was money lending. It applies only to transactions with such people. There is a principle involved in that, and I can understand why it might be wise legislation. But there is no such principle underlying this bill. It is general in its character. It affects private transactions of all kinds, and there is not a man here who cannot, from his own memory, bring up cases where legislation of this kind would really be an injustice. They may be exceptional cases, but such cases do exist. In the last clause of this bill you exclude from the operation of it the Yukon Territory. I am informed by a gentleman from the western parts of the Dominion that there are numberless transactions in British Columbia and the North-west where higher rates than 20 per cent are paid for money, and with advantage to both borrower and lender. It may be said that in such cases as that the law will not be enforced, but I must ask hon. gentlemen who are in this Senate and legislating on subjects of this kind if they con-

sider it prudent action by a body of legislators to place on the statute-book an Act which makes a class of transactions criminal and assume at the same time that the law will not be enforced. It is not a consistent or prudent action, and I do not think it is a course of action which this body should pursue. While I sympathize with the hon. gentleman and have given this subject as much thought as I could since it came under my notice with a view to trying to suggest some amendment which would accomplish the object he has in view, and not be open to the objection which applies to the bill as it stands, I have so far been unable to see my way clear to frame a clause which will meet the case. I think the true course to pursue under the circumstances, is to let this bill stand over for another year. If a bill has been passed by the House of Lords during this session, as the hon. gentleman has stated the evidence which was taken before the commission on which that bill was based is very voluminous and contains no doubt a great deal of very valuable information. I believe the commission spent some two years in studying the question with a view to framing legislation which would remedy the evils they sought to remedy by legislation, and at the same time not do injustice or injury to any other interest. This subject should receive more careful study before we attempt to legislate upon it. We should have some well defined principle underlying our legislation, and while I sympathize heartily with the hon. gentleman and am willing to assist him in any way in my power I cannot give my support to this bill as it stands.

Hon. Mr. POWER—It does not seem to me that passing an Act which provides that in case of a loan not exceeding $500, not more than 20 per cent interest can be recovered, we are doing any very improper thing. Looking at the matter, at first blush at any rate, I do not think any member of this House can feel that that is likely to do any injustice to either the lender or the borrower. This measure has received a great deal of consideration. I do not suppose that the hon. gentleman who introduced it is of opinion that it is perfect, but it is a fair start in the right direction, and the public, who do not know so much about the objections and difficulties in the way, would be disappointed if the Senate failed to do something with this measure. We had better pass it in its present very harmless and modified form, and let it to go down to the House of Commons the members of which represent the various sections of the country, and if the gentlemen in that chamber, in their wisdom think that the bill is likely to be seriously harmful to the interests of any of their constituents, let them amend it or reject it. But after all the time that has been given to it by the committee and by the House, we should do wrong to reject it merely because we think there are defects in the measure. I do not see that it is calculated to do any serious harm to any one, but it is calculated to prevent serious mischief which is now done in Montreal and other cities.

Hon. Mr. DANDURAND—I may say, in answer to the hon. gentleman from Westmoreland, that there are reasons for all the figures which we have mentioned in the clause now under discussion. The hon. gentleman wants to know why 20 per cent interest can be charged upon a loan, and why, when a suit is instituted, it should be reduced to 10 per cent. Those who think as I do believe that a short loan at 20 per cent is at times justifiable. But that short loan may resolve itself into a long loan, and it has chances to become a long loan when the suit is instituted. We come to the relief of the borrower and say that the courts will only grant 10 per cent interest from the date of the institution of the action. As to the amount which is covered by this bill, $500, as suggested by the Minister of Justice, the hon. gentleman asks why that sum and not another? Because the usurers whom we want to reach lend to needy people, as the preamble says, and those needy people are likely to require sums below $500, and we want to touch as little as possible, liberty of trade. We limit it in order to protect these needy people. This is why I accept $500 as the limit, because I know this bill will protect hundreds of young men who are to-day in large cities struggling at the bottom of the ladder and who fall a prey to those sharks. My hon. friend has asked why we exempt from the operation of this bill the Yukon Territory and not British Columbia. A suggestion was made in committee that that province should also be exempted, but we left the question open to consult the members repre-

senting that province in this House. I did consult Mr. Macdonald and Mr. Templeman, and they were willing that this bill should operate in British Columbia as well as in the east. As the hon. gentleman represents New Brunswick and does not complain for his own province, I suppose he can allow British Columbia interests to be guarded by its representatives here. My hon. friend says the British bill affects only one class of people, the money lenders. There are conditions which prevail in Great Britain which are not found here. If you say that this bill will only affect money lenders who have to register, the man I reach will not register, and you have to define what a money lender is, and we cannot define it in a clearer way than is given in the English bill, which says that a money lender is a man who does the business of lending money. Those people will refuse to register, because they will not lend at 20 per cent. When I explained the bill on the second reading I said they would not lend at 25 per cent. All those who will read the work of the commission before the British House will see that all the money lenders say they are out of the business at 25 per cent. They will refuse to register, and may use five or six names and lend money at usurious rates, and when you arrest one he will plead: "I did not do the business of lending money." This is why I want to reduce the amount to $500. Let us put everybody on the same footing. The hon. gentleman from Westmoreland asked if there was any principle in this law that I could rely upon. Yes, I put every citizen of Canada upon the same footing. I do not say a money lender shall register himself. If I were to make registration necessary, his neighbour might lend money at usurious rates, because he does not make a business of doing so. I put everybody on the same footing and limit the application of the clause to all sums under $500. I think 20 per cent is enough. The hon. gentleman from Halifax thinks it is monstrous to pay 20 per cent. If the majority of the committee think 20 per cent sufficient, we will give power to the judge to reduce it to 10 per cent.

Hon. Mr. ALMON—I think this bill may act against the usurer, but will be very much in favour of the small lawyers. If a man borrows money and goes into law immediately, knowing that the interest will be reduced from 20 to 10 per cent, it will be against the usurer, but the pettifogging lawyer will gain a great deal of practice by it.

Hon. Mr. DANDURAND—The first objection we are met with is that lawyers are likely to make money. I wonder what would be the condition of things if the suggestion of the hon. gentleman from Cape Breton was to prevail, that discretionary powers should be given to the judge. If it was discretionary, then there would not be a case where the defendant would not put in a plea asking the judge to reduce the interest.

Hon. Mr. LOUGHEED—My hon. friend must feel gratified at the expression of members of this chamber desiring to remove the difficulties in his way. I do not think there is any difference of opinion in regard to the desirability of removing the abuse which my hon. friend from Montreal has pointed out. The difficulty which has always confronted me in the consideration of this bill is that to meet a certain abuse, my hon. friend has prepared a general measure extending to every commercial transaction throughout the country, and the difficulty has always been to frame such measures as would meet the abuse in question, and yet, at the same time, in no way invade trade and commerce, and such transactions as take place every day in the line of business. I never could understand why my hon. friend did not, in some way or another, attempt to apply the English bill to the abuses which he so forcibly pointed out in this House. To say that the English Act, which has received the consideration of the best minds in England, which has received most careful and judicious attention for the last two years at the hands of a very able commission, could not be applied to almost similar conditions or parallel cases, perhaps on a smaller scale existing in this country, is to my mind saying that we cannot do here what they can do in England. It would not be difficult to take the English Act and frame an interpretation clause so broad and comprehensive as to cover every class of abuse pointed out by my hon. friend. The English Act only extends to usurers, and my hon. friend will concede the fact that all the abuse he desires to meet is that of usury. The English bill provides that the usurer shall take out a license, so that he is in that subject to public authority. If the energy

which has been shown by my hon. friend in promoting this bill were directed to preparing a clause to cover the particular cases he has in view, I am satisfied that such a clause could easily be made, and it would at once remove from the arena of controversy the various difficulties which members of this House and business men outside at once perceive in regard to this bill. I can assure my hon. friend that I am quite prepared to support any legislation that will strike a blow at the abuse to which he refers, namely, usury, but I have very serious hesitation in supporting a measure which, by its provisions, extends to every class of business throughout the entire Dominion. In England they thought it wise to give two years consideration to the preparations of such a bill. Surely it would not have been out of place for my hon. friend to have asked the government, particularly the Department of Justice, to have taken up this subject and deal with it as a government measure. I am satisfied if such a measure had been introduced by the government, after having received that attention which the Department of Justice particularly can give to subjects of this nature, it would have received the support of this House, especially in view of the expressions of support which my hon. friend from Montreal has received from both sides of the House in regard to the object which he has in view. I would furthermore say, that if my hon. friend had given the same energy and exercised the same effort in regard to the introduction of an Insolvency Act, he might possibly have surmounted many of the difficulties which he has pointed out, under which many people in Montreal and other parts of Quebec, and possibly Ontario, labour. The inconsistency, which I took the liberty of pointing out to this House, in the clause which we are now dealing with still obtains, namely, that you provide for a repudiation all the solemn engagements of a contract that interest shall be charged at a particular rate. You at once offer an inducement to the borrower to bring the lender into litigation. It does not carry out the object which my hon. friend has in view. My hon. friend says that if a provision of this kind is not passed, the lender will continue to lend without taking any particular steps for the recovery of the principal and interest, for the purpose of securing the fixed rate of interest during its currency. My hon. friend will at once see that this provision will not meet that difficulty. I understand that was the difficulty which my hon. friend pointed out, and which was a justification for the reduction of interest after the issue of the writ.

Hon. Mr. DANDURAND—I only stated that I thought it was fair that when the judge rendered judgment against the defendant, and it seemed to appear that the defendant was unable to pay the amount, that the judgment should not hang over his head at the exorbitant rate or 20 per cent, but that it should be reduced to 10 per cent. I know of hundreds of cases of judgments hanging over the heads of young men where the interest runs from 60 to 100 per cent per year.

Hon. Mr. LOUGHEED—I know of no law which will allow a larger rate of interest on judgments than the legal rate of 6 per cent. Notwithstanding the contract which may have fixed the rate of interest at a larger or smaller amount, the judgment bears interest at the legal rate.

Hon. Mr. DANDURAND—I cannot say as to the other provinces, but in the province of Quebec, when a note bears a rate of interest of 5 per cent per month, payable in three months, the court renders judgment condemning the party to pay the amount with 5 per cent per month as long as it is not paid. This is the law as it exists in the province of Quebec. My firm represented the defendant in a case not three months ago, where our client was condemned to pay the amount. The judge failed to mention the rate which the defendant was condemned to pay. Inscription in appeal was taken, and the judgment was reformed in order to allow the plaintiff to collect interest at 5 per cent per month for thirty years, as judgments are only prescribed by that space of time.

Hon. Mr. McMILLAN—Does my hon. friend think we can pass a law in this House to meet cases of that kind? Is it not beyond human capacity to do that? Should not money be like any other commodity, and find its level, and not be limited by any law? I have studied this matter very carefully and feel that the object which the hon. gentleman has in view is a very good one indeed, but he is failing in that object and in naming the amount of interest that

will be allowed we are actually making a bid for people to charge that rate of interest, instead of leaving it as it is to-day like any other commodity. The maximum rate of interest that will be charged in making a good many loans that would not be thought of under the existing law.

Hon. Mr. DANDURAND—I may give the experience we have had for a number of years. The banking rate of interest is fixed at 7 per cent. Will my hon. friend say that it has kept the rate of interest at that level? When a man has a mortgage to offer, he can borrow at 5 per cent.

Hon. Mr. McMILLAN—That supports my argument. The maximum figure in the bill will be the figure charged, namely, 20 per cent.

Hon. Mr. DANDURAND—The hon. gentleman does not understand the bearing of my argument. Seven per cent is the rate allowed to banks, but it has not maintained that rate, inasmuch as the tendency of money is to go down. It is not Canada that governs the value of money. It is Great Britain. She controls our market, and so long as the rate of interest goes down in Great Britain, our rate follows immediately. We know that the value of money is regulated, not by our own market, but by the outflow of money from Europe. We are gradually coming down to the level of the British market as to the value of money. The value of money will not rise simply because we put 20 per cent in this clause. If a mortgage is offered as security, loans from $5,000 to $20,000 can be obtained at 5 per cent. When we passed the Pawnbroker's Act, allowing the pawn-broker to collect 24 per cent, it did not have the effect of raising the value of money. It cannot have the effect my hon. friend fears. The banks lend at 7 per cent when we have security to offer.

Hon. Mr. LOUGHEED—If money is a commodity in the market, regulated the same as any other commodity, why should a limit be put upon it?

Hon. Mr. DANDURAND—Because it is the universal sentiment that if it goes beyond a certain limit, we have the right to check it as an immoral act. The principle of the bill which I laid before this chamber was involved in the preamble, and the chamber seemed unanimously of opinion that if we could check the evil we should do so, and how can we check the evil without making some such restriction?

Hon. Mr. McMILLAN—I will put a case to the hon. gentleman. Supposing I come to the hon. gentleman and borrow $100 for ten days. I want that money and I am going to sacrifice a great deal to get it, and he charges me two dollars for the use of the money. It looks small, and it is really small. It is insignificant compared with the good it is going to do me if I can borrow that money for ten days. If we calculate we will see that it is between seventy and seventy-five per cent per annum. Is it reasonable that I should be prevented from making that bargain? There was no fraud. It was perfectly understood between the gentleman from whom I borrowed the money and myself that he was to charge me $2. According to this clause he would be liable to a penalty.

Hon. Mr. LOUGHEED—Liable to a year's imprisonment and a thousand dollars fine.

Hon. Mr. DANDURAND—If my hon. friend wants a hundred dollars and is in bad straits, I pity him if he has to go to the money lender to get it.

Hon. Mr. LOUGHEED—It should be confined to money lenders and usurers.

Hon. Mr. DANDURAND—If we could close the door to usury, I am quite sure my hon. friend would be able to get his money from some honest citizen who would not take his best blood out of his veins.

Hon. Mr. OGILVIE—The hon. gentleman deserves a good deal of credit. When he spoke of the rising and falling of money in Great Britain, I think he had better copy Great Britain one step farther. It took them two years to prepare a bill of this kind. We have had a great deal of talk about this bill pro and con. It took us about ten years to get rid of the old usury law, and I think it would be better for the hon. gentleman to take another year to consider this matter and see what the English Act is. Then we would be able to pass a good bill and not hurt anybody.

Hon. Mr. DANDURAND—I cannot accept the suggestion of the hon. gentleman. I have examined the English bill.

Hon. Mr. O'DONOHOE—While I applaud the motive which actuates the promoter of this bill, I cannot help thinking that it is impracticable, and that it cannot be carried out in Canada without interfering with and deranging our laws of interest and our laws against usury. Supposing a man wants to lend at a usurious rate and takes a note for $100, while he pays but $50, and after getting the note he goes to the bank and discounts it and receives the face value of the note, what has the maker of the note to say to the rate that is included in that note when it comes to its maturity? Will he be able to say to the bank "Oh, but you who advanced this money advanced but half the amount of this note."

Hon. Mr. DANDURAND—The bill provides for that.

Hon. Mr. O'DONOHOE—Let the bill provide just whatever you like, if the holder of that note, although he only gave half the value for it, transfers it to another for anything he likes, sells the note, the party buying the note will be entitled to recover the amount of it. What protection then is there against the usurers? There is none at all. I think, with all due deference to the promoter of the bill, and in deference to the opinions expressed here to-day by several hon. gentlemen, that it will be much wiser to let the present bill stand for the present session. I do not think it has received all the consideration that it deserves. It will be very entangling and very embarrassing, and any measure affecting the laws relating to money and interest and bills and notes, and all those loans of that character are of so much importance that we should be in no hurry in passing them. The hon. gentleman from Calgary speaks of the English law in reference to a kindred measure there. I think it would be wise for us to take time and examine the relations that may exist between the conditions there and here. I certainly must vote against the bill in its present form, although my heart goes out to the promoter of the bill and his motive, which is to reach those cormorants that will live upon the necessities of the poor. I therefore would urge my hon. friend from Montreal to allow his bill to stand for another session. It then will come out that such a bill is proposed. Our judges and our commercial men will, in the meantime, have an opportunity of giving consideration to the measure and giving us advice touching the measure. I believe that will be a wise course. I feel that there is in a bill of this nature no party politics. It is a measure we are interested in giving effect to if it can be done reasonably and profitably. I therefore submit to this House that the wiser course would be to let the bill stand till a future session.

Hon. Mr. WOOD—The discussion which has taken place already shows more clearly to the House the difficulties which surround this bill and, in my opinion, confirms the position which I took before, that there is no underlying principle on which this legislation is founded. The hon. promoter of the bill, in speaking of that feature of the case, said that when you pass the limit named in this bill the action became immoral. I am at a loss to understand how a loan becomes immoral when you pass a certain limit. It does seem to me in some cases 19 per cent would be a great deal more immoral than 20 per cent in others. The case which has been referred to by the hon. gentleman from Glengarry and which is, I was going to say, an every day transaction, it is almost an every day transaction, where a person wants $100 for a week or two and who is perfectly able to pay at the end of the time and is willing to pay two or three dollars for the use of the money for that short time. It is an open and legitimate and every day transaction, and it does seem to me unwise to pass an Act of Parliament which makes such transaction criminal, subjecting the borrower and the lender to a large fine or imprisonment. In order that the sense of the committee may be taken on this subject, I shall move that the committee rise. I desire to impress upon the House and the hon. gentleman that it is not because I am hostile to the object that he has in view, but it is desirable, under present circumstances, that this legislation should be postponed until next year, and that in the meantime most careful thought and consideration should be given to the subject in order, if possible, to frame a bill which will meet the evil that the hon. gentleman desires to obviate without doing the injustice

that this bill, if passed in its present shape, is liable to do.

Hon. Mr. ALLAN—I should be sorry if any course should be taken with this bill, which the hon. gentleman has endeavoured to make as perfect as possible, although it requires a good deal of amendment yet, that would prevent its being so amended that it can go before the country. If the bill does not pass this session, I think it will be a very good point to put it in such shape that we could approve of it for the present, and it could then be distributed, as was done once before——

Hon. Mr. MILLS—As was done with the Loan Companies Bill last year.

Hon. Mr. ALLAN—So that the country would know what has been done in this matter, and would have an opportunity of forming an opinion on the merits of the bill. As the bill is now, between the report of the committee and the amendments which have been proposed, nobody can tell what it is, but if the House would agree to have it so far put into shape, as was done in the case mentioned by the Minister of Justice, it could go before the country and give time for an expression of opinion and suggestions to be made between now and next session. I should be sorry to see the committee rise and do nothing further than that.

Hon. Mr. POWER—I hope the hon. gentleman from Sackville will accept the suggestion that has been made. If we pass the bill through committee and get it into the shape in which the hon. gentleman from Montreal wishes it to go before the country, it will give the public an opportunity to understand it.

Hon. Mr. WOOD—I have no objection at all. I do not wish to defeat the object that the hon. gentleman has in view. I think a great deal of good could be done by the circulation of the bill during the recess, and thereby get as much information as possible on the subject.

Hon. Mr. LOUGHEED—Is it the understanding that it is not to be pressed to the third reading?

Hon. Mr. POWER—If the House chooses to reject it at the third reading, well and good.

Hon. Mr. FERGUSON—I would suggest, in the event of anything of the kind being done, that the bill be circulated amongst banking institutions, boards of trade and other institutions for suggestions next year. For that purpose we may just as well leave the bill as it came from the Banking and Commerce Committee, because if we commence to deal with it here, I do not know how far we can go with it. The bill has been severely overhauled time and again, and if we were just to pass it as it came from the Banking and Commerce Committee, and then circulate it as suggested, it would answer the purpose as well as if we went over it again.

Hon. Mr. MILLS—I do not understand that my hon. friend wants to do that. He wants to carry the bill through committee. He is suggesting to the committee the form in which he thinks the clause will most satisfactorily carry out the result he aims at. Unless some hon. gentleman has amendments to suggest, while the clauses are under consideration, it seems to me it would be fair to the hon. gentleman to let him get his bill through committee and bring it before the House for third reading—not to carry it through the committee with the intention of doing nothing further. The House may come to that conclusion when the bill is before them for the third reading. That is not what is in the hon. gentleman's mind. He thinks there is a great evil and that by passing this bill the evil will be met. Some hon. gentlemen are under the impression that there is danger of inflicting mischief on others who are outside of the hon. gentleman's intention. That is a matter which may be very fairly considered. I have given some attention to this question. Some hon. gentlemen have said that the government ought to take this matter up. There is a limit to what a minister or a government may undertake during a single session. I have given some attention to the subject with a view to aiding the hon. gentleman in the preparation of his measure. I have no hesitation in saying, myself, that I should like to see the bill confined to the money lending class. With a view of accomplishing that object I submitted the question to gentlemen in my own department, who are skilled in drafting, and who have been in the habit of considering such questions. I have placed their suggestions in the hands

of the hon. member who has charge of the bill. Some of those suggestions might meet my own individual opinion. Others of them—for instance, the definition of a money lender—my hon. friend is not satisfied with. I agree with him in that there is the greatest possible difficulty to give such a definition of a money lender as to include that class that you intend to reach by this bill and include nobody else. That is a very difficult thing indeed to undertake, because there is not a hard and fast line separating those who are in the habit of lending money from all other classes of the community. It seems to me that if you reduce the amount of money to be loaned that would come within the purview of the bill, that for the present you would perhaps accomplish the object which the hon. gentleman has in view without interfering with any other class of the community as well for the present moment as in any other way, and then we could consider the subject further when we come to see the bill in operation. Hon. gentlemen know right well that you never can tell what are the precise defects of a measure until it comes to be practically tried, and it is far easier to perfect a measure that has been once made law and has been brought into practical operation than it is, by mere study and deliberation, to make it before it is put on the statute-book at all. So I suggest to my hon. friend that he may as well go on with the measure getting it through the committee, hearing all the objections which may be made, and if some of the suggestions commend themselves to my hon. friend's mind as improvements in this bill that we might, when we come to the third reading, go back into committee to make some of those amendments if he thought them necessary, or they might be made in the House of Commons when the bill goes there for consideration.

Hon. Mr. FERGUSON—My idea is this; and it is to be considered in connection with the history of this bill since it was introduced in the Senate this session. My hon. friend introduced it as a public bill in the hands of a private member. Such bills usually go to a Committee of the Whole House. It was thought fit, however, to get better and closer consideration for the measure, that it should be sent to the Committee on Banking and Commerce. My hon. friend knows that that committee gave careful consideration to it, and referred it to a smaller select committee. That committee no doubt gave the bill all the consideration they could, and reported a bill which differed in very many respects from the measure as it was first presented by my hon. friend. It was laid over by the committee because they felt that they could not really come to a satisfactory settlement of the question, and for other reasons which need not be explained here, one of which was, and it had a great effect on my own mind, the present state of the law in England, and that they were grappling with this question there and they have not yet got through with the bill there. The matter was dropped, but my hon. friend brought it up again in the House and had the bill referred back to the committee. It was again considered there, and has been reported to the House in an amended form, and my hon. friend has accepted suggestions since the bill came to committee. We have not got further than the first clause. If we arrive at this view—and I think it would be a proper one because we all recognize the importance of coming to right conclusions on such questions as this—that we should report the bill, why not report it just as it came from the Banking and Commerce Committee, where it received so much consideration. If we go on with it, there will be a great difference of opinion and we will not probably arrive at an agreement soon, but if we go on in a perfunctory manner, with the idea that we will merely get it through and have it printed, I do not think it will come out in such a good form as it was in when it came from the Committee on Banking and Commerce.

Hon. Mr. DANDURAND—There are not so many changes. After the second clause there are no other changes in the bill as it came from the committee except in clause 5; inasmuch as we say ten per cent is the rate the court will be permitted to fix, the same rate will have to be fixed upon judgments rendered before the passing of the Act. So when we are done with the clause under consideration we have the bill as it came from the committee, and if it is not passed this session I would urge hon. gentlemen to at all events discuss the second clause and pass this bill if the majority of the Senate think we should do so.

Hon. Mr. ALLAN—My object in making the proposition which I have now submitted

is this : there was a motion made that the committee rise, which would virtually kill the bill and, so far as the public are concerned, very little would be known as to what the Senate had been doing in reference to these very grievous complaints and great evils which exist. We could place ourselves in a position by which the country would know what efforts have been made in the direction of remedying these great evils, and it occurred to me that to allow the bill to pass through the committee, without taking the third reading, would answer the object we have in view. Now, if I may venture to say without disrespect, I think the Minister of Justice was proposing to go one better, and that the bill should not only go to the third reading but should pass the third reading. I am not prepared to urge that course, though I have no objection to it myself. I desire very strongly indeed that we should not allow the bill to drop without being able to show to the country what efforts have been made in the direction of curing the evils which my hon. friend desires to meet. It would be a great pity to allow things to drop by the committee simply rising.

Hon. Mr. DANDURAND—After this bill comes out of committee, if it does come out at all, I am absolutely in the hands of the Minister of Justice. It is for him to say whether it shall go to the third reading. I am absolutely indifferent after that, because if the government does not adopt it in the House of Commons, it certainly will not pass this session, so that if we come out of the committee with a favourable report on this bill it is in the hands of the Minister of Justice. Even if the Senate passed it, I am quite sure it could not pass through the House of Commons unless it had the support of the government.

Hon. Mr. LOUGHEED—If my hon. friend desires the passage of this bill, he should adopt the lines of the English bill. I have heard no reason why a definition cannot be framed by this House to cover the class of cases referred to in Montreal or elsewhere. My disposition would be to move an amendment along that line. Highly as I value the opinion of my hon. friend from Marshfield (Mr. Ferguson) I should be disposed to give my attention to the best form of the bill rather than accept it with its present crudities. Since the committee reported the bill, various other amendments have been made which seemed to destroy its consecutive nature and order.

Hon. Mr. McMILLAN—I do not think it is possible for this House to know now where it stands. I certainly do not understand it.

Hon. Mr. LOUGHEED—What I would suggest to my hon. friend is this ; I am satisfied that the committee should give their best possible attention to the framing of this bill. It seems to be the opinion of the House, and I would suggest to my hon. friend that he should have the bill printed to put us in possession of something intelligible, so that we will not have to refer to the minutes and various other sections of literature to ascertain what we are dealing with.

Hon. Mr. DANDURAND—My hon. friend is a lawyer and knows exactly how the bill stands. It is simply the second clause, as reported from the committee, which is replaced by another. The hon. gentleman understands it exactly. I credit him with sufficient intelligence to know exactly how the bill is. If he has any amendments to propose, let him propose them. I move now that the second clause be adopted.

Hon. Mr. OGILVIE—I do not understand the bill, and we have to go to search in three or four places before we know what the clause means. We are not all lawyers, and I, for one, cannot see how the bill stands, unless it is reprinted.

Hon. Mr. WOOD—I think the suggestion of the hon. gentleman from York (Mr. Allan) is a very good one, and I should be very sorry not to adopt it. I do not want to appear to do anything hostile to the object the hon. gentleman has in view, but, as I said before, I do not see that I can give my support to this bill as it stands—that is, if it is to become law. The hon. Minister of Justice suggested that the bill might become law, and we could find from the practical operation of the Act where it should be amended. That might be a good suggestion under some circumstances, that is, if the bill were framed properly, but when it contains so many objectionable features, we should not go so far.

Hon. Mr. POWER—We intend to go that far. The bill is in the hands of the House, and if they do not wish to pass it on the third reading it can be rejected.

Hon. Mr. WOOD—I am not sure that I will be here when the third reading takes place. If the suggestion of the hon. gentleman from York can be accepted, and it is understood that the bill is to be printed and go to the country to be considered next year, I would quite willingly adopt that suggestion, and in any way I can make it as perfect as possible under the circumstances, but if, on the other hand, the suggestion is that perhaps in a thin House the third reading is to be pushed through, I shall feel it my duty to press my motion.

Hon. Mr. DANDURAND—Then we are voting on the motion to rise?

Hon. Mr. ALLAN—I think the hon. gentleman misunderstands the temper of the House. What I am afraid of, and I state it very frankly, is, that that motion may carry and the bill drop. I do not want to see that. The hon. gentleman knows perfectly well that throughout this whole matter I have always expressed the greatest sympathy with him in his object, and I shall be glad to help him carry it out, but I want to see the bill put in such a shape that, rather than see it extinguished by the committee rising, the country may have an opportunity of expressing an opinion upon it, and the hon. gentleman may have an opportunity and the credit of carrying a very useful measure. But if he says we are to divide on the question of the committee rising, I have nothing more to say.

Hon. Mr. DEBOUCHERVILLE—All I know about this bill is, lately I was in Montreal and it was reported there that the bill had fallen through and there was great rejoicing in the camp of the usurers. Afterwards it was said the bill was to be brought back to the House, and instead of rejoicing there were words used which were not parliamentary.

Hon. Mr. PROWSE—I am disposed to support the view advanced by the Minister of Justice, and I am very happy on this occasion to fall in with his opinion for once. The statement made by the hon. member who introduced the bill was to this effect, that there were hundreds of judgments standing against parties, to-day, in the province of Quebec where the debt was carrying five per cent per month or more. If the bill does nothing else, I think we should pass it to prevent the collection of that money, because it simply means ruin to the parties under that obligation, and it is an unjustifiable charge. If there is no other good feature in the bill, we are justified in passing it to meet such cases. With the experience of a year's trial of it, after seeing how the Act operates, we can ascertain what defects are in it which it is impossible for us to see at the present time, and the best thing the Senate can do is to pass the bill in its present shape, and send it to the House of Commons. If it becomes law, let it go into operation for a year and then Parliament can make such improvements as may be found necessary another session.

Hon. Mr. BAKER—I have been participating to a great extent for the last hour and a half in a parliamentary pantomime. I have seen members rising and apparently addressing the Chair, and except in two or three cases, not a word has reached us in this end of the chamber. But my hon. friend at my right (Mr. Prowse) has risen and says that he supports the proposition of the Minister of Justice. I had no idea what he was supporting until he said he was very eager to redress a wrong and by legislation to set aside the judgments of the court. There are many objectionable features in this bill, but I have not joined in the discussion because, as I said before, I had not heard what was said, but the point to which my hon. friend refers is the one, of all the points of the bill, to which I most strenuously object. I hope he is not justified in saying that he follows the Minister of Justice in an attempt to set aside the judgments of the courts by legislation. If there is one principle more sacred than another, it is this, that legislation must not be permitted to lay its hand upon matters that are past. It is technically called *ex post facto* legislation, and whatever else we do we should not set an example of that kind to the country. There may be hard cases. It is cruel, and it is unjust, that men should be ground down by judgments based upon such extravagant and outrageous charges for interest, but they are suffering the consequences of their own acts, and it is more tolerable that many men should suffer the consequences of their own acts than that such a principle should be introduced into the legislation of this country. For my own part, I hope my hon. friend was mistaken

when he said he was able to follow the Minister of Justice in that direction.

Hon. Mr. POWER—The matter before the House is the second clause of the bill which has nothing to do with courts at all.

Hon. Mr. BAKER—Oh, yes it has.

Hon. Mr. POWER—It only provides that after the issue of process, not more than ten per cent shall be recovered. We had better not anticipate as to what becomes of this bill after it passes through committee. That is a matter for the House, I think the House should deal with this measure as it deals with other measures. If it is a measure which deserves to go through committee, let it go through the committee, and make such amendments as desirable and report it to the House, and then the House can express its final opinion of the measure at the third reading. If the majority of the House do not think well of the measure, they can reject it. If they consider the measure a proper one, we can pass it. In any case the bill will then be in a definite form, and can go through the country and be read through the country and understood, so that when we come next session to legislate on this matter we shall be able to do so with the knowledge of what public opinion is on the subject.

Hon. Mr. BAKER—I submit, with all humility, to the rebuke of the hon. senior member for Halifax, and I confess I was out of order in speaking of a matter concerning the 5th clause when we are at the 2nd clause, but I simply referred to the remarks of my hon. friend on my right. For my own part, I am in favour of adopting the second clause. I sympathize with the object of the bill, but I do not think we are acting for the advantage of the parties in whose interest this bill is prompted in passing it immediately. Let us consider it and pass the clauses through committee, and at the third reading we can dispose of it in a way that is just as summary and as effectual as by adopting the motion that the committee rise.

Hon. Mr. FERGUSON—I am sorry my hon. friend will not accept the suggestion of the hon. gentleman from York, that we should go on with the understanding that the bill should not be read the third time, but that it should be distributed for general information, I think that would be much better than to force a division.

Hon. Mr. DANDURAND—It is the House that will decide whether there will be a third reading, and if we are satisfied with the work the committee has done, we may pass the third reading, and if not we can reject it.

Hon. Mr. FERGUSON—An impression might be created by some hon. gentlemen that all the difficulty in connection with this bill comes from usurers. Those who were present at the Banking Committee will know that the most serious objections come from the banking associations and not from the usurers, and these representative men were by no means opposed to the passing of some bill that would have possibly met some of the extortions that we know have been practised in the country. They simply dealt with the bill as we all have. I think my hon. friend will make a mistake if he does as he proposes to do, invite a division upon the question that the committee rise, because very likely that motion shall carry, not because we are favourable to his bill, but because we feel that we are not prepared to crystallize into legislation our views at this time. For this committee to go through in an academic way and discuss the bill clause by clause, and then come to a conclusion that we should not report the bill, I think would be a waste of time. The bill has received a great deal of consideration and the hon. gentleman received assistance from the sub-committee and all the members of the Committee on Banking and Commerce. That being the case, why should we not have an understanding that the bill should be reported from this committee, as it came from the Committee on Banking and Commerce after it had received full consideration from that body, with the understanding that it would just be distributed to the boards of trade and financial institutions with a view to elicit the best possible information for dealing with the question next year. If my hon. friend would accept that view, that he would not push the bill to a third reading, and that we could report it in the best form possible without too much loss of time, I think a much more satisfactory solution would be arrived at than to force a vote on the question as to whether the committee rise or not.

Hon. Mr. LOUGHEED—Does the promoter of the bill refuse to give an assurance or let it be understood in the House that he will not force his bill to a third reading?

Hon. Mr. DANDURAND—I am in the hands of the chamber, and more especially the Minister of Justice, because it will be within his power to say if it should be pushed to a third reading by making it a government measure or not. If it is not to become a government measure, it may well be adjourned instead of having its third reading. This is not the time to discuss the third reading. If the committee report a bill which commends itself to the House we can pass it.

Hon. Mr. FERGUSON—My hon. friend's own course in regard to this bill convinces me that he has not arrived at any solid conclusion himself. He has changed from first to last, and that shows that, great as the consideration which he has given to it is,—and it is no doubt more than any other hon. gentleman has given to it,—he has not arrived at any firm conclusion about it.

The amendment was lost on a division.

On clause 2.

Hon. Mr. McMILLAN—I move that six per cent be inserted in the bill as the rate to be charged after judgment. I furthermore wish to make the amendment that the loan shall be within a period of 30 days—that that rate of interest will apply only to loans made within 30 days.

Hon. Mr. ALLAN—Does the hon. gentleman mean by that that in all written contracts, mortgages and so on, that may bear eight per cent interest, that after suit only six per cent can be charged?

Hon. Mr. McMILLAN—Yes. That brings us back to the difficulty. I wish to have six per cent substituted for the ten, but it only applies to loans made within thirty days.

Hon. Mr. ALLAN—What does the hon. gentleman mean by that?

Hon. Mr. McMILLAN—That no loan shall extend beyond thirty days. It merely applies to temporary loans?

Hon. Mr. FORGET—Supposing a man borrows $500 for three months at ten per cent, what then?

Hon. Mr. McMILLAN—He connot do it. My first motion is to substitute six for ten.

The amendment was lost.

Hon. Mr. WOOD—I think there is an amendment which should be made to clause two which reads as follows:—

Notwithstanding the provisions of chap. 127 of the Revised Statutes, no person shall stipulate for or exact on any negotiatable document, contract or agreement the principal of which is under $500 a rate of interest or discount greater than twenty per cent per annum and the said rate of interest shall be reduced to the rate of ten per cent per annum from the date of issue of process.

The amendment I propose is to substitute the words "date of recovery of judgment" for the words "issue of process."

Hon. Mr. POWER—If the suit ran over two years, the party would be entitled to twenty per cent.

Hon. Mr. POIRIER, from the committee reported that they had made some progress with the bill and asked leave to sit again.

It being six o'clock the Speaker left the Chair.

After Recess.

Hon. Mr. MILLS—I have gone over the bill which my hon. friend is promoting, and have suggested to him that it should be confined to those known specially as money lenders, and that we should give a definition that a judge possessed of commen sense will confine to those who are actually of that class, and we can then go on and deal with the subject very nearly on the lines which my hon. friend proposed to deal with it and it will leave, so far as all the rest of the community are concerned, the freedom which they at present enjoy in respect to the lending of money. I trust that the committee will see its way to facilitate the bill going through on that line.

Hon. Mr. WOOD—I am glad to say that, as far as I am concerned, if that can be done, it will be perfectly satisfactory. I shall have no objection to the bill at all.

Hon. Mr. DANDURAND—Would the hon. gentleman withdraw his motion temporarily?

Hon. Mr. WOOD—I withdraw my motion.

Hon. Mr. DANDURAND—I suggest as clause No. 2, the following, which will define money lenders who will be covered by the operations of this bill:

The expression money lender in this Act shall include any person who carries on the business of money lending or advertises or announces himself, or holds himself out in any way as carrying on that business, and makes a practice of lending money at a higher rate than 10 per cent per annum, but does not include pawnbrokers.

The reason for the exclusion of pawnbrokers is self evident, inasmuch as they have an Act which governs their operations.

Hon. Mr. McMILLAN—I know in my county a farmer who is a money lender, and has been a money lender for years.

Hon. Mr. DANDURAND—At a higher rate than 10 per cent?

Hon. Mr. McMILLAN—Yes, any rate he can get.

Hon. Mr. FORGET—That is the man we want to catch.

Hon. Mr. DANDURAND—He will fall under this Act. The bill gives him a right to charge up to 20 per cent.

Hon. Mr. MILLS—My hon. friend will see that the object of fixing a high rate is this: the ordinary money lender, who is lending on good security, does not lend at so high a rate; but the man who makes it a practice of lending at a higher rate than 10 per cent, may very well come under the definition of money lender.

Hon. Mr. McMILLAN—But the man I refer to wants the best security. The trouble is, a law of this kind gives him an opening to raise his rates.

Hon. Mr. FORGET—Does that man lend on good security at ten per cent?

Hon. Mr. McMILLAN—Yes. As I said before, if a man lends $50 for ten days and gets $1 for the use of it, that is sixty or seventy per cent.

Hon. Mr. MILLS—He does not come within the clause.

Hon. Mr. POWER—With respect to the exception made at the end of the proposed clause, is it not possible that, if the exception is left in that wide form, a pawnbroker may do business apart from pawnbroking? Would it not be well to insert "as such" after the words "registered pawnbroker?" A man might do a money lending business apart from his pawnbroking.

Hon. Mr. MILLS—As such he is a pawnbroker, and if he is lending money outside of his pawnbroking, that would not give him an exemption.

Hon. Mr. LOUGHEED—Why mention the pawnbroker at all? He is covered by the Act.

Hon. Mr. MILLS—This is subsequent to the Pawnbrokers Act, and you want to intimate there that you are not repealing or interfering with the Pawnbrokers Act.

Hon. Mr. LOUGHEED—Then put in a clause saying that this does not interfere with the Pawnbrokers Act.

Hon. Mr. POWER—That is substantially what you are doing. I do not undertake to controvert the minister's view, but it is a very desirable thing, in making laws which are to be used by the public, that they shall be readily understood by the average man. If you say that this shall not apply to any registered pawnbroker, the average man might think that it would not apply to the pawnbroker when he was doing business in another character, but if you add the words "as such," they can do no harm and will make the meaning clearer to the ordinary reader.

Hon. Mr. DANDURAND—I would be disposed to take the same view as the hon. gentleman from Calgary, but I have followed closely the English law, which excludes pawnbrokers. Perhaps that is an additional reason why we should exclude them.

Hon. Mr. LOUGHEED—The suggestion of the hon. senior member for Halifax would answer equally well.

Hon. Mr. DANDURAND—Then we will add the words "as such."

Hon. Mr. WOOD—I should like to have the amendment I suggested adopted. I think it is in the right direction.

Hon. Mr. MILLS—The man who brings suit for the recovery of the money would delay as long as possible, after suit was entered, before he obtained judgment.

Hon. Mr. WOOD—I think, upon reflection, it will be seen that the man who institutes the action would have no object in delaying judgment. When he institutes the action, it is with the object of recovering the debt. On the other hand, the man against whom the action is taken might put in a plea merely to delay the getting of a judgment. A man who had borrowed fifty or one hundred dollars perhaps would rather pay 10 per cent on that for a year or two and he would delay the recovery of the judgment.

Hon. Mr. DANDURAND—I will accede to the suggestion of the hon. gentleman, because the defendant has it in his power to consent to judgment right away if he wishes. Then the words "from date of judgment" will be substituted for the words "issue of process."

The clause as amended was adopted.

On clause 3.

Hon. Mr. DANDURAND—I move that clause three be the fourth clause in the bill with the two modifications I have suggested.

Hon. Mr. MACDONALD (P.E.I.)—Why not say "by a usurer?"

Hon. Mr. MILLS—We have given a definition of the person we wish to reach by the bill and we call him a money lender. We wish to adhere to that phrase right through.

Hon. Mr. LOUGHEED—We might put in the words "but not including taxable conveyancing charges."

Hon. Mr. DANDURAND—That is for chattel mortgages and deeds?

Hon. Mr. LOUGHEED—Yes.

Hon. Mr. CLEMOW—Would the term "money lenders" include the small companies who carry on that business?

Hon. Mr. DANDURAND—Yes. A corporation is a person in law.

The clause as amended was adopted.

On clause 6.

Hon. Mr. LOUGHEED—I very much doubt our right to pass legislation of this nature. It is dealing with property and civil rights. We are not dealing with the interest; we are dealing with the principal.

Hon. Mr. MILLS—Where power is expressly given to the Dominion Parliament to deal with a subject, they may exercise any power incidental to that.

Hon. Mr. LOUGHEED—Upon a second glance, I see that the bill does not deal with the question of the principal. It is with the question of interest. I would like an explanation of what is meant by "due and exigible."

Hon. Mr. DANDURAND—It means matured.

Hon. Mr. LOUGHEED—But if it is exigible, you must have an execution.

Hon. Mr. DANDURAND—It may be exigible, but not by virtue of the judgment.

Hon. Mr. LOUGHEED—I never saw the term applied in that way.

Hon. Mr. DANDURAND—I have taken it out of the translation of our own civil code.

Hon. Mr. LOUGHEED—The term in the other provinces means recoverable under an execution?

Hon. Mr. MILLS—This is the meaning with us, but in Quebec the rule is different.

Hon. Mr. DANDURAND—We will substitute the words "due and payable."

Hon. Mr. LOUGHEED—The object of that clause is to reduce the rate of interest, on judgments already recovered, to ten per cent?

Hon. Mr. DANDURAND—Yes.

Hon. Mr. LOUGHEED—I suppose it is not drawn in such a way that where the judgment bears less than ten per cent it will have the effect of raising it to ten per cent.

Hon. Mr. DANDURAND—No, we use the phrase "where a greater rate is charged than ten per cent."

The clause as amended was adopted.

On the preamble.

Hon. Mr. POWER—I do not think it is dignified to mention the exact amount in the preamble. I think the words "as much as five per cent per day" should be left out.

Hon. Mr. MILLS—Yes, they will be struck out.

Hon. Mr. POIRIER, from the committee, reported the bill with amendments.

BILL INTRODUCED.

Bill (118) "An Act respecting the Great Northern Railway Company, and to change its name to the Great Northern Railway of Canada."—(Mr. McKay, in the absence of Mr. Landry.)

SECOND READING.

Bill (71) "An Act to incorporate the Algoma Central Railway Company."—(Mr. McMillan, in the absence of Mr. Casgrain.)

PENITENTIARY ACT AMENDMENT BILL.

THIRD READING.

The House again resolved itself into Committee of the Whole on Bill (R) "An Act further to amend the Penitentiary Act."

(In the Committee.)

On the schedules.

Hon. Mr. MILLS—This bill has passed through the committee except the schedules. We can only adopt a schedule in brackets, but I have revised it and reserve the consideration of amendments until further consideration of the schedule. I have gone over this schedule with one of my officers who has had very large experience, who has been for twenty years in the department and has spent two years practically as warden of a penitentiary. He takes charge of the penitentiary when the warden is ill, or when the warden has not been permitted to act. I refer to Mr. Foster. Of course this is providing for a charge on the public revenue and could only be adopted primarily in the House of Commons, but we sometimes consider those matters here, and they are printed in the bill in brackets.

Hon. Mr. LOUGHEED—Is that a departure from the printed schedule on page 482.

Hon. Mr. MILLS—Yes. All the changes I have made appear in the schedule. That schedule was prepared by my secretary from the old schedule and I did not carry it through the House before, simply because I wished to consult Mr. Foster. The salary of the warden of Kingston penitentiary is placed at $2,600.

Hon. Mr. FERGUSON—In the preparation of this schedule, why are the penitentiaries treated separately?

Hon. Mr. MILLS—Because they differ so much in the numbers of those confined in them, and as a result the responsibility is so much greater on some than on others that the salaries are graded accordingly. The number of convicts during the past year in Kingston was 605, St. Vincent de Paul 418, in Dorchester 225, Manitoba 88, and in British Columbia 110. In Kingston the warden's salary, with free quarters, was fixed at $2,600. That is the maximum. It may be that, or it may be something considerably below that. The deputy warden, with free quarters and light—and he is to act as chief keeper in any prison having 300 convicts—receives $1,500; chaplain, $1,200; surgeon, $1,800. The accountant, who has to act as the warden's clerk, in a prison having under three hundred convicts, received $1,200, the warden's clerk when acting as such $800. The storekeeper who is to act as custodian in any prison having three hundred inmates, $900.

Hon. Mr. McMILLAN—How does that apply to Kingston with an average of 600 convicts?

Hon. Mr. MILLS—Kingston has 600, and the number is not likely to fall much below that. Still, if it were, I would take power to assign to him other duties than those he is performing. The steward gets $900, chief keeper $1,200, hospital overseer and schoolmaster $1,200. The office is combined. The engineer gets $1,200, chief trade instructor $1,200, trade instructors $700 each, keeper $600, guards $500, messenger $500, stoker $500, teamsters $500, matron, who is to act as sewing instructor, $600, deputy matron $400, temporary guards $400. Those were the officers of the Kingston penitentiary. I ask the committee to assent to that list.

Hon. Mr. FERGUSON—I have been comparing them, and I find that there is a general increase.

Hon. Mr. MILLS—Not very general.

Hon. Mr. FERGUSON—I find there is a general increase over the maximum in the Act of 1895. I find that the maximum for warden in 1895 was $2,000, in any penitentiary, and it is now made $2,600 in Kingston.

Hon. Mr. MILLS—And is that what it was before 1895 ?

Hon. Mr. FERGUSON—Yes. I think the schedule of 1895 was quite a reduction in the schedule of 1887. But looking over the whole list, it involves a very considerable increase. I do not know that this is altogether the place for discussing these matters of expenditure very closely. We are putting these in brackets as if we had not considered it at all, but as we have it here, I notice, taking the position of accountant, for instance, that the salary was $1,200 for accountant and warden's clerk, by the Act of 1895, and now it is for $1,200 for accountant and $900 for warden's clerk. It makes a clear increase of $900. I notice also the hospital overseer and the schoolmaster were grouped together at $800, and now there is $800 for each of them. I find in many other instances it is the same, and though on the whole we have not a right to question expenditures here very closely, still while we are dealing with it at all, we may as well recognize there is a very large increase.

Hon. Mr. MILLS—My hon. friend will see that there is not a large increase. The chaplain is put down at $1,200. The present rate is $1,200 although in the list of 1895 the figure is $800, but they have been getting the $1,200.

Hon. Mr. FERGUSON—How could they get it ?

Hon. Mr. MILLS—Because that Act did not apply to any who had previously held office, and with nearly 700 convicts in the penitentiary, two chaplains, one a Catholic and one a Protestant, who do their duty, find themselves pretty actively employed. Then, there is the chief keeper. He is the officer who has been there for a good many years. He is an active officer and we are giving him not more than he has been receiving, but we are giving him more as chief keeper than he was receiving, because for some years he has been holding two offices, chief keeper and another, and has been receiving compensation for each. This standing alone would not give him a better salary than that he has been already receiving. The chief keeper is a Mr. Hughes, a brother of the member, and not being a political friend, of course my hon. friend cannot for a moment suppose that there is any political reason for giving him a better salary than that which he has been receiving.

Hon. Mr. McMILLAN—Is there only one chaplain in Kingston penitentiary ?

Hon. Mr. MILLS—There are two chaplains.

Hon. Mr. McMILLAN—And the $1,200 is divided between them ?

Hon. Mr. MILLS—No, each gets $1,200.

Hon. Mr. FERGUSON—I presume there is a similar provision made in all penitentiaries for two chaplains.

Hon. Mr. MILLS—Yes, in most of them at any rate.

Hon. Mr. DANDURAND—The hospital overseer of St. Vincent de Paul penitentiary is down for $750 ; the one at Kingston is getting $800.

Hon. Mr. MILLS—I would just call my hon. friend's attention to this : the hospital overseer gets $750, and the schoolmaster $800, but if the two positions should be united, the one man will get $1,000. That is at St. Vincent de Paul. I wish to take this power, because some times it would be advantageous to unite two offices, and some times we find one eminently fitted for one office and not for the other.

The schedule for the Kingston penitentiary was adopted.

On the St. Vincent de Paul schedule.

Hon. Mr. MILLS—There are 200 fewer convicts in St. Vincent de Paul than in Kingston.

Hon. Mr. DANDURAND—I would suggest that the hospital overseer should get $800. He acts as druggist of the institution and has a certain standing and aptness for the position, which should entitle him to the same salary as the hospital overseer at Kingston. The hospital overseer should be on the same footing as the steward. It is

true, in Kingston the number of convicts is larger, but the qualification of the officers should be the same: that is, the official who attends to the patients in the hospital must know all about drugs and be qualified as a druggist, so it seems to me that $800 would not be a large sum.

Hon. Mr. McMILLAN—If hospital overseer means druggist, why not call him that?

Hon. Mr. DANDURAND—He has other duties as well.

Hon. Mr. FERGUSON—The principle of recognizing the number of inmates in a penitentiary in grading the salaries of the officials is a right one. I do not see any provision for matron or deputy matron in St. Vincent de Paul, or in any penitentiary except Kingston.

Hon. Mr. DANDURAND—I understand the overseer does all that work at St. Vincent de Paul.

Hon. Mr. MACDONALD—Have all those officers residence in the institutions, with light and fuel?

Hon. Mr. MILLS—The warden has, and the matron and deputy matron have. We sometimes have a deputy matron at Dorchester. Sometimes we have not, because there are not enough female convicts.

Hon. Mr. LOUGHEED—There is no provision made for any.

Hon. Mr. MILLS—We have none in Manitoba or British Columbia.

Hon. Mr. OGILVIE—Have you none in St. Vincent de Paul?

Hon. Mr. MILLS—No. The female convicts are sent to Kingston penitentiary.

The schedule was adopted.

Hon. Mr. MILLS—I may say the cost of penitentiaries has been growing less as will be seen from the following figures:

Prison population in custody 30th June, 1897 and 1898:—

	1898.	1897.
Kingston	605	611
St. Vincent de Paul	418	396
Dorchester	225	198
Manitoba	88	77
British Columbia	110	101
	1,446	1,383

INCREASE OF POPULATION.

The average daily population for each for the last five years has been as follows:—

1893-4	1,179
1894-5	1,250
1895-6	1,314
1896-7	1,353
1897-8	1,415

Net expenditure during past five years:—

1893-4	$ 452,904 58
1894-5	441,422 56
1895-6	345,129 78
1896-7	311,825 13
1897-8	279,277 68

Hon. Mr. FERGUSON—I think the principal reduction has been in Kingston, and that is owing to the manufacture of binder twine.

Hon. Mr. LOUGHEED—They are becoming revenue producing any way.

Hon. Mr. MILLS—Not yet. If we can manage to let a number of them out on tickets of leave, they will cost us less.

Hon. Mr. DANDURAND—Could not the government employ the convicts in making good roads in this country? I know that they are employing them in the United States with very great advantage.

Hon. Mr. SNOWBALL, from the committee, reported the bill with amendments, which were concurred in.

The bill was read the third time and passed.

DEPARTMENT OF THE INTERIOR BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (147) "An Act to amend the Act respecting the Department of the Interior."

(In the Committee.)

Hon. Mr. SCOTT—This bill authorizes the employment of temporary skilled or technical employees in the surveyors branch of the Department of the Interior.

Hon. Mr. FERGUSON—It seems to me that the effect of this bill will be to open the door very wide in the matter of making such appointments, in contravention of the Civil Service Act. It is possible there may be good reasons for it, but they do not seem to show themselves in the wording of the

bill. If there were any skill required which was not available, there would be some reason.

Hon. Mr. SCOTT—The reason is the Auditor General will not pay, under the existing law, any one when first placed on the list, more than $400 a year. It is quite impossible to employ capable assistants at that figure.

Hon. Mr. LOUGHEED—How have you secured the assistance of such officials up to this time?

Hon. Mr. SCOTT—The occasion did not arise until lately. It was not discovered until recently, when an officer left and we could not fill his place for $400 a year. Third class clerks are abolished now, and a clerk entering the civil service must begin at $400 a year, and there is no provision by which such an official can be paid a higher salary.

Hon. Mr. FERGUSON—How long can such an official be employed?

Hon. Mr. SCOTT—Six months is the limit of the term.

Hon. Mr. LOUGHEED—Under this bill the minister assumes the responsibility without Order in Council.

Hon. Mr. SCOTT—There must be an Order in Council to allow a payment of more than $400.

Hon. Mr. LOUGHEED—Under this bill the minister, on the recommendation of the deputy, can employ or secure such service irrespective of an Order in Council.

Hon. Mr. SCOTT—No, I think not; the Auditor General would not pay without an Order in Council. It must go to the Treasury Board.

Hon. Mr. FERGUSON—When this bill is passed, the Auditor will have no hesitation whatever in paying. Under the language of the bill the temporary officers may be made permanent officers.

Hon. Mr. SCOTT—Practically a large number of officials of the government are retained from year to year. I presume there are persons on the temporary list who have been there for the last twenty-six or nearly thirty years.

Hon. Mr. McMILLAN—Because it would be cruel to put them off?

Hon. Mr. SCOTT—No, but because their services are needed. A very large number of the officers in the Department of Railways have been on the list for a number of years. Take Mr. Ridout for instance, he has been on since the seventies.

Hon. Mr. FERGUSON—This opens the door very wide no doubt. In the first place they may be appointed without any examination, and continued as long as their services are required, and may be paid more than $400 a year. There is no limit.

Hon. Mr. SCOTT—Quite true.

Hon. Mr. FERGUSON—Except in the discretion of the government.

Hon. Mr. SCOTT—Quite true.

Hon. Mr. FERGUSON—I think it is opening the door very wide and departing from the Civil Service Act to an extraordinary extent. We are appointing persons temporarily who have not passed any examination. There may be cases in which that is necessary. Then we provide that any of those now temporarily employed may be continued indefinitely, and we provide later on that they may receive more than $400 a year.

Hon. Mr MACDONALD (P.E.I.)—It would have been much better to have made an amendment to the Civil Service Act itself by which there would be some provision made for persons that are required in these different departments. We know now that a very great number of the young men of the Dominion have passed civil service examinations, and that there are scores in every province of the Dominion who have passed that examination and qualified for entering the government service in any department in which their services would be required, and why it should be necessary for us to pass a special Act of this kind and give certain officers power to employ persons without having passed this examination, is something that I cannot see any sufficient reason for. I think it is a mistake to depart at all from the requirements of the Civil Service Act, that we should require to keep the Civil Service Act of Canada as closely as possible within the bounds of that Act, and I do not

see any sufficient reason for the proposed changes.

Hon. Mr. POWER—The first clause of this bill provides, when it becomes necessary, for the employment of temporary assistance in the surveyor general's branch of the Department of the Interior, for the performance of services requiring technical, scientific and professional qualification—it is only in that branch. The hon. gentleman from Prince Edward Island will see that a young man may have passed the civil service examination and may not have the scientific qualifications necessary for an officer in the surveyor general's branch of the department. He may not be a good draughtsman or surveyor. The minister may, upon the requisition of the deputy minister, employ as such temporary assistants any persons who are reported to him by the deputy and surveyor general—they have to join in reporting—to be possessed of the general qualifications requisite for such services. I think that, with these requirements, that the deputy and the surveyor general shall report that these temporary assistants are qualified, that they have the special qualifications required for work in the surveyor general's branch, there is not any very serious danger. Then the second clause of the bill simply provides that any person who is now temporarily employed, and who perhaps has been employed for the last ten or twelve years, and who is reported by the deputy minister and the surveyor general to the minister to have the special qualifications requisite for such work, may be continued in such employment as long as his services are required. If the man has been there and giving satisfaction it seems to me it would be improper and cruel to turn him out. The last clause provides that if there is a good officer who is doing important work, he may be paid more than $400. So far, I do not think there is anything very objectionable about the bill, limited as it is. But the Secretary of State made reference to the fact that third class clerks had been abolished. When the bill for that purpose went through the House, I for one opposed the measure, and I was under the impression that the present government had proposed at the last session to submit a measure to Parliament for the reintroduction of the old third class clerk, and I should like to know from the Secretary of State whether they have done it, or whether they propose to do it shortly.

Hon. Mr. SCOTT—It has been discussed several times, and I think one member of the government has been requested to prepare the bill. I suppose pressure of work prevented it. I think it is on the notice paper, and I do not think the bill is brought forward yet. It is rather a complicated subject.

Hon. Mr. FERGUSON—The first clause of this bill provides that the minister may appoint a person to an office temporarily, on the deputy minister and the surveyor general reporting that he possesses special qualications for this technical scientific work. Under the Civil Service Act as it was years ago—and I think it still remains the same—on the report of the deputy minister that the persons to be employed possessed special qualifications, and that there was no person on the list of those who had passed who was qualified, that such an appointment should be made, and I think that this clause should go that far. It was not only necessary for the deputy minister and the surveyor general to report any person as suitable, but they had go further and report that none of those who had passed the examinations were available for the appointment. If that were done, then there would be no abuse, but in the way the door is proposed to be opened here, I think it is quite possible for the deputy minister and the surveyor general to report some person who may be a favourite with them, and have him appointed, while there may be any number of persons possessing the qualifications who have passed the examinations and are ready to accept the appointment.

Hon. Mr. POWER—At the request of the hon. Secretary of State I shall read to the House the explanation given in the other chamber by Mr. Sifton :

The Minister of the Interior (Mr. Sifton) moved for leave to introduce Bill (No. 147) to amend the Act respecting the Department of the Interior. He said: The reason for the introduction of this bill is almost precisely similar to the reason which caused the introduction of the bill which I have just explained with regard to the Geological Survey. The Civil Service Act passed in 1895 recognized the appointment to positions in the service of certain gentlemen who were then in the service; but upon the death of one of them, Mr. Dufresne, who was a computer under the chief astronomer of my department, an attempt was made to fill his place, whereupon the Auditor General took the ground that we had no power to appoint a technical officer except by complying with the regular requirements of the Civil Service Act. We had either to appoint a temporary officer at $400, or appoint him a second-class clerk. We could not secure the ser-

vices of a gentleman qualified to fill the position at $400 a year, we had no second-class clerkship vacant, and we had no desire to create a second-class clerkship for that purpose. I can perhaps explain the matter better by reading a memorandum from the chief astronomer of the department, explaining the position of affairs with regard to these officers.

There are at present employed in this kind of work (that is, technical work in the office of the surveyor general) 25 or 30 men at salaries ranging from $600 to $1,500, who were appointed previous to 1895. In 1895 the Civil Service Act, section 47, was amended so as to abolish the class of temporary technical officers. By this amendment and a recent ruling all employees at Ottawa come under the provision of the Civil Service Act as either permanent officials or as temporary or extra clerks. The latter may be continued in employment at the same, but not at an increased, salary, but no others can be appointed to fill vacancies or to provide for necessary expansion, except at the salary of $400. There is no provision for any appointment between $400 and $1,100, the salary of a second-class clerk. The practical difficulties of this are as follows:—In case of vacancy, the salary of $400 is quite insufficient to secure men of the education and training required; otherwise, the only alternative appointment in the classified service, at $1,100 or upwards, would be usually inexpedient in the case of a new man untrained in the office routine, apart altogether from the restrictions upon a permanent appointment which would in the general case make that impossible. In case additional assistance is required for the time being in any branch, no salary can be paid higher than $400, which, as above stated, is insufficient. The business plan of training young men to their work would exactly meet the requirements of the department as to this class of service, but it cannot be followed under the present law; for no young man of education such as would fit him for taking hold of this kind of work would be likely to accept $400 a year, with the chance of rising to $600 after seven years, and no prospect of receiving more, however long he remained in the service, unless fortunate enough to secure entrance into the necessarily limited permanent service. The present law works badly as regards those now in the service as temporaries, for, without chance of increase of salary, a strong incentive to energetic work is wanting.

The Minister of the Interior continues:

The cases that arose were first that of Mr. Dufresne, who was employed in the office as computer. He died in February, 1898. Mr. Louis Gauthier, one of the temporary technical clerks, was shortly afterwards transferred from the surveyor general's office to fill his place, and Mr. Langlois, a surveyor, was at the same time appointed in theu srveyor general's office in Mr. Gauthier's place at a salary of $900 per annum; but under the construction of the law, the Auditor General, backed up by the Department of Justice, held that we could only pay $400 in these cases. We have also a number of these technical officers who have been in the department for several years, and it is impossible to give them an increase of pay under the present rule. At the present time an additional computer is required in the astronomer's office, and we cannot get a man to take take that position at $400. The bill is intended to enable the minister to employ temporarily in professional or technical work, a person who is reported by the deputy minister and the head of the branch in whose branch he is to work, to be qualified for the work.

Sir Charles Hibbert Tupper, I gather, was satisfied with the explanation, and the motion was agreed to without further discussion.

Hon. Mr. MACDONALD (P.E.I.)—Judging from what is said here, as they have twenty-five or thirty employees in the office, the proper course would be to appoint one of the junior clerks to the position and to bring in a new man when there are so many in the service.

Hon. Mr. BERNIER, from the committee, reported the bill without amendments.

The bill was read the third time and passed.

CUSTOMS ACT AMENDMENT BILL.

Hon. Mr. SCOTT moved the second reading of Bill (154) "An Act further to amend the Customs Act. He said:—This is a bill authorizing the Governor in Council to make regulations permitting the export of deer in accordance with the law of the province. According to the law of the province of Ontario, a person is allowed to kill two deer, but any one coming from the States is not allowed to take the deer away. This bill is for the purpose of allowing them to take the game with them to the extent of two carcasses.

Hon. Mr. ALLAN—It limits them to that number?

Hon. Mr. SCOTT—Yes, it is in accordance with the law of the provinces. The export is under the federal power, and the federal power concurring with the province, will permit deer to be exported to that number. At the present time they are not allowed to export them at all.

Hon. Mr. FERGUSON—I understand that this bill permits of the export of deer by the carcass, but, as I understand my hon. friend, it will only admit of that being done to the extent that the Game Protective law of the province will permit of the killing of deer. Tourists or sportsmen who come into the different provinces of Canada are subject to the Game Protection laws of the various provinces, and having exercised whatever rights they have under these laws, it is proposed to go further and allow them to take the spoils away with them?

Hon. Mr. SCOTT—Yes.

Hon. Mr. FERGUSON—I do not come from a province where there are any deer, and I have no suggestion to offer.

Hon. Mr. POWER—I am pretty much in the same position as my hon. friend. There are no deer in Nova Scotia. We have introduced a few from the province of Quebec and are trying to cultivate them. But we have moose and cariboo, and I suppose the latter will come under the description of deer. We have looked upon the prohibition of the export of the carcasses and hides of moose and cariboo as one of the greatest safeguards of our game, and while I do not say anything about the province of Ontario, I am quite satisfied that the allowing of the exportation of the carcasses of deer is a great mistake. It is going to open the door to a very considerable destruction of our game, and although this Act may be operative only in the province of Ontario, and possibly in the province of Quebec, it means that perhaps next year a measure will be introduced to allow the exportation of moose carcasses, and I think that as it is now the people who are interested in preventing the destruction of moose and deer have just as much as they can do to prevent the number from being unduly reduced. If you take away the protection which is now afforded by the customs law, which forbids under severe penalties the exportation of the carcasses and hides, you are going to lead to a destruction of these animals which is likely to be very mischievous and very injurious to the province. As it is now we find numbers of sportsmen coming from the United States into Nova Scotia and New Brunswick and Quebec, and I presume into Ontario, for the purpose of hunting. They enjoy themselves and spend a good deal of money, and they do not materially reduce the number of moose and cariboo and other deer in the country ; but if you are going to allow the exportation of the carcasses of deer, you will find that pot hunters will export large quantities. It will be very difficult to limit the exportation to deer shot by honest hunters, and as far as I am concerned, I shall be sorry to see the bill pass.

Hon. Mr. SCOTT—As I understand the bill, the exportation is limited to deer legitimately killed. The customs must be satisfied that the person exporting had the authority to kill the animals. If you issue a license and allow a sportsman to kill two deer, it would be strange if you did not allow him to take them home. It is a little incongruous. Of course, the officers of the customs must be satisfied that the person had a license and did not kill beyond the number mentioned in his license.

Hon. Mr. LOUGHEED—I do not at all share the apprehensions expressed by the hon. gentleman from Halifax in regard to any particular abuse which may arise from the passage of this bill. If I understand it rightly, the people of the province of Quebec, and some of the other provinces, in their desire to promote the tourist business, and likewise sportsmen business in the province, are desirous of the passage of this bill. The hon. Secretary of State says that when the government license men to shoot animals it is not an unreasonable thing that they should permit them to take away with them the trophies of the hunt, or chase as it may be, and it certainly is an inducement to visitors and sportsmen from the United States to come over and spend considerable means in Canada, that they should be permitted to take away the animals with them instead of possibly permitting the carcasses to rot in the woods. It seems to me that so long as you put a limitation upon the number of animals which each sportsman may shoot or export, you sufficiently regulate the matter.

Hon. Mr. ALLAN—I must confess that I sympathize a good deal with the views of the senior member from Halifax, and I shall be sorry to see the door opened which may lead to further destruction of our game, because I am aware of the difficulty that has existed in Ontario in placing matters upon a sound footing there. I recollect some four years ago reading over the report of the game wardens for the province of Ontario, and astounding as it may appear, it was stated in one of these reports that in Muskoka and the neighbouring districts there had been three thousand deer shot in that year, and at that rate we should very soon get rid of a large portion of our game. By the enforcement of our laws since then, things have improved very much indeed, though of course the restriction of the two deer to one man is easily got round by the people shooting deer. As for the fear expressed by the senior member for Halifax of the deer rotting on the ground, if not allowed to be taken out of the country, I do not think there is the slightest danger of that, because you can always find an exceedingly

good market for deer in Canada. Sportsmen can always if they wish sell their deer to dealers in game in Toronto. It may seem strange if you allow Americans to come in and shoot two deer, that you should not allow them to carry them away, but I am afraid it is going to open the door to pot hunters and to additional trouble in the enforcement of the law, which the game wardens and those who have charge of the preservation of game will find it very difficult indeed to deal with in Ontario.

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

The Senate adjourned.

THE SENATE.

Ottawa, Friday, 14th July, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

THIRD READINGS.

Bill (186) "An Act respecting the Temiscouata Railway Co."—(Mr. Ogilvie.)

Bill (112) "An Act respecting the Montreal Island Belt Line Railway Co."—(Mr. Ogilvie.)

Bill (106) "An Act to incorporate the Birkbeck Investment and Savings Company of Toronto."—(Mr. Lougheed.)

Bill (130) "An Act respecting the London and Canadian Loan and Agency Company, Limited."—(Mr. Allan.)

BUFFALO AND FORT ERIE BRIDGE COMPANY'S BILL.

REPORT OF COMMITTEE ADOPTED.

Hon. Mr. BAKER, from the Committee on Railways, Telegraphs and Harbours, reported Bill (96) "An Act respecting the Buffalo and Fort Erie Bridge Co.," with amendments.

Hon. Mr. McCALLUM moved the adoption of the report.

The motion was agreed to.

Hon. Mr. KIRCHHOFFER—I understand that a report has been put in by the chairman of the Railway Committee upon the Fort Erie Bridge Company's Bill, which has been standing for some time without being reported upon. This report was put in at an early hour this afternoon, earlier than the House usually meets, and I intended to give notice of a motion which I proposed moving in this matter. I am told, however, that an hon. gentleman has moved that the report be concurred in. I am sure there is nobody in the House who would wish to take advantage of anything of the kind. It is a matter in which there has been little discussion, and I think reasons could be given why the report should be referred back to be considered by the committee, and I would ask the House if they would allow me to put my notice of motion on the paper in order that it might come up in the regular way.

Hon. Mr. McKAY—I cannot see how the House can do it without the consent of the hon. gentleman who moved the adoption of the report.

Hon. Mr. KIRCHHOFFER—I intend to move that this report be referred back to the committee.

Hon. Mr. McCALLUM—It has been adopted by the House.

Hon. Mr. KIRCHHOFFER—It came on earlier than this House has been in the habit of meeting, and I was not in my place.

Hon. Mr. McCALLUM—The hon. gentleman should be here.

Hon. Mr. KIRCHHOFFER—I do not think the hon. gentleman would wish to take advantage of any such contretemps as that, or refuse to allow the notice to be laid on the table.

Hon. Mr. McCALLUM—I do not wish to take advantage of anything. I am perfectly willing that the hon. gentleman should move to refer it back, if the House desires the committee to be discussing the question from time to time and voting on the one bill from day to day at the whim of the hon. gentleman, just because he does not happen to be in his place. I have no objection at all to his putting his motion on the paper,

and if I had I could not prevent it. He can put anything on the paper.

Hon. Mr. LOUGHEED—Do I understand that my hon. friend will consent to this bill going back to committee?

Hon. Mr. McCALLUM—I do not consent to anything at all. This thing has been discussed over and over again. I am not going to be led into a trap by any sophistry.

Hon. Mr. LOUGHEED—When my hon. friend talks about a trap, I presume there is the less probability of his falling into one. As far as this bill is concerned, I apprehend hon. gentlemen are here for the purpose of doing business and not taking any technical advantage in regard to an important measure, affecting not only the Dominion but the United States, and which this legislation concerns. This was a bill which came before the Railway Committee, and my hon. friend opposed the bill. The promoter of the bill asked that an amendment be made to it, as it came from the House of Commons. The bill provided for the construction of a bridge across the Niagara River. The advertisement called for a particular site or location for the bridge. The House of Commons passed the bill providing for the construction of the bridge at that particular location. Legislation was obtained from the United States Government of a similar character, so that the bridge became an international one. When it came before the Railway Committee of the Senate, the promoter of the bill asked that the site be changed. My hon. friend pointed out to the Railway Committee that inasmuch as the advertisement in the *Gazette* and in the local papers pointed to a particular location, the committee could not well deviate from that location. The Railway Committee passed every clause of this bill with the exception of that which related to the location. Members of the committee supported the contention of my hon. friend from Monck in regard to the change of location. I voted against the bill on that particular ground, inasmuch as, notice having been given for a particular location, I thought the promoters of the bill should adhere to it. Consequently, the bill was defeated on that particular ground. The promoter of the bill is here to show the authority for the legislation in the United States, with the plans and engineering evidence of a most expensive character, showing that they are willing to accept that particular location, and asking that the bill as it came from the House of Common be confirmed. I ask if hon. gentlemen in this House, after many thousands of dollars being expended in preparing plans and procuring that legislation and entering into contracts, are to reject this bill now that the promoters are willing to accept the Commons bill. It was their solicitor suggested that greater latitude should be given for location. This report has been adopted without members of this House having knowledge of it. I did not know the report was to be introduced so early in the sitting, and I hope no advantage willbe taken of an omission of that nature to reject important legislation of this character. Surely the House owes it to the committee and to the House of Commons, who passed the bill, to give it due consideration. I ask my hon. friend, in the public interest, and in the interests of those who are promoting the bill, to let it go back to the committee.

Hon. Mr. POWER—I understood the hon. gentleman from Brandon to suggest that the hon. gentleman from Monck agree now that the bill should be referred back to the committee. I think that is asking rather too much. What the hon. gentleman from Brandon might reasonably ask of the hon. gentleman from Monck is that he shall consent to waive what has been done this afternoon. The hon. gentlemen from Brandon and Calgary were not present, and consequently, notwithstanding the resolution which was adopted by the House just now——

Hon. Mr. PROWSE—I rise to a point of order. I do not think there is any motion before the House.

Hon. Mr. POWER—There is a motion made by hon. gentleman from Brandon.

Hon. Mr. PROWSE—I have the statement from the Clerk of the House that there is no motion before the Senate, and the hon. gentleman from Halifax is one of the first men to keep others to the rule of order. I am calling attention to the fact that there is nothing before the House.

Hon. Mr. POWER—I thought the hon. gentleman from Brandon had a motion in his hand.

Hon. Mr. KIRCHHOFFER—I asked the hon. gentleman from Monck to allow the proceedings which had been taken, whereby this report was adopted, to be withdrawn and permit my motion to go now on the table as a notice of motion.

Hon. Mr. BAKER—I have only one word to say as to the remark that was made as to the time when the report was presented to the House. It was presented in the regular order when reports of committees were called for. I knew, from something that was said in the committee, that the hon. gentleman from Brandon intended to make some motion in connection with this bill, and I expected that he would be here to move it. My attention was distracted for a moment, and the report was concurred in. Considering the absence of the hon. gentleman, and his absence is to be reasonably accounted for, from the fact that we have recently adopted a rigid rule to assemble at three o'clock instead of three fifteen as formerly, I think it would be only fair that the concurrence in the report should be abandoned, and that the consideration of the report stand for another day. That would reserve the right of everybody and would not debar the hon. gentleman from Monck from urging his views with the energy and persistence with which he urges anything he brings before the House. It would be unfair to take advantage of an accident owing to the absence of a party who desired to make a motion.

Hon. Mr. McCALLUM—If the Speaker decides that there is anything before the House, I shall make a few remarks in explanation of what has fallen from the hon. gentleman from Calgary.

The SPEAKER—The hon. gentleman made a verbal motion, which I thought was accepted by the House. Since it has not been accepted, the hon. gentleman has put it in writing:

That the bill from the House of Commons, No. 96, entitled: "An Act respecting the Buffalo and Fort Erie Bridge Company," be referred back to the Standing Committee on Railways, Telegraphs and Harbours, for further consideration.

That is the motion before the House.

Hon. Mr. McCALLUM—My hon. friend from Calgary says there was just one objec tion to this. There are several objections to it. The gentlemen who have this charter have had it for eight years. They have been trying for eight years how not to do it, and I am not willing that they should have two years more to play the same game. The first charter was granted to build a bridge from Fort Erie to Buffalo. The next time they came before Parliament, they went two miles further down the river. Where are they now? They go down now until they get across Grand Island. They are going away from Buffalo altogether. It is a curious way to build a bridge from Fort Erie to Buffalo, to go down the river twelve miles, cross the river there, and come up the river twelve miles again. They are not satisfied with the ferry at Fort Erie, but they got a charter from this country a short time ago to lease a ferry from Buffalo to Crystal Beach, four miles above Fort Erie. They are trying how not to do it all the time. This was explained clearly. I understood to-day the whole thing was abandoned, and all they wanted was a report of this House, so that they could get any money that was not expended in printing the bill before Parliament. I am in the hands of the House, but I say I want the yeas and nays taken on this, and when my hon. friend from Calgary begins to tell me what is in the interest of my people and of the people of the Niagara district, it is something new to me. He might better tell me what is in the interest of the people of Calgary. I cannot accept the motion, and I call for a division on it.

Hon. Mr. BAKER—The motion, as presented to the House now, cannot be entertained. It is simply a notice that the hon. gentleman from Brandon will move that the bill be referred back to the Standing Committee on Railways for further consideration. The report has been adopted. It seems to me that the regular course would be for the hon. gentleman to consent to the cancellation of the order of the House adopting the report, and then, when it comes up for consideration on Monday, or at some future day, would be the proper time to show why it should not be concurred in, but that the bill be referred back to committee.

Hon. Mr. McDONALD (C.B.)—When this bill came up from the House of Commons it was read the first and second time and referred to the Committee on Railways. That committee asked for the postponement of that bill for six months. Notice of con-

sideration was given by one of the senators, and that report has been brought before the House to-day and the House adopted the report. Is there anything before us now?

Hon. Mr. LOUGHEED—I would point out the irregularity of the report. It does not show the ground upon which the bill was rejected. The rule provides that the committee must state the grounds upon which they present their report. Notwithstanding that, by a special order of the Senate, I submit this House can send that report back to the committee. If the House will pardon me I might say that the reason for delay in the construction of this bridge has been the difficulty of securing the necessary legislation in the United States. Since the rejection of that bill, I have seen the authority, signed by the Secretary of War in the United States, granting unwillingly from the United States Government for the construction of the bridge. Evidence will be submitted showing that contracts have been made for the construction of the bridge. I hope the people interested will not be thwarted by any paltry reasons such as have been alleged for this bill being thrown out.

Hon. Mr. POWER—The hon. gentleman from Calgary is slightly in error with respect to the position he takes. The report has been adopted and it is too late to take an objection of that kind, that the report was not technically in order. From what I know of the hon. gentleman from Monck, I do not think he would take advantage of a mere technicality; and of course it is a sort of technicality and surprise that the resolution was read when the hon. gentlemen interested in this bill were not present. I am sure that the hon. gentleman from Monck would rather have the deliberate opinion of the House expressed on the question, and if he agrees that that resolution which he moved shall be rescinded, then the notice which the hon. gentleman from Brandon intends to give brings the matter up on Monday, and we can have the decision of the House. Just how I shall vote on the question I do not know, but it would not be fair to take advantage of what is a mere technicality, and I do not think the hon. gentleman is the man to do it.

Hon. Mr. McCALLUM—I am not going to take any advantage at all. The matter has been before the committee and I think the promoters of the bill got two votes, the large majority were against them. Counsel promoting the bill were there, but there was no counsel on the other side, and the Senate took my explanation of the bill and postponed the consideration of it six months. I am in the hands of the Senate, but knowing as I do what these people are doing, and what their intentions are, I cannot, in the interests of the people of the Niagara district, consent to do anything of the kind. Of course I can be voted down, but I will not be deprived of the right of saying that it shall not go back to the committee.

Hon. Sir MACKENZIE BOWELL—I think the point of order raised by the chairman of the Committee on Railways, Telegraphs and Harbours, is well taken. The House has adopted the report, and this motion is to refer the bill back. There is no such bill before the House. It seems to me the hon. gentleman's motion should be for a reconsideration of the vote which has just been taken, with a view of sending it back for further consideration. Then that would bring it strictly within the rule of Parliament. While I am on my feet, I may add that the reason why I voted with the hon. gentleman in the committee to throw this bill out, was because I understood that they had been dilly-dallying—that is really the only word that I can use to express my meaning—with this charter, for the purpose, probably, of selling or speculating with it for a number of years past. And for that reason I thought it was well that this continual renewing of charters over and over again, where nothing has been done, should not be countenanced. Since that time I have learned that these gentlemen who are connected with the enterprise only obtained the permission and consent of the United States Government to construct this bridge across the Niagara River about a year ago. If that be true—and I have every reason to believe it from the documents placed in my hands—the reason which induced me to vote against the renewal of the charter has disappeared. If they could not go on with the work for the reason that the Congress of the United States had not given their consent, then they are not to blame. The gentlemen who are interested

say that they have spent thousands of dollars in connection with this work on the United States side of the river, and unless there are objections from a commercial standpoint, that it would impede navigation or be detrimental to the general interests of the country, or if my hon. friend from Monck has reasons to give which would show that it is not in the interest of the people generally to make this connection, nor in the interest of that section of the country with which he is much more familiar than I am, I should be inclined to reverse my vote. I give this explanation because the whole aspect of affairs has been changed. I do not know what the Speaker's ruling would be, but I quite agree that you cannot send back to the committee a bill which has no existence. If the hon. gentleman moves for a reconsideration, I think he would be strictly in order and the House would either adopt that view or vote with the hon. gentleman from Monck to kill the bill altogether.

The SPEAKER—I believe the proper course is the one suggested by the hon. leader of the opposition. The motion first suggested could not be made.

Hon. Mr. POWER—The hon. gentleman can give the notice now. He cannot make the motion.

Hon. Mr. KIRCHHOFFER—I give notice that on Monday I will move that the adoption of the report of the Committee on Railways, Telegraphs and Harbours on Bill (96) be reconsidered for the purpose of recommitting the same to the said committee for reconsideration.

Hon. Mr. BAKER—It is not the report that is to be considered, it is the vote adopting it that has to be reconsidered. We must first get rid of the action of the Senate in adopting the report, and that being done, then it will be in order to consider the report. But that is not embodied in the second motion.

Hon. Mr. LOUGHEED—The motion is for the reconsiderstion of the adoption of the report.

Hon. Sir MACKENZIE BOWELL—Yes. If the Senate say they will not reconsider it, then there is an end of it.

DOMINION ELECTIONS ACT AMENDMENT BILL.

FIRST READING.

Hon. Mr. FERGUSON—Before the orders of the day are called, I wish to ask my friend the Minister of Justice what steps the government propose to take with regard to an amendment to the Dominion Election's Act to meet some of the difficulties that present themselves in the application of the Dominion Franchise Act to the province of Prince Edward Island, as the Dominion Franchise Act does not in some important respects, work harmoniously with the Dominion Elections Act. I have already called my hon. friend's attention across the floor of the House to the subject and we have had some personal interviews on it, and perhaps my hon. friend will be kind enough to state what action the government propose to take in regard to it.

Hon. Mr. MILLS—I may say to my hon. friend that he mentioned this matter some days ago to me, and put in my hands a bill with a view of making the amendments which he thinks are necessary in the Franchise Act. I have been extremely busy myself. I referred the matter to my colleague, the Minister of Marine and Fisheries, who is more conversant with the state of the law in the province of New Brunswick than I am, and I asked him to consider the bill which the hon. gentleman had put into my hand. My hon. colleague informed me that the great objection to the draft of the bill relating to the Dominion Franchise is that while it enables the petitioner to object to votes that have been recorded and ask for a scrutiny of the votes, it gives no equivalent power to the other candidate. Under the proposed bill that the hon. gentleman submitted, he had in view solely the position of the defeated candidate, and that objected votes might be considered on a scrutiny and thrown out if found to be bad, but that would only apply to the objected votes on the one side. My hon. friend will see that if you were to suppose that the objected votes at an election in forty polling divisions average three in each, that would be 120, and the candidate who makes the objection might be able to count out enough votes to secure the seat, whereas if a scrutiny had taken place with regard to all the objected votes, so that the seated and the unseated

candidate would stand upon a footing of equality, the result might be very different to what it would be if it was only carried on on the one side. There was that very serious objection to the bill which my hon. friend prepared. Then the provision of the hon. gentleman's bill is, under the law as it stands, a provision carried, I think, in this House at the hon. gentleman's suggestion, that a deposit of only $100 is required, whereas a security would be at least as expensive as a controverted election, and there is nothing that could be accomplished under a scrutiny that might not equally be accomplished by filing a petition. My hon. friend will see that a recount, or a scrutiny of the votes might give to the one candidate or the other a wholly inadequate period of time within which to make the scrutiny completed. What was thought by my colleague would be more effective would be to strike out the provision which had been carried here at the hon. gentleman's instance, and to make a further amendment with regard to the bill. There are other defects in the Franchise Act, besides the one to which my hon. friend has referred, and while I cannot speak for the government with regard to the matter, because I have not discussed it with my colleagues generally, only with the Minister of Marine and Fisheries, with special reference to the proposal of my hon. friend opposite, I think that in all probability amendments will be proposed that are necessary to correct the defects that have been suggested in the Election Act of the present time.

Hon. Mr. FERGUSON—I presume that I would scarcely be in order to make any observations, but I will make a motion which will put me in order. I am very sorry the hon. Minister of Justice has been so much engaged—as I know he has—and therefore not able to give his personal attention to this matter, because I am satisfied if he had considered it he would find that the objections which he mentions as against the draft of the bill which I placed in his hands have no force. On a recount being demanded under the Franchise Act, as provided for in the bill of last year, all the votes would be open to scrutiny. It would not be onesided, and both candidates would certainly come in, and in that case there would be a complete and full inquiry into the objected votes. If the hon. gentleman had been able to look into this bill himself, he would have found that that is thoroughly and entirely provided for. The other objection, with regard to the amount of deposit, is a good one. I think $100 would be entirely too small an amount to deposit for a recount that might involve a very wide inquiry into the character of the votes, and that a larger amount would be necessary to be stated in the bill, but that is a matter of detail. As against the proposition which my hon. friend's colleague has made, if I understood him aright, that this matter of settling the question of qualified voters under the Dominion Franchise Act of last year should be settled on a petition to the Supreme Court judges, instead of by the County Court judge, at a recount, I hope my hon. friend, on full consideration will see how much better it is that this question should be summarily dealt with by the County Court judge in place of involving it in an election petition. If you involve it in an election petition, you would find every other legal ground, in connection with the election, would be fought out in connection with it, and the result would be that it would defeat the object we must all have in view, which is that the exact count of the qualified voters should be had, unmixed with questions of bribery and corruption, or any legal question affecting the general conduct of the election. Not only that, but in all our election laws the principle obtains that the County Court judge settles such matters. Under the Dominion Franchise Act, the county judges were the revising barristers, or where they were not, an appeal was had to them. The matter of preparing a list altogether appertained to the County Court judge, and in matters of recount, the County Court judges decided, and their decision was final. I think it is very much better that this simple matter of ascertaining which candidate has the majority of good votes should be settled summarily before a County Court judge. My hon. friend is quite right that the deposit of $100 is not sufficient, because this would involve a much more expensive inquiry than usually obtains under a recount, and I would be willing that a larger amount should be fixed. Perhaps hon. gentlemen do not understand the point thoroughly, because the hon. Minister of Justice and myself, having a general knowledge from the conversation we have had on the subject, have started in abruptly. Under the Franchise

Act of last year, it was provided, there being no voters' list in the province of Prince Edward Island, and open voting prevailing there in provincial elections, and it being very difficult to dove-tail, as it were, the Franchise Act into the Dominion Elections Act, it was provided that objection might be taken to voters, and the ballot marked, and the corresponding mark placed in the poll book, and that the votes so marked should be placed in a separate envelope, and that they should come up on a recount. All this was done well enough, but in the haste in passing the amendments, we failed to appreciate the fact that we were not giving the County Court judge complete satisfactory jurisdiction, and it is doubtful, as the law stands now, whether the County Court judge could really go into the merits of those votes. I think it is almost certain he would not have power to summon witnesses. It is simply to remove these difficulties that it is proposed now to legislate, and in order that this matter may come before Parliament, not of course blocking the way of any substantial amendment the government may make in the same direction, but simply to bring this matter before Parliament in a proper manner so that it may receive full and proper attention, I beg leave to introduce a bill intituled: "An Act further to amend the Elections Act, as respects the province of Prince Edward Island."

The bill was read the first time.

CONTINGENT ACCOUNTS OF THE SENATE.

THIRD REPORT.

Hon. Mr. KIRCHHOFFER moved the adoption of the third report of the Standing Committee on Internal Economy and Contingent Accounts of the Senate.

Hon. Mr. ALLAN—As an old Speaker, I rather object to the seventh paragraph of this report. A somewhat similar proposition was brought up in 1897, and I think it was then decided that the Speaker's messengers should be under the control of the Speaker alone. I think hon. gentlemen are aware that in the matter of the Speakers of both Houses, it is not supposed that they are only here during the session. The Speaker's chambers are at the disposal of the Speaker during the recess if he has to come here. Under these circumstances, I do not think the Speaker's messengers should be put under any one but the Speaker.

Hon. Mr. KIRCHHOFFER—This matter was discussed in the committee, and the committee had, as we all know, the Speaker's comfort and privileges at heart. The point arose in this way. It was pointed out that during the recess the Speaker's messengers were here, not subject to the control of anybody, the Speaker being away. They were not under the control of the housekeeper, and when the housekeeper was asked if they were in the habit of attending the House during the recess, he said they come occasionally. He had no control over them and could not tell them to do anything. It seemed an anomalous position that these messengers, whom we are all anxious to have under the control of the Speaker during the session, or whenever he really wants to use them, should at other times be under no control at all, and be at large, free from any duties, and yet drawing full pay. When this clause was adopted here, I, as chairman, was authorized by the committee to instruct the housekeeper that these messengers were to be subject to the orders of the Speaker at any rate whenever he wanted them, that he was to have the first call on their services, but outside of that, it was considered the housekeeper should have some control of them— that they should not be without control and yet draw salary.

Hon. Mr. SCOTT—I object entirely to this new departure. It has never been adopted before by the Senate, and it is extraordinary that it should be brought up on the present occasion. The Speaker is here from time to time; he has property of his own here, and is in communication with his own messengers from time to time, and considering that there are only two messengers allowed to the Speaker, it seems to me discourteous to the Speaker to interfere with the control that he has over them. As a matter of fact, in past years many of the Speakers, when travelling, had their messengers away with them. The present Speaker is not likely to do that, but I mention it to show the very large powers exercised by the Speaker over messengers under his control.

Hon. Mr. POWER—What becomes of those messengers when the Speaker is not here?

Hon. Mr. SCOTT—They are under his direction, looking after his property here and subject to his control and demand.

Hon. Mr. CLEMOW—We do not interfere with them at all.

Hon. Mr. SCOTT—I shall take a vote on that clause.

Hon. Mr. POWER—As the chairman of the committee has said, it was not desired to interfere with the rights and privileges of the Speaker. It was distinctly understood that if the Speaker wished to make use of his messengers during the vacation, he was at liberty to do so, and this report was not to interfere with his rights in any respect; but this was the position which faced the committee, that there were two permanent messengers, who are generally known as the Speaker's messengers, who are paid out of the public funds, and who, during the whole recess, practically were their own masters and were at liberty to do just what they pleased. His Honour the Speaker has no employment for these messengers during the recess. He may tell them to have an eye after his rooms, but that does not give them occupation all the time; and they are paid their salaries; and the committee thought that, inasmuch as they were paid respectable salaries out of the funds of the country, the country should get some value for the money during the recess. The hon. Secretary of State has said that this is a new departure. The hon. gentleman is in error in that respect. If hon. gentlemen will turn to a report of the Internal Economy Committee in the session of 1894 they will find the matter dealt with there. In that case I think a sub-committee had been appointed, and particular pains had been taken with the whole question of the Senate staff, its organization and the duties of different members of the staff. I think it will be found set forth in the report of the committee adopted by the House that session, that during the recess, when the Speaker did not require the services of these messengers, they were to be under the orders of the housekeeper. It was desirable that they should be under somebody's orders. Of course, at that time the same report provided that the Serjeant-at-Arms should have a general supervision over all the inferior officers, and that the housekeeper should act under him. Paragraphs 15, 16 and 17 of the report adopted on the 3rd of July, 1894 are as follows:—

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.

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 staff of permanent messengers is decidedly larger than is necessary for the performance of the work done out of session. Your committee recommend that no further appointments of permanent messengers be made until the number of such messengers is reduced below five (including the keeper of the wardrobe, the bank messenger and the Speaker's messenger), and that thereafter the number of such messengers shall not exceed five.

By a report made in 1897, these paragraphs, 16 and 17, were rescinded, and the messengers were all put, apparently, under the control of the housekeeper. Speaking for myself, I am not particularly wedded to that paragraph in the report; but it is only fair to the committee to state the grounds upon which they acted, and to disclaim any desire or intention whatever, to interfere in the slightest degree with the rights and privileges of His Honour the Speaker.

Hon. Mr. ALLAN—In the *Debates* of 1897, since then, I would call the attention of hon. gentlemen to what was said at that time:

The Hon. The Speaker—I believe the House is taking away the privilege which has been granted the Speaker before me. It was always understood that the Speaker's messenger was under the control of the Speaker. He may, for instance, come here during the recess, and my predecessors have always had the service of their own messengers even during recess. I see no objection to the Speaker's messenger rendering services as a messenger when he is not called upon to serve the Speaker, but I would suggest that the position of Speaker's messenger should remain as before. If you make this change the Speaker's messenger would now be in a worse position than he has been under the old arrangement.

Then the Hon. Mr. Miller, who has been a Speaker, corroborated what the hon. the Speaker said.

Hon. Mr. SCOTT—Mr. Miller said that the Speaker had been in the habit of taking their messengers away with them to their own homes, and used their services during the recesses.

Hon. Sir MACKENZIE BOWELL—I was not present in the committee yesterday, but in conversation with some of the committee on this question I learn that it

was thought that the messengers, during the absence of the Speaker, had nothing to do, and that it would be better for them if they could be utilized by some one here. The housekeeper was supposed to be the best person, in order that their services should be utilized when necessary. The recommendation in paragraph 7 of the report arose as much from the fact that it was proposed that one or two additional messengers should be placed upon the staff, but by adopting this mode of dealing with the messengers, that would not be necessary. I am quite sure that not a member of this House who has had the pleasure of knowing His Honour the Speaker, and particularly since he has been in the Chair, would think for a moment of doing anything that would be a reflection upon him, or would interfere with his prerogatives, or do anything which would annoy him. How would it do, in order to carry out the views of the committee, to change this motion, making it read that they be placed, instead of replaced —because that implies they were formerly not under the direction of the Speaker during recess. The contention has been that that rule prevailed some time ago, while other senators, who have had a good deal of experience, contend that it did not. Supposing it were changed to read "placed under the control of the housekeeper during the vacation, subject in all cases to the order of the Speaker," so that in all cases the Speaker would have full control, as he has now. When he is in the city they would be under his control absolutely. If he is not in the city, and he requires their services at any time, he would have power to order the messenger for his own services when he wanted them. Both views might be met by such an arrangement. If the Speaker objects to this altogether, I do not hesitate to say, as one, that I am quite willing to concur in the view that he may hold; but if the Speaker will accept my suggestion, it will place him in the position he ought to occupy, having full control of his messengers, whether he is here or not, and at the same time, effect the economy that the committee had in view.

Hon. Mr. SCOTT—I do not think the question of economy comes in, because during the recess there is no work for the messengers here. It is taking away from the Speaker the power and control he has had over the messengers. In 1897, when that was objected to, the clause was struck out, and I think it is unfortunate that the clause was introduced into this report. I move that the clause be struck out.

Hon. Mr. KIRCHHOFFER—It has been suggested by the leader of the opposition, and the House, I am sure, would gladly concur in it, that the Speaker's wishes be met in this matter, either by striking out the clause, or by accepting the wording of the amendment of the leader of the opposition. I need not repeat what I said before about our desire to do everything in our power for the comfort and convenience of our Speaker.

The SPEAKER—I am exceedingly grateful for the courtesy granted to me in explaining, not my wish, but what I think about this matter. In 1897, when the same demand was made, I was pleased to see my predecessors, the hon. gentlemen from York (Mr. Allan) and Richmond (Mr. Miller) rise in their seats and protest against it, alleging that it had always been the custom to have the Speaker's messengers under his control, even during the recess. I am not speaking to-day for myself, because, unfortunately for me, my occupation of the Chair will not be long now, but I cannot let that clause pass in duty to my successor. It has always been the privilege of the Speaker to have his messengers under his control. It has been the case with my predecessors, and I believe it ought to be transmitted to my successors. But it is not this alone; it would be reflecting, if not on my administration, on my messengers. I may state to the House that I have in both, trusty and faithful servants. If it had been true that they refused to do anything they were required to do, I would be the first to blame them. To prove that they are always willing to do what they are requested outside of my service I may say that during the present session, the doorkeeper being ill, my own messenger offered to replace him, and I deprived myself of his services during the session while the House sat, to allow him to take the place of doorkeeper. The messenger is not obliged to do what he is doing, but I was quite pleased at his offer and I am pleased to say to-day that my mes-

sengers will do anything they are asked to do for the service of the House. I would prefer, now that my seat in the chair will soon be at an end, to postpone any action until my successor is appointed, and if, during the recess, a report is made to me that the housekeeper asked my messengers under my control for assistance, and they would not help him, I would be the first to order the messengers to obey the housekeeper; but I do not believe the privilege my predecessors have enjoyed should be taken away from me. It is not correct that during the recess the Speaker's messengers do nothing. Besides other duties, one is clerk of the restaurant committee, and, as such, has, after every session, to take the inventory of all the goods belonging to both the restaurant and the Speaker's rooms, which are under his care and for which he is responsible. If he was removed and placed under the control of anybody else but myself, he would not be responsible. With all due deference to the Senate, since my wishes are consulted, I would ask that the condition of things be allowed to remain unchanged.

Hon. Mr. KIRCHHOFFER—I wish to thank His Honour the Speaker, for the kind expression of his views, and I have great pleasure, with the permission of the House, to ask that clause 7 of the report be struck out.

Hon. Mr. POWER—That motion has been made by the Secretary of State.

Hon. Mr. SCOTT—It would come better from the chairman of the committee.

Clause 7 was struck out.

Hon. Mr. LANDRY—Before the report is adopted I should like to call the attention of the House to clause six, which recommends the appointment of two permanent messengers. I have no personal objection to the two persons named in the report, but I think it is entirely a new departure. We have servants here who have been with us for ten years, whose rights are interfered with by the nomination of others who come here lately. I desire to call the attention of the House to that fact, and for my part, I protest against any promotion which is not according to seniority. If we are to do away with the principle of seniority in promotions, let us know it once for all. If the persons who are entitled by seniority to have promotion are not fit to do their duty to the Senate, their services should be dispensed with altogether; but if they are fit to be retained in their positions, they should be promoted according to seniority. I want it to be well understood that I have nothing personally against either of the men mentioned in the paragraph, but I want the rule of promotion by seniority adhered to.

Hon. Mr. POWER—This paragraph was adopted by the committee, who had all the information before them. If I had been asked to supply the names myself, perhaps they would not be exactly identical with the names which appear in the report. But I do not think this House is the place in which to enter on a discussion as to the relative merits of the different messengers. The committee decided the matter by a considerable majority, and I do not think it is desirable that there should be a discussion of the matter here.

Hon. Mr. LANDRY—I do not see why a report is brought here to be adopted by this House if we have not a right to discuss it, and see if the House shares in the opinion of a majority of the committee. I move that the report be referred back to the Committee on Internal Economy to reconsider item 6 and to make promotion according to seniority.

The amendment was rejected, and the report, as amended, was adopted.

SECOND READING.

Bill (140) "An Act respecting the Canadian Railway Fire Insurance Company, and to change its name to the Dominion Fire Insurance Company."—(Mr. Clemow.)

INTERCOLONIAL RAILWAY EXTENSION BILL.

IN COMMITTEE.

The House resumed, in Committee of the Whole, consideration of Bill (138) "An Act to confirm an agreement entered into by Her Majesty with the Grand Trunk Railway Company of Canada, for the purpose of securing the extension of the Intercolonial Railway system to the city of Montreal."

On the first clause.

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman intend to move his amendment?

Hon. Mr. MILLS—Although this was printed in the minutes, I really did not propose it, but read it as an amendment that I was ready to accept, and I am ready to accept it at this moment:

Insert after the word "company," on line eight, "and subject to the condition that, within ninety days after the passing thereof, the Grand Trunk Railway Company do execute a further agreement with Her Majesty, in amendment of and in addition to the traffic arrangement referred to in the 40th clause of the said agreement set forth in the schedule to this Act, to the effect that Her Majesty may terminate any of the traffic arrangements referred to in that clause, including the one already executed and any alterations thereof, and any subsequent one which may be made as an amendment or addition thereto, at any time upon Her Majesty giving to the Grand Trunk Railway Company twelve months notice in writing of such termination, and that after the execution of the said amending agreement as aforesaid, it shall always be held to be a part of the agreement confirmed by this Act.

"Provided that this Act shall not go into force unless nor until the said further agreement shall be executed as above provided for, and a copy be deposited in the office of the Secretary of State, whereupon a proclamation shall be made by the Governor General and published in the *Canada Gazette*, bringing this Act into force."

Hon. gentlemen will see how far this is a modification of the agreement as it now stands. The agreement which is a schedule of this bill, and further agreement which has been entered into as a traffic arrangement between the Grand Trunk and the government, provides for a traffic arrangement for a period of ninety-nine years. Objection was made, during the discussion, to this long period for the traffic arrangement between the Grand Trunk and the government, and the amendment which I have read, as hon. gentleman will see, reserves to the Crown the right of giving notice to terminate any traffic arrangement made under the authority of clause 40. That would leave any administration free, if they thought the traffic arrangement proved to be unsatisfactory, to have it altered upon such notice. That I am ready to agree to.

Hon. Sir MACKENZIE BOWELL—I must express a little surprise at the opening remarks of my hon. friend, when he says that this notice should not have appeared as it is, as he only intimated to the House his willingness to accept that amendment. In other words, he anticipated, I suppose, that those who are opposing the bill principally upon the ground, at present, of the existence of that 40th clause would move to have it struck out. The hon. gentleman having, as I supposed, and as the whole House supposed, given notice of an amendment, I took the responsibility of placing upon the paper an amendment which I intended to move in opposition to that of my hon. friend. That amendment goes a good deal further, in some respects, than his, but I have, after mature deliberation, come to the conclusion that it is better to eliminate from the amendment which I have placed upon the paper some portions of it, for the reason that I do not think the Senate should ask either a company or Her Majesty to be placed in a position of what I might term, unfairness. While we are dealing with any company we should act fairly with them, at the same time reserving exclusive right to the Crown to terminate any agreement which might be found not to be in the interests of the government road, which has, in the past, been an incubus I might almost say, from a pecuniary standpoint, upon the country. While I use that word, I use it exclusively in connection with the financial operations. We all know that it was one of the conditions that induced the maritime provinces to consent to come into the confederacy. We also know that the British government refused pointedly and distinctly at that period of our history to guarantee our bonds, or assist in any way pecuniarily in the construction of that road, unless it was constructed for military as well as commercial purposes. Had the wish of the Canadian people at that time—more particularly those of the maritime provinces—been carried out, had their suggestion been adopted, had the view which the late Sir Leonard Tilley and the Hon. Mr. Macdougall held, been adhered to, the road never would have been built on the north shore, but by the valley of the St. John, thereby securing commercial advantages, and the commercial interests of the country, which have only been secured by the construction of what is termed the Canada Pacific Short Line. The British Government, in lending its influence and inducing, as far as it could, the Canadian people who enter into a confederacy, intimated that it was necessary, not only in the interest of the

colonies themselves, but also in the interest of the empire, that the road should be constructed in such a portion of that confederacy, when accomplished, that it could be utilized for military purposes, if unfortunately the day should ever arise that it should be required. That is about as short a history of the inception of this road as I desire to give. The objection I have to the suggestion of the hon. Minister of Justice is that it is not definite enough in its proposition. It does not repeal the 40th clause, which binds the country to a certain condition of affairs that should not exist. While it does not repeal that clause, it does go far enough to give the power to Her Majesty to terminate the present or any other traffic agreement into which they may enter, but it is indefinite, to my mind, though I know that some will say that it is not indefinite, particularly the last portion of it where it says:

Upon Her Majesty giving to the Grand Trunk Railway Company twelve months notice in writing of such termination, and that after the execution of the said amending agreement as aforesaid, it shall always be held to be a part of the agreement confirmed by this Act.

Whether the previous part of the clause would enable them to make a number of changes, or at any time and become a part of the Act, or whether the arrangement which would be made at the present moment would be a continuous arrangement is an indisputable point. This proposition of the hon. minister abrogates the present arrangement in toto, and compel the two parties to enter into a new agreement. In my first remarks upon this subject I expressed the view that the present arrangement was to the advantage of the Intercolonial Railway, but what I objected to, and what I think the majority of the Senate objected to, was the binding of the country to an arrangement which they could not abrogate without the consent of the Grand Trunk, for ninety-nine years. I also expressed the opinion at the time—and the more I study the question the more I am convinced of the correctness of that view—that at the present moment the traffic arrangement in reference to the east and west bound freight is in the interest of the Intercolonial Railway, but it may not be so a few years hence. It may interfere—which is a very great objection to my mind—with any other roads which may be constructed having their terminus in Montreal, and more particularly in the city of Quebec, especially when the bridge is built, if it should ever be built, and when we find that a million dollars is to be placed in the estimates for that purpose the presumption is that it will be built. Those are the principal objections that I have to this proposed amendment. I think, in matters of this kind, we cannot be too definite in our proportions. If any one will read the amendment which I propose to make, eliminating that portion which I know is objectionable in reference to the binding of the country for the unconsigned west bound freight for all time to come, will be considered the most acceptable, being more definite and more easily understood—that I hope the minister will consent to accept it instead of his own proportion. My amendment reads:

1. The agreement set forth in the schedule to this Act between the Grand Trunk Railway Company of Canada, hereinafter called "the company," and Her Majesty, except the 40th clause thereof (the said agreement, excepting that clause, being hereinafte called "the main agreement") is hereby declared to have been and to be valid and binding in all respects, subject to the following qualifications and conditions and to the happening of the following events, that is to say:—

You will see that it is continuous. It legalizes whatever has been done in the past in reference to traffic arrangements, and it continues the present arrangements, for reasons I have already given, until the following events shall take place:—

(*a*) The main agreement to be confirmed by the shareholders in the regular way.

Hon. gentlemen will observe that this amendment I propose to make is a substitution for the first and second clauses in the bill, or in other words, makes almost entirely a new bill, less the first four and a half lines. Then it goes on to say:

(*b*) The making of an agreement within ninety days after the passing of this Act between Her Majesty and the company (which agreement is hereinafter referred to as the new agreement) to the following effect, that is to say: That so long as the main agreement remains in force and irrespective of any traffic arrangement between the parties as to any other matter, and without any further consideration from Her Majesty than the continuance of the main agreement, percentage division via Chaudière Junction shall be suspended and Montreal shall be the junction point for all traffic originating throughout the company's system or connection west of Montreal and offered for shipment for any points on the Intercolonial Railway or reached by its connections, and the company shall route all such traffic via Montreal and the Intercolonial Railway, and all traffic controlled by the company originating either in the city of Montreal or on the Montreal joint section and destined to points

on the Intercolonial Railway, shall be considered Intercolonial traffic, and the company shall forward it by the Intercolonial route; and also, that except as to the said provisions for so routing traffic as aforesaid (which provisions are to remain in force concurrently with the main agreement), the traffic arrangement now existing and referred to in the said 40th clause and every other traffic arrangement between Her Majesty and the company made at any time in lieu thereof or supplemental or in addition thereto or irrespective thereof or otherwise howsoever in respect to traffic on or to or from the Intercolonial Railway, shall be terminable on three months' notice.

Hon. Mr. POWER—That is very short.

Hon. Sir MACKENZIE BOWELL—That is a point I am not wedded to. I think I can give reasons why it is long enough. The amendment proceeds:

Shall be terminable on three months' notice from Her Majesty; and also, that the said 40th clause is to be of no effect and not binding on either of the parties, and that except as otherwise provided for by the new arrangement, the supplemental traffic arrangement referred to in the said 40th clause shall remain in force.

That is so explicit that there is no misunderstanding it. No circumstances can arise which does not give to the government of the day, whether the present government or any future government, the right within a certain time, as I have intimated, three months or longer, of terminating any traffic arrangement which may exist at the time. This abrogates the 40th clause altogether. In reading the 40th clause you will find it has no reference to anything except the former traffic arrangements, the supplemental traffic arrangement, and any traffic arrangements which may be made hereafter, but it contains this extraordinary proviso, that once a new arrangement is entered into between the government and the company, it remains law for the whole ninety-nine years irrevocable, unless at the joint will of Grand Trunk Railway Company and the government. If it proved to be in the interest of the government and not in the interest of the Grand Trunk the Grand Trunk would ask to have it abrogated. Then the government would be placed in the position of throwing away the rights and privileges which they had. On the contrary, if it was beneficial to the Grand Trunk Railway and detrimental to the maritime provinces, then the Grand Trunk would say "we will not consent to an abrogation," hence no change would be made as the 40th clause says that any change must be made by "mutual consent." This amendment gives the government power to abrogate the agreement without giving the Grand Trunk Railway any similar power. If hon. gentleman will read the last four lines of paragraph *b* they will find they are very important, dealing with this 40th clause. It says:

That the said 40th clause is to be of no effect and not binding on either of the parties, and that except as otherwise provided for by the new arrangement, the supplemental traffic arrangement referred to in the said 40th clause shall remain in force.

These are the differences, and are material, in the explicitness with which they are put. It wipes out from the agreement the 40th clause, to which objection was taken when it was under discussion. The remainder of the amendments are immaterial, because they are only carrying out what is pointed out in the second clause of the bill as it is before us. The amendments read:

(c.) A copy of the new agreement to be deposited in the office of the Secretary of State, after which such new agreement shall be always held to be a part of and embodied in the main agreement.

2. It shall be lawful for Her Majesty, and for the company, to do whatever is necessary to the carrying out on her part, and on its part, of all the provisions contained in the main agreement according to the true intent and meaning thereof.

That is a clause which will be found in all traffic arrangements and in all amalgamations between companies, and I think it is equitable in principle. Then paragraphs 3 and 4 read as follows:—

3. Upon the main agreement being approved by the shareholders as aforesaid, the line of railway and the property described in and leased by the main agreement shall be and become part of the Intercolonial Railway, and shall be operated as such in so far as may be consistent with and subject to the terms of the main agreement.

4. This Act shall not come into force until after the deposit of the said copy in the office of the Secretary of State as aforesaid, nor until the Governor General shall, after such deposit, make a proclamation, to be published in the *Canada Gazette*, naming a day on which this Act is to come into force, after which it shall come into force on the day so named.

The senior hon. member for Halifax and also the hon. Minister of Justice indicated when I read a portion of clause *b* that three months was too short a time. I do not think it is too short a time. There may be circumstances arising from the construction of other railways, or the placing on the Atlantic of a fast line of steamers, or improving the connection between European ports and the city of St. John, which might necessitate negotiations with the Grand Trunk Railway Company, in order to have

this agreement amended and a new arrangement entered into, in the interest of traffic generally, and in the interest of the carrying trade of the country, not only of the Grand Trunk, but of other companies. The winter season coming on, it may be necessary, in the interest of the maritime provinces and the trade of the west, that new arrangements be entered into in reference to the traffic which arrives at the cities of St. John and Halifax. Is three months not sufficient time to enable a corporation like the Grand Trunk or the Intercolonial to know whether it would be advantageous to either one or the other, and more particularly to the country—because that is what we have to look after most at the present moment—to terminate the arrangement, and three months should be ample time. However, if the House considers that not a sufficient time, it is a matter which, other points being agreed upon, might be considered. But twelve months is altogether too long. I am one of those who think—whatever I may have thought in the past—that the agreement with the Canada Pacific Railway for running powers and concession, which were made by the government of which I then was a member between Halifax, St. John and Moncton, should be abrogated. I do not find any fault with it. on the contrary, that is one of the acts of the present government with which I fully concur. But they could not do that under twelve months. I say it should have been done in less time. When I find that an agreement that I myself may have made, is not in the interest of the country, I would like to have it abrogated as soon as possible No government is infallible, and while it may have been justified in the opening of a new route to give greater concessions to those who are interested in it and those who put their money in it, that does not exist to-day and consequently there should be a shorter period at which that could be terminated.

Hon. Mr. POWER—I would like to make a suggestion with respect to one word in paragraph *c*. I think the word "always" should be struck out.

Hon. Sir MACKENZIE BOWELL—I quite agree with the hon. gentleman. I will strike it out.

Hon. Mr. MILLS—I would say to the hon. leader of the opposition that I do not think this arrangement stands exactly in the same position as the arrangement to which he refers in connection with the Canadian Pacific Railway, and that there are reasons, in the nature of things, why it is safe to make a longer arrangement with the Grand Trunk in respect of traffic than it was possible to make with the Canadian Pacific Railway. The Grand Trunk formerly extended to Rivière du Loup. It was found necessary, in the public interest and to further carry out the arrangement which had been made by the articles which led up to confederation and in conformity with the 145th clause of the British North America Act, to bring that road up to Quebec as a better distributing point than Rivière du Loup, because at Rivière du Loup the Grand Trunk was the only railway that was connected with the Intercolonial Railway. By bringing it up to the city of Quebec, there was a possibility of establishing a further connection. Several hon. gentlemen have said, in discussing this question, that we need not have undertaken to acquire the road between Lévis and Montreal, but that we might have been content with leaving the western terminus of the Intercolonial Railway at Lévis. I understand the hon. leader of the opposition, when he addressed himself to this question, to say that he agreed with the policy of the government in bringing the Intercolonial Railway up to Montreal as a better point for the acquiring or obtaining of traffic for the Intercolonial Railway than if the western terminus had been left at Lévis. Supposing a bridge were built across the River St. Lawrence at Quebec, that bridge will be mainly used by the Canadian Pacific Railway, but in the nature of things, the Canadian Pacific Railway will never use that bridge for east bound traffic going to the maritime provinces, because they have a road known as the short line extending from Montreal to St. John, and it is their interest to bring as much traffic as possible to the city of Montreal, with a view to its being carried to the city of St. John, and delivering whatever is for the interior portion of the maritime provinces to the Intercolonial at St. John and not elsewhere; so that if the bridge were built across the St. Lawrence at the city of Quebec, not only would no traffic west of Montreal be carried over that road into the maritime provinces, but a great deal of traffic between the cities of Quebec and Montreal on that line, would be

carried westward to Montreal, if it were for the maritime provinces, to be delivered to the Intercolonial Railway at St. John. Hon. gentlemen know that the Grand Trunk stands in a different position in its relation to the Intercolonial to that occupied by the Canadian Pacific Railway. The Canadian Pacific has an Atlantic terminus at the city of St. John. The Grand Trunk has no Atlantic terminus in Canada. Its Atlantic terminus is in the city of Portland, and the Grand Trunk, if it were carrying the traffic to the maritime provinces over its own line, would in all probability carry that traffic to the city of Portland, and send the traffic by boat from the city of Portland to the seaboard towns of the maritime provinces. Under this arrangement that the government are making, the confirmation of which is now being sought, the government having acquired running powers for $140,000 a year over a section of the Grand Trunk, which becomes a part of the Intercolonial Railway route to Montreal, have agreed to deliver over all their east bound traffic intended for the maritime provinces to the Intercolonial at Montreal, instead of carrying it down to the Chaudière Junction, or Lévis, as formerly, and so the Intercolonial is receiving to-day a large amount of traffic from the Grand Trunk system, and that is shown by the fact that that traffic for the past twelve months amounted to $721,000 whereas the traffic received from the Canadian Pacific Railway system amounted to but $91,000. So hon. gentlemen will see how much more intimately connected the Grand Trunk and Intercolonial Railway are as a common system, as constituting a single line, than any other two railway organizations that exist in Canada, or at all events much more intimate than any other railway system is with the Intercolonial in this regard. I am quite sure hon. gentlemen will admit that the Intercolonial Railway has a great interest in establishing intimate relations with the Grand Trunk and securing Grand Trunk traffic at the city of Montreal. I may say that no hon. gentleman on this side of the House, and no member of the administration, in favouring the agreement with the Grand Trunk system, desires to do injury to any other railway organization in the country. Everybody recognizes the ability, energy and enterprise with which the Canadian Pacific has been managed, and no one desires anything else than prosperity for that line, so that it is of great consequence to us that this agreement should be carried into effect. I know that it has been said here that the Intercolonial is a mere local line, that it never can be made anything else, and because it was constructed as a military road, that therefore it is useless to try and make it a commercial undertaking. I do not agree with the view. The railway, if any hon. gentleman will look at the 145th section of the British North America Act, and look at the resolutions which were carried at the Quebec convention, providing for the union, will see that the various provinces entering into the confederation pledged themselves to the construction of that road not for the purpose of providing a military system, for the defence of the country, but providing a commercial means of intercourse between the maritime provinces and the provinces of old Canada, without which means of intercourse a real union could never be established between the various provinces. Now, that was the position taken, and for the purpose of carrying that into effect it was perfectly true that the government of the time being agreed to the location of the Intercolonial Railway where it is. It is true that four members out of twelve, at that time, favoured the construction of the road down the banks of the St. John, but the majority of the government preferred the other line. We were told so in the other House. Sir George Cartier especially favoured the line where it is at present located, as opening up for industrial intercourse a section of the province of Quebec that otherwise would be likely left without railway communication altogether. The Minister of Railways has undertaken, by improving the grades of the road, by using heavier rails than those used before, by using engines that can draw a train of 1,100 tons of freight instead of a train of 450 tons, to make this road a commercial success. Without these efforts, and without coming up to the city of Montreal, it would be impossible to secure that growth of traffic and travel which, by coming to the city, may be secured. I need not, at this stage of the proceedings, enter into a discussion of general principles by which the policy entered upon may be defended, because the bill has been read the second time and the House is in committee considering the proposition which is embodied in the first clause of the

bill, and also the amendment which the hon. gentleman leading the opposition in this House has moved. My hon. friend opposite says that his amendment is better than the one that I suggested. I ask his candid attention to that. I trust that my hon. friend would like to make the provision as clear and as precise as possible, and that he will not adhere obstinately or pedantically to the proposition simply because he has submitted it to the House. Let me ask my friend's attention to what is the most important clause of the amendment which he proposed —that is, clause *b* :

(*b.*) The making of an agreement within days after the passing of this Act between Her Majesty and the company (which agreement is hereinafter referred to as the new agreement) to the following effect, that is to say : That so long as the main agreement remains in force and irrespective of any traffic arrangement between the parties as to any other matter, and without any further consideration from Her Majesty than the continuance of the main agreement, percentage division via Chaudière Junction shall be suspended and Montreal shall be the junction point for all traffic originating throughout the company's system or connection west of Montreal and offered for shipment for any points on the Intercolonial Railway or reached by its connections, and the company shall route all such traffic via Montreal and the Intercolonial Railway, and all traffic controlled by the company originating either in the city of Montreal or on the Montreal joint section and destined to points on the Intercolonial Railway, shall be considered Intercolonial route ; and also, that except as to the said provisions for so routing traffic as aforesaid (which provisions are to remain in force concurrently with the main agreement), the traffic arrangement now existing and referred to in the said 40th clause and every other traffic arrangement between Her Majesty and the company made at any time in lieu thereof or supplemental or in addition thereto or irrespective thereof or otherwise howsoever in respect to traffic on or to or from the Intercolonial Railway, shall be terminable on months' notice from Her Majesty ; and also, that the said 40th clause is to be of no effect and not binding on either of the parties, and that except as otherwise provided for by the new arrangement, the supplemental traffic arrangement referred to in the said 40th clause shall remain in force.

Now that is the provision as the hon. gentleman has proposed it for altering the agreement, by striking out the clause that is referred to and which is only before the House as a proposition from the executive department of government. If you make the amendment which the hon. gentleman has proposed, upon what does he assume that the authority to go on and make further agreements with the Grand Trunk rests? "To alter or to amend the agreements." Under the 40th clause the hon. gentleman will see :

In consideration of the rents and covenants hereinafter reserved and contained Her Majesty represented by the general traffic manager of the Intercolonial of the one part and the company by its general traffic manager of the other part have entered into a mutual traffic arrangement in writing of even date herewith which traffic arrangement is hereby declared covenanted and agreed to be and form a part of and be supplemental to the contract and shall be read herewith and shall be binding upon the parties hereto during the continuance of his leasing contract, except so far as the same may be altered with the mutual consent of Her Majesty and the company. When and if the traffic arrangements shall be so altered from time to time, such amended contract shall be substituted for the supplemental contract of this date.

Now, it is part of the power of the executive government to make any contract or agreement with regard to administration where Parliament has not intervened, but if there is any expenditure connected with it, then it becomes necessary, of course, that parliamentary sanction should be had. But if the hon. gentleman strikes out this clause —it may be in the amendment which he has proposed, because I have only examined it since he has put it in my hands—and this clause *b* is adopted, does he not intend that the government shall come to Parliament every time a new arrangement or alteration or amendment of the contract is made, for the purpose of receiving sanction, before that can come into effect?

Hon. Sir MACKENZIE BOWELL—It does not say so.

Hon. Mr. MILLS—My hon. friend does not say so, but we are now legislating for the purpose of enabling the Railway Department, or Her Majesty, represented by the department, to enter into a traffic arrangement or agreement. Does not my hon. friend think that it is necessary that the clause should make it perfectly clear that that traffic arrangement is to operate without first coming to Parliament, and without first having parliamentary sanction for it?

Hon. Mr. LOUGHEED—Would you not have power entirely irrespective of special legislation, to enter into any traffic arrangement with the Grand Trunk?

Hon. Mr. MILLS—I say that.

Hon. Mr. LOUGHEED—Entirely irrespective of the 40th clause I mean,—under the general powers?

Hon. Mr. MILLS—As a matter of administration of the government of the country, the power is solely in the Crown where Parliament does not intervene, and it con-

tinues in the Crown when Parliament does not expressly or impliedly take away that power. What I would call my hon. friend's attention to—and I am not now discussing what precedes or follows clause *b*, but I wish to call his attention to the fact that in the amendment that I read to the House, the provision is more clearly expressed. Let me call the attention of the hon. gentleman to the words :

> And subject to the condition that, within ninety days after the passing thereof, the Grand Trunk Railway Company do execute a further agreement with Her Majesty, in amendment of and in addition to the traffic arrangement referred to in the 40th clause of the said agreement set forth in the schedule to this Act, to the effect that Her Majesty may terminate any of the traffic arrangements referred to in that clause.

Now that is perfectly clear and explicit.

> Including the one already executed and any alterations thereof, and any subsequent one which may be made as an amendment or addition thereto, at any time upon Her Majesty giving to the Grand Trunk Railway Company twelve months notice in writing of such termination, and that after the execution of the said amending agreement as aforesaid, it shall be held to be a part of the agreement confirmed by this Act.

I think that that accomplishes precisely what the hon. gentleman proposes to accomplish by clause *b*, and in my opinion it is more explicit than the clause which the hon. gentleman has submitted to the committee.

Hon. Mr. WOOD—I think the clause which was suggested by the leader of the opposition is a little more comprehensive at least in one respect. The words which the Minister of Justice has just read refer to the existing traffic arrangement and any alterations thereof, and any subsequent one which may be made as an amendment or addition thereto. It must refer to that particular traffic arrangement. In the amendment proposed by the leader of the opposition, it includes all that, but includes besides any traffic arrangements made irrespective thereof, or otherwise howsoever. That is an arrangement separate altogether from the one now existing. It is more comprehensive, in that respect at least. I could not understand from the hon. gentleman's remarks why the amendment proposed by the leader of the opposition was not, in every respect, as legal and as binding as the amendment proposed by the hon. Minister of Justice. In many respects it follows the wording precisely.

Hon. Mr. MILLS—Yes, I know that.

Hon. Mr. WOOD—If the hon. gentleman will look at the last clause of section *b*, it repeals, it is true, the fortieth clause of the main agreement, but it continues in force the supplementary traffic arrangement referred to in the said fortieth clause. Then the same principle is followed precisely with regard to bringing the whole agreement into force, that it comes into force when the supplementary agreement is signed between Her Majesty and the company. The method followed is precisely the same, and when publication is made in the *Canada Gazette* so that one of the amendments is legal and binding, I cannot see why the other is not.

Hon. Mr. MILLS—I am not saying that it is not. I was discussing it with a view to seeing precisely what the operation of the clause whould be, and I was also anxious to know precisely what the object of striking out the fortieth clause was. If you leave the power with the Crown to make an agreement unimpaired by your proposed amendment, what is the object of striking out the clause? You are undertaking to leave the government free to terminate at any time the agreement which it has entered into on giving notice for a certain time. That, of course, is an enlargement of the power of the Crown, because it removes the disability that the contract entered into imposed upon it. But my hon. friend who has made the motion may be able to say what precise object he has in view in striking the out fortieth clause, because if the power is unimpaired there is nothing to prevent it being restored. The objection to the 40th clause, as I understood, taken by the hon. gentleman was with reference to the ninety-nine years lease or traffic arrangement; but if you strike out that provision and enable the government to terminate the traffic arrangement at any time upon three or six months notice, the leaving in of the 40th clause does not in the slightest degree impair the agreement as it would stand under the new arrangement. The 40th clause, as I understand it, was only important with reference to the agreement that it was a traffic arrangement for ninety-nine years.

Hon. Sir MACKENZIE BOWELL—If the position taken by the hon. gentleman is correct, there certainly cannot be any necessity for the 40th clause. If the deductions which he draws from the amendment

before the committee are correct, there can be no necessity for it. The 40th clause, he says, is only for the purpose of confirming an agreement which has been made.

Hon. Mr. MILLS—My hon. friend will see that it confirms any agreement, and if you were to make an alteration and impose disabilities on the government, or enlarge their powers, it would confirm their agreement under the new powers just as it confirms the agreement under the old powers.

Hon. Sir MACKENZIE BOWELL—The power given to the government, under the arrangement that I propose, enables them to make an agreement whenever necessary. The 40th clause is objectionable in sentiment, and obnoxious to those who read it in the light I read it. The hon. gentleman's position is untenable in this respect, that it is useless. Supposing that the 40th clause remains and has the power, which the hon. gentleman points out, of ratifying any other agreement, the present amendment gives the power to the government to change and alter the traffic arrangement at any time, and while this exists it becomes the law of the land, and it is not necessary, therefore, to have this 40th clause, and for that reason there is a very material difference. Railway men, and even those who are not railway men, who have paid attention to traffic arrangements, know that if you have an interchange of traffic and have agreements for running powers, these traffic arrangements must necessarily be subject to change whenever it is necessary, in the interest of the parties, to change them. This amendment gives the government special power. If the bill before us is to become law, they have the same power as two railway companies have, without the intervention of an Act of Parliament, to make traffic arrangements, what necessity is there for having that 40th clause in the bill? It has no effect and is of no use. Having the power fully, as the Intercolonial Railway has, the government should certainly not object to be given that power, because they can be held responsible by the people through Parliament at any time. The hon. gentleman occupied a good deal of time in discussing the question as to whether these different arrangements have to be approved by Parliament before they become law or can be exercised. There is no such provision in the amendment. I make no such proposition as that, in the matter of traffic arrangements, as it would at once be looked upon as an unnecessary restriction to both parties. Consequently I never thought of going as far as that, because it might prevent an advantageous arrangement being made at any time during the whole of a recess between the sessions of Parliament. Therefore, I came to the conclusion that it was better to leave this matter exclusively between the Intercolonial Railway authorities and the Grand Trunk authorities, to enter into other arrangements whenever they deem it advisable. A good deal of extraneous matter was introduced into the hon. gentleman's speech, to which I do not think it necessary that I should refer, further than this: he puts down this proposition—is it at all likely that the Canadian Pacific Railway would bring freight from Montreal to Quebec in order to send it across the bridge to the Intercolonial Railway to be carried to the maritime provinces. Nobody supposes they would ever think of doing so, but there is traffic which arises, intermediate traffic, which it would not be to the advantage of the Canadian Pacific Railway Company to carry to Montreal and send to St. John. Supposing there is traffic arising at Three Rivers, would they be likely to take that east or west—more particularly if the consignee wished to send, say lumber via the Intercolonial Railway. They would have to deliver it to the Intercolonial Railway. The hon. gentleman has forgotten the existence of the Lake St. John Road, which is doing a very large business, particularly in lumber of a particular class which might be required in the maritime provinces—pine, which they have not themselves to any great extent. During the winter season, when they want to make shipments from the Lake St. John district, which is a large lumbering district, of the best quality of lumber, they take it to Quebec. If they want to ship it now, after the close of navigation they would have to bring it to Montreal and take it thence to St. John. But if a bridge should be constructed at Quebec, there is a large amount of traffic that would arise in that way which would be given to the Intercolonial Railway and there is a project afoot, and we must look ahead and not legislate merely for to-day, by which it is probable that the Lake St. John Railway will, I do not say in the near future but before the

ninety-nine years have rolled round, reach the Pacific Ocean. It is the nearest way to it; and in investigating this subject I have learned, what I never supposed was the case, that large areas of the country through which the Northern Road, having its beginning at Quebec, will run, is fit for settlement, and will ultimately be brought under cultivation. We have been under the impression in the past that because that country is so far north it is uninhabitable. That is a mistake. Calgary, for instance is 3,400 feet above the sea level. In the Edmonton district, which is much further north, and at a less altitude, the crops are surer, and the land is better than further south, and there is every reason to believe that northern Quebec is well fitted for settlement. Whether that is so or not, it is what we learn by reading the reports of those who have explored that country. Looking forward to the future, I have no doubt in the lifetime of many of those who are present to-day—not probably in my lifetime considering my age—that road will be constructed. It is advocated at present by men of means and enterprise. Therefore, so far as that objection is concerned, I do not think that argument has any force whatever. That you can make a commercial line of the Intercolonial is beyond a peradventure, provided always you are willing to carry freight four or five hundred miles further for the same price that it is carried to Portland and St. John. If you wish to supply a cargo of wheat in the winter, say for Europe, you will first ascertain to what port you can take it cheapest. If you can take it to Halifax or St. John as cheaply as to Portland you may take it there.

Hon. Mr. MILLS—Does my hon. friend object to inserting "shall be terminable on six months" notice instead of "three"?

Hon. Sir MACKENZIE BOWELL—I have no objection to that, if you accept the amendment.

Hon. Mr. MILLS—I will.

Hon. Mr. PERLEY—I quite well understand that this bill is going to pass, because I notice that the government and the opposition leaders agree together, and it is impossible for a few independent men to defeat a bill of this kind. Many of us are going it blind, because amendments are introduced here that nobody has seen but the leaders of the two parties in this House. The hon. gentlemen behind the government, with one or two other exceptions I suppose, are as much in the dark as we are on this side of the House. I do not see any difference in this bargain to induce me to vote differently from the way I voted two years ago. There has been no information furnished with reference to the cost of working this road, and when the Minister of Justice spoke about the compact at confederation, and that this Intercolonial Railway was intended as a bond of union between the provinces at the time of confederation, he forgets that the circumstances then were entirely different from what they are now. I admit at that time that the road was necessary as a part of the scheme of confederation. But the railway was built in the wrong place, by the north shore, making the distance from Montreal 251 miles further than by the Canadian Pacific Railway to the winter port. The government is now trying, by making expensive improvements and putting on expensive rolling stock to make the road compete with the Canadian Pacific Railway. It is impossible to do it. The building of the road by the north shore was the device of schemers who worked in their own interests rather than in the interests of the country. Some persons wanted it by the River St. John, which would have been a preferable route in the interests of Canada. Had they built it that way then, we would never have had this contention to-day. My rule has been, when I made a bad bargain, to get rid of it as quickly as possible, but here we are extending the road to Montreal, and when we add to the original expenditure of $55,000,000 on the construction of the Intercolonial Railway, the $11,000,000 of deficits on the operation of it, and the eight or ten millions more it will take to extend it to Montreal, you have about $76,000,000 of debt caused by the Intercolonial Railway, and for the last $10,000,000 we incur it will never pay interest. The country will spend that amount of money and will never get a dollar in interest out of the road. The working expenses will be equal to all the increase of traffic that will come to the road. On that ground I am opposed to this measure in toto. I am willing that the road shall be operated from Lévis to St. John, or Halifax, as a government road, but I am opposed to the goverument incurring further

expenditure and imposing further burdens on the people of this Dominion when no benefit is to be derived from the expenditure. We are living in an age of progress, when time and transportation are important factors to the trade of the country. I am aware that the government can equip this road properly. No company can do it better, but the result will be that the government will have to pay the deficits on it, whereas if it were run by a private company, they could conduct business more economically than the government. The result of this extension will be to place a burden on the people. We have three lines already, the Grand Trunk Railway, the Drummond County Railway and the Canadian Pacific Railway from Lévis or Quebec, to Montreal, and I am sure that they are sufficient to carry the trade that is likely to pass through that country. I do not care what bargain is made with the Grand Trunk; they will not divert trade from Portland to Halifax. They will transport the most of their freight by the shortest possible route. I enter my solemn protest against this measure, as not being in the interests of Canada.

Hon. Mr. POWER—We are now in committee on the bill, and the discussion should not be a general one. The merits of this transaction were fully considered two years ago, and further considered during the present session, and we have now the first clause of the bill before us. To this the hon. leader of the opposition has moved an amendment. With the best attention I have been able to give to his amendment, and to the amendment which the hon. Minister of Justice, on behalf of the government, is prepared to accept, I can find no substantial difference, and I do not think it is worth while for this House, at twenty minutes to six, to split hairs over their meaning. Looking at the fact that this agreement has already been executed by the Grand Trunk Railway Company, it would have been better not to have stricken out the fortieth clause, but to have provided for a new agreement, but I really think there is no object to be gained now by discussing the matter. Let us put the bill through and be done with it.

Hon. Mr. ALMON—I quite agree with my hon. colleague. I think we should devote ourselves to ascertaining whether this is a sham fight or a screaming farce.

Hon. Mr. PROWSE—I do not wish to discuss the details of the bill, because it appears that it is to be carried this time, but I wish to draw the attention of the House to the fact that the motion which is before this House now has never been presented to us before. We have had no notice of it, and it is not recorded on our minutes. We have only heard of this important amendment within the last hour.

The clause as amended was adopted.

On the schedule.

Hon. Sir MACKENZIE BOWELL—There is one clause of the schedule which gives an option to the government to pay four per cent for the cash. The 35th clause provides that:

> If Her Majesty should determine to use any such works or improvements and the minister should so declare, such works and improvements are hereby understood and agreed to form part of the leased premises; and the proportion of the actual cost of such works and improvements to be borne by Her Majesty shall be ascertained by calculating interest at the rate of four (4) per centum per annum upon the amount of such actual cost; and Her Majesty shall pay the proportion of such interest which the combined engine and car mileage of the Intercolonial Railway for the year preceding over such portion of the company's line upon which such improvements have been made bears to the total combined engine and car mileage upon such portion; Her Majesty, however, shall have the option of paying such share so ascertained in cash.

I understood from the speech of the Minister of Railways in the House of Commons that he proposed to pay the four per cent instead of cash, on the ground that if he paid the cash it would then form a portion of the capital cost of the railway, and that in case the railway should fall into the hands of the sheriff or the bondholders, through the bondholders asking for payment of their bonds, we would then lose the three per cent which had been paid for the betterments, and rather than run the risk of losing that amount of capital, he proposes to pay four per cent upon it, which is at least one or one and an eighth, or probably one and a half per cent more than we could borrow the money in the English market for. Could the government not be secured by making a provision that in case they paid cash for the whole amount of their share of the betterments, they could have a lien upon the road in case of any default such as that indicated by the Minister of Railways. I throw out the suggestion. I frankly confess that I do not look forward to any such contin-

gency, but looking to the future, we never know what is going to take place. The country will see at once that there is a material difference between paying cash for half the amount, and paying four per cent. You can easily calculate four per cent upon $100,000. If we pay the cash there is an end of it, whether it is greater or smaller. There is another point to which I will call the hon. gentleman's attention. Take the 37th clause, which I confess I had overlooked until lately, and it strikes me that it is a very important one. It reads :

Thirty-seventh.—That if it should be found in practice that any right or interest of either party has not been yet fully protected or provided for by this agreement in accordance with the true object and intent thereof, then both parties shall negotiate and agree upon in an equitable manner a new and other clause to provide for such omission, and each party shall give and execute to the other any and all further documents in writing that may from time to time be required for the better securing of each of their rights and privileges under the said contract and for the better carrying out thereof.

That gives an almost unlimited power to the government and to the Grand Trunk Railway to enter into any other arrangement which they may deem necessary in their view, which they may consider to be equitable, and change nearly the phase of this agreement to a very great extent.

Hon. Mr. MILLS—The completing of an agreement between the government and the Grand Trunk Railway is a complicated matter. The agreement deals with a complicated subject, covering a very large area of matters and the 37th clause is only intended to apply to those improvements which may be unforeseen or omitted altogether, and for which it may be necessary to enter into a further arrangement or agreement between the company and Her Majesty in that regard. It is not intended to disturb any of the clauses that exist in the agreement.

Hon. Mr. FERGUSON—This clause is one which should be very well considered, and to my mind at least it opens the door to a new agreement between the Grand Trunk and the government. It seems to me that under this clause, if the Grand Trunk should complain that in practice it had transpired that this contract was working inequitably, they could call upon the government to execute a new clause, which would either more clearly set forth the intention, or remove any objection if it had been found in practice that any of those provisions had been inequitable. I can understand that it is impossible to foresee what may occur, and it is a wise clause, but any new clause agreed upon should be subject to the ratification of Parliament.

Hon. Mr. MILLS—If the government were to make a corrupt or bad bargain, it would be open to the censure of Parliament.

Hon. Sir MACKENZIE BOWELL—That would depend upon who was in power and what Parliament it was.

Hon. Mr. FERGUSON—This gives power to make a supplemental bargain. We know what supplementary traffic arrangements can be made, and we know what supplementary estimates may mean. It does seem to me that any arrangement made in future, which is not contemplated by this bill, should be subject to the ratification of Parliament.

Hon. Mr. SCOTT—My hon. friend is unreasonably suspicious that the government may do something contrary to the spirit of this agreement. Anything provided for will not be disturbed. It is only some new portion of the agreement which may arise, and it must be a matter of trivial detail, and it is not likely to be invoked at all.

Hon. Mr. WOOD—I differ entirely from the hon. member for Prince Edward Island as to the necessity for this clause. I do not think it can do a great deal of harm, but it is entirely unnecessary. There is a provision in the bill for any difference of opinion which may arise with regard to any point settled by this agreement to be settled by a reference to arbitration, and I think that is the proper way to settle any difference of opinion if such should arise. If any conditions arise which render necessary any alterations in the agreement, it should be done by private arrangement between the parties, but a bill should be brought before Parliament bringing it into effect.

Hon. Mr. MILLS—This will be a trifling matter, and it is in almost every contract between two railway companies. The government have no greater power than one railway company would have in dealing with another.

Hon. Mr. WOOD—Could it not be settled by arbitration ?

Hon. Mr. MILLS—We could settle it in a twentieth part of the time and for a one-hundredth part of the expense.

Hon. Mr. WOOD—I call the attention of the hon. minister to section 35. He thought I was mistaken in the view which I held, but on reading it over carefully I think I am correct. The clause reads :

Thirty-fifth.—That if at any time hereafter the business or traffic shall in the opinion of the parties hereto necessitate or warrant the laying of double tracks between and including Ste. Rosalie and St. Lambert, or that additional siding accommodation should be considered necessary for the proper and and efficient conduct of the joint business.

In my judgment those words, used in the connection in which they are, refer only to the portion of the line between Ste. Rosalie and St. Lambert, and no provision is made for additional sidings or accommodation or improvements of any kind between St. Lambert and the terminals at Montreal.

Hon. Mr. POWER—There is already a double track across the bridge into Montreal.

Hon. Mr. WOOD—I am referring to additional siding accommodation or any improvements at the terminal facilities which might be needed by the Intercolonial Railway. If the hon. gentleman will refer to the agreement of 1897 he will find the words used there are very clear, and I am at a loss to understand why the same language has not been used in this clause. The first part is just the same. It reads :

The laying of double tracks between Ste. Rosalie and St. Lambert, or the making of more extensive yard improvements at Point St. Charles, or intermediate points between that point and Bonaventure station, or the laying of additional tracks between such points as shall warrant or necessitate any such further expenditure.

The wording of the section is the same, but in the second agreement those words which I have read are left out. I do not see why they should be omitted.

Hon. Mr. MILLS—It was thought that the accommodation existing at the present time was ample for a long time to come, and if long years hence further accommodation is required, it can be provided for by coming here.

Hon. Mr. WOOD—Does the hon. minister say that the improvements between Point St. Charles and Bonaventure station of a permanent character are to be paid for by the Grand Trunk and Intercolonial Railway in accordance with the mileage use they make of that part of the road? It is very clearly provided for in the agreement of 1897, but it does not appear to be provided for in this agreement.

Hon. Mr. FERGUSON—It is better for the country if it is not.

Hon. Mr. POWER—I think the hon gentleman is quite wrong, if he will excuse me for putting it in that blunt way. The clause reads :

If at any time hereafter the business or traffic shall, in the opinion of the parties hereto, necessitate or warrant the laying of double tracks between and including St. Rosalie and St. Lambert.

That is one thing, then it goes on :

Or that additional siding accommodation should be considered necessary for the proper and efficient conduct of the joint business.

That means anywhere.

Hon. Mr. WOOD—No.

Hon. Mr. POWER—I appeal to any lawyer in the House to say if it is not so.

Hon. Mr. ALMON—I think the word "or" should be struck out and the word "and" inserted.

Hon. Mr. FERGUSON—This contract is of too important a nature to rush it through without full consideration. The hon. leader of the opposition called the attention of the Minister of Justice to two matters ; one of them was the option of paying interest at four per cent or paying in cash for these betterments, and the other was in reference to the 37th section and the possibility of a new clause being added. These two subjects came before the House at once, and my hon. friend the leader of the House, replied to the criticism on the 37th clause, but we have not had his view on the other point. I think my hon. friend the leader of the opposition pointed out a matter that should receive our consideration. If there is any doubt in the minds of legal gentlemen in the House, such as the Minister of Justice, that the Minister of Railways is right in refusing to pay a capital sum in place of paying interest, if they think there is anything in his contention, or if the government is likely to continue that plan, we ought to protect the capital payment we make on these betterments so that they would be paid back to the government should the mort-

gages be foreclosed. I am not a lawyer, but I do not think that the Grand Trunk Railway is in such a position that there is the slightest danger in paying cash, but as the hon. Minister of Railways has announced his determination of paying interest at four per cent instead of paying in cash, I think we should have an explanation now. If my hon. friend will tell us he is prepared to advise the Minister of Railways that he thinks he is quite safe in paying cash for the betterments, I think that advice would be taken and that would end the matter.

Hon. Mr. MILLS—I think it is quite safe.

Hon. Mr. FERGUSON—I trust the Minister of Railways will be guided by the hon. gentleman's advice.

Hon. Mr. BERNIER, from the committee, reported the bill with amendments, which were concurred in.

Hon. Mr. MILLS moved that the 41st rule be suspended in so far as the same relates to this bill.

Hon. Mr. MACDONALD (B.C.)—I would object to that.

Hon. Mr. PROWSE—I would object to it also. An important amendment has been submitted to us for the first time to-day, and we have had no opportunity of considering it.

Hon. Mr. MILLS—Then I move that the bill be read the third time on Tuesday next.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Monday, 17th July, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

THIRD READING.

Bill (167) "An Act respecting the Manitoba and South Eastern Railway Company."—(Mr. McMillan, in absence of Mr. Power.)

DRUMMOND COUNTY RAILWAY BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (133) "An Act to authorize the acquisition by the Dominion of the Drummond County Railway."

(In the Committee.)

On clause 4.

Hon. Mr. SCOTT—This clause provides for the price to be paid the company, less any sum which the company received as authorized by chapter four of the statutes of 1897. This clause provides for the deduction of the subsidy voted in 1897 in the event of the government taking over the road.

Hon. Mr. LOUGHEED—I would like to ask, for information, if this bill will come into operation and the government have to assume the responsibility of taking over the road in the event of the Grand Trunk agreement not coming into operation. Let us assume that the shareholders of the Grand Trunk should repudiate, or refuse, to enter into the new agreement; is the one contingent on the other?

Hon. Mr. SCOTT—No.

Hon. Mr. LOUGHEED—Then the government would positively have to acquire the Drummond County Road in the event of the other agreement falling to the ground?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LOUGHEED—Does the hon. Secretary of State not think the one should be made contingent upon the other?

Hon. Mr. SCOTT—I quite agree with my hon. friend from Calgary, but the agreement with the Grand Trunk Railway was of such a character that it was not supposed that any such contingency would arise, and the Grand Trunk would have to give their consent to any changes made in this House. Then, if the Grand Trunk does not consent, this bill will not be adopted.

Hon. Mr. LOUGHEED—Should there not be a clause in the bill that it should not be in operation until the Grand Trunk agreement becomes absolute?

Hon. Mr. SCOTT—I suppose there is no objection to that. At the third reading, a

clause of that kind might be placed in the bill, if there is a remote possibility of such a contingency arising. It is within the bounds of possibility, but it is highly improbable. It was only acquired in connection with the extension from Ste. Rosalie to Montreal, and without that extension, it would not have been acquired at all. The two things are practically the one arrangement. The hon. gentleman's suggestion has force in it, if it is within the bounds of possibility that the other arrangement would fall through, but the Grand Trunk Railway Company are prepared to carry out the agreement.

Hon. Mr. LOUGHEED—It would make more complete legislation.

Hon. Sir MACKENZIE BOWELL—We can easily insert a few words that this bill would not come into operation until the other measure is sanctioned by the Grand Trunk.

Hon. Mr. POWER—Is it not better to make the amendment now and read the bill the third time to-morrow.

Hon. Sir MACKENZIE BOWELL—The Minister of Justice can draft a clause in two minutes.

Hon. Mr. LOUGHEED—The hon. Mr. Dickey has drafted an amendment which I think would answer the purpose. It is as follows:—

This Act shall not come into force until after the approval of the shareholders of the Grand Trunk Railway Company of Canada shall be given to the agreement mentioned in the bill passed during the present session entitled "An Act to confirm an agreement entered into by Her Majesty with the Grand Trunk Railway Company of Canada for the purpose of securing the extension of the Intercolonial Railway system to the city of Montreal," within 90 days after the passing of the said Act and until after the Governor General's proclamation shall be made and published in the *Royal Gazette* bringing the said Act into force.

Hon. Sir MACKENZIE BOWELL—Two lines would do the whole thing.

Hon. Mr. MILLS—I think that it had better stand until to morrow.

Hon. Mr. CLEMOW—Would it not be better to settle the Grand Trunk matter before this comes up? There may be difficulties arising with the Grand Trunk agreement, and I think it would be far better to dispose of that before we go into this. I wish to move some amendments to the Grand Trunk Bill, and I cannot do it till to-morrow.

Hon. Mr. SCOTT—The bill can stand for third reading to-morrow.

Hon. Mr. CLEMOW—Then we can do whatever we think proper with respect to both bills to-morrow?

Hon. Mr. SCOTT—Yes.

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

Hon. Mr. DEBOUCHERVILLE—As I am opposed to the bill I shall not move any amendment, but to-morrow I propose to move the six months' hoist.

YUKON TERRITORY BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (U) "An Act to amend the Yukon Territory Act." He said:—I propose to make some changes in the bill, but will do so in committee. I wish to make certain alterations in the law as it now stands, providing a substitution for section 8 in the Act of last year, authorizing the Governor in Council and the Council of Commisioners in the Yukon Territory to make ordinances for the peace, order and good government of the country. I propose to give to the Governor in Council, and to the commissioners, power to make those ordinances in all matters of ordinary local concern, and to give to them power to regulate tavern and shop licenses in that territory. I do not think that this can be regarded as an infringement of the principle of taxation, because it is not a burden imposed upon the population generally, but payment for a privilege that is specially enjoyed, so we confer upon the council the power to regulate tavern and shop licenses.

Hon. Mr. ALMON—What about the Scott Act?

Hon. Mr. MILLS—A tavern does not necessarily mean a place where intoxicants are sold. It may be a hotel where there is nothing stronger than tea and coffee consumed. Provision is made that the Governor in Council and the commissioners shall not have power to impose any duties of customs or excise, or any penalty exceeding $500. The bill as printed says $100, but that, in the Yukon country, is considered altogether

too small an amount, from the reports made to us; so we propose to give the power to impose fees to the extent of $500.

Hon. Mr. LOUGHEED—Do you propose to repeal the North-west Territories Act as it now exists, or is in operation in the Yukon Territory, regarding the prohibition of the sale and importation of liquor?

Hon. Mr. MILLS—No, we are not repealing anything that is contained in the North-west Territories Act, except in so far as may relate to police regulations which may come within the general purview of the sections which I have read.

Hon. Mr. LOUGHEED—Then the Yukon council would not have power to introduce a licensing system under which they may license taverns?

Hon. Mr. MILLS—They may license taverns without authorizing them to sell intoxicants.

Hon. Mr. LOUGHEED—Because the law, as it now stands on the statute-book prohibits the sale and importation of liquors in the Yukon Territory.

Hon. Mr. MILLS—There is nothing in this.

Hon. Mr. LOUGHEED—Except by implication. The question is whether, by implication, you do not permit the council to pass a license system and thus override the present prohibition.

Hon. Mr. MILLS—It is not intended to give them power in any way to interfere with the legislation of Parliament, but to give them power to make those police regulations which may be necessary, from a municipal point of view, for the good order of the community. We also provide that nothing in this clause shall be construed to prevent the Governor in Council or commissioners in council giving municipal corporations power to tax property to raise a revenue for municipal purposes.

Hon. Mr. LOUGHEED—You have already given them the same powers as are enjoyed by the North-west Territories, and they have power to incorporate municipal institutions. It seems to me the words introduced here may possibly be misleading. They already have power to erect municipalities in the Yukon.

Hon. Mr. MILLS—This is a substitution for section 8 of the Act. I propose to give a right of appeal to the Supreme Court of British Columbia. About this I might say I have had a good deal of hesitation; whether it might not be better to give an appeal directly to the Supreme Court of Canada from the Yukon Territory instead of interposing the jurisdiction in the Supreme Court of British Columbia. Of course, the Supreme Court of British Columbia is nearer the Yukon Territory, but when you get parties on their way as far as Victoria, they have already incurred the greater portion of the expense that would be necessary in a journey all the way to the Supreme Court, and there is some advantage, not a little indeed, in reaching a final conclusion at as early a period as possible without too many intermediate steps. While I am proposing the second reading of the bill in the form in which it is here given, I have not made up my mind absolutely—and I mention it in order that the matter may be considered by gentlemen in this House—as to the propriety of giving an appeal directly from the court in the Yukon Territory to the Supreme Court of Canada.

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

INSURANCE ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (86) "An Act further to amend the Insurance Act." He said:—This bill proposes to make certain amendments in the Insurance Act, which is now on the statute-book as amended in 1894. Many of the details are somewhat technical in character and are easier to explain when the House is in committee on the bill. I may say that the material change is due to the fall in the value of money. For many years past the insurance companies have valued their securities on the basis of four and a half per cent.

Hon. Sir MACKENZIE BOWELL—Their reserves you mean.

Hon. Mr. SCOTT—The securities that they have. In valuing the policy they estimate the assets on a four and a half per cent basis. The bill provides that for all

policies issued after the 1st of January next, the basis of valuation shall be three and a half per cent. Of course that somewhat affects those who are holding policies in the several companies, and to meet the objections of such persons it is provided in the bill that as far as all existing policies, and policies issued up to the 1st of January, are concerned, the rate will be on a basis of four and a half per cent up to 1910. From 1910 to 1915, that valuation, as far as these policies are concerned, is reduced to four per cent. After 1915 they will be placed on the basis that all policies issued after the 1st of January next will be on, that is three and a half per cent. The other material change is to make uniform the classes of stocks and securities in which the various companies may invest. Heretofore, as insurance companies have secured charters, it has been specially provided in those charters that they shall be permitted to invest in securities that have been named. It is thought advisable that uniformity shall be established, and in doing so the list of securities has been somewhat widened; not widened, however, as much as the privilege now enjoyed by four companies that hold very old charters—the Canada Life and the Sun Life and the British America and the Western. This bill applies to all companies, but those four companies are permitted still to enjoy the privilege that was granted them by Parliament of a very large class of securities in which they may invest their surplus funds. The other companies will comply with the uniform list of securities mentioned in the bill. As that list has been very much widened, however, I believe the companies generally acquiesce in the proposition.

Hon. Sir MACKENZIE BOWELL—There was an important change made in the House of Commons when this bill was under discussion there. It has reference to railway bonds as securities.

Hon. Mr. SCOTT—The provision is that it is limited to railways that pay a dividend on stock. That is the only material change that was made.

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

COMBINATIONS IN RESTRAINT OF TRADE BILL.

SECOND READING.

Hon. Mr. POWER moved the second reading of Bill (40) "An Act to amend the Criminal Code, 1892, with respect to combinations in restraint of trade." He said:—This bill came up from the House of Commons some time ago, and in that House I understand was adopted by a very large majority. It is also a bill that we passed ourselves some years ago, so that it has special claims on the favourable consideration of the Senate. It is a very short bill. It simply says that section 520 of the Criminal Code is amended by striking out the words "unduly" and "unreasonably." Section 520 of the Criminal Code, which it is proposed to amend, reads as follows:—

> Every one is guilty of an indictable offence and liable to a penalty not exceeding $4,000 and not less than $200, or two years' imprisonment, and if a corporation is liable to a penalty not exceeding $10,000 and not less than $1,000, who conspires, combines, agrees or arranges with any other person or with any railway, steamship, steamboat or transportation company unlawfully
>
> *(a.)* To unduly limit the facility for transporting, producing, manufacturing, supplying, storing or dealing in any article or commodity which may be the subject of commerce.

The word "unduly" is to come out there.

> *(b.)* To restrain or injure trade or commerce in relation to any such article or commodity.
>
> *(c.)* To unduly prevent, limit or lessen the manufacture or production of any such article or commodity, or to unreasonably enhance the price thereof.

The words "unduly" and "unreasonably" have to come out there.

> *(d)* To unduly prevent or lessen the manufacture, &c., of any such article of commodity.

The word "unduly," the removal of which is the substantial object of this bill, does not seem to have any business in these clauses. It would strike one that any person who conspires, combines, agrees or arranges with any other person or with any railway, steamship, steamboat or transportation company, to do these things which are condemned, should be responsible to the law without the prosecutor having to prove that the act was done in an undue degree, because the question of its being in an undue degree would rest with the court, to a great extent, and perhaps the sympathies of judges are not always with the general public. They are just as likely as not to be with the corporation who do those things, and I think the law ought to be clear, and its interpretation, in a matter of this kind, ought not to rest in the discretion of the judge. I do not propose to trouble the House upon this subject at the length which its importance deserves, but I shall call

attention to two or three facts in connection with it. The other chamber appointed a Select Committee on the 29th February, 1888, to examine and report upon the nature, extent and effect of certain combinations said to exist with reference to the purchase and sale or manufacture and sale in Canada of any foreign or Canadian product. The powers of the committee were further extended by resolution on the 8th March, 1888, to include the alleged combinations of fire insurance companies doing business in Canada. This committee reported on the 16th May. I do not propose to read the whole report to the Senate but to read some important passages in it.

The committee entered upon the discharge of the duties imposed upon it on the 6th March, 1888, and held 26 meetings, having continued the investigation to the 8th day of May instant. The time at the disposal of the committee was not sufficient to examine into the nature and extent of alleged combinations other than those hereinafter specified. Sixty-three witnesses were examined and a full investigation made on the following subjects.

The subjects examined were sugar and groceries; coal, biscuits and confectionery; combination against Canadian watch case manufacturers, barbed wire, binder twine, agricultural impliments, stoves, &c.; coffin makers and undertakers; oatmeal millers; combinations of egg dealers; barley, and Canadian Fire Underwriters Association. The committee made one report as to an important combination. That was the grocery combination. I read from appendix number three to the Journals of the House of Commons for 1888. What I have just now read appears on page 1½. The committee wind up their remarks about sugar and groceries in this way:

Thus facts prove this Grocers Guild, with its several combinations to be obnoxious to the public interest, in limiting competition, in enhancing prices, and by the familiar use of its growing and facile powers tending to produce and propagate all the evils of monopoly. Certain dealers are refused admission into its ranks, others are admitted and afterwards expelled, others again are placed under its ban, who, from concientious scruples or in a spirit of independence refuse to join them. Merchants who have been buyers on equal terms and with equal facilities as other merchants, suddenly find themselves under the power of this combination.

Thus, establishments, which in some cases are the growth of half a century of toil and honourable dealing, and rich in valuable experience and public confidence, are threatened with extinction. No reasonable excuse, much less justification, exists for many of these arbitary acts of agreement. The wholesale grocery trade had been for many years in a flourishing condition; failures were almost unknown. The alleged demoralization of the sugar trade was but the same condition of this trade that had existed for many years owing to the custom of selling sugar at a low rate of profits. The reason given for fixing prices on many other articles as that they were being sold at too small a rate of profit. Fixed profits were agreed upon and afterwards increased and in no instance lowered, though values generally had fallen. It was seen that an association formed at first to arrange uniform terms of credit and discounts and to prevent the dating ahead of invoices, &c., soon and rapidly extended its operations to more and ambitious schemes. The power used cautiously at first soon grasped with a firmer hand and at length the simple plan that they may take who have the power governed the operations of these associations.

The next important matter which the committee deals with is that of coal combinations, and they find that the combination as to coal is mischievous. As to certain things there were no combinations. There were no combinations as to agricultural implements or as to barley. They did find that there was a combination amongst cotton makers and undertakers and amongst manufactures of cordage and binder twine.

Hon. Mr. McMILLAN—There is a combination, certainly amongst undertakers.

Hon. Mr. POWER—Then they show that there was a powerful association for the purpose of raising and maintaining the rates of insurance. This is a matter in which the public are very much interested, and this combination undoubtedly continues to do its work and does it thoroughly. The rates of insuranee are fixed, apparently, without any regard to the necessities of the case or the facilities for fighting fire which are provided by different localities. In fact, it sometimes seems that the more money a city spends for the purpose of rendering the destruction of property by fire improbable, and the more perfect the appliances for fighting fire are, the higher the rates are put by the insurance companies. That, I may say, has been the experience in the city from which I come. The committee's report condemns these combinations amongst insurance men, and they wind up in this way:

Another tangible effect of the combination for the regulation of rates, is, that rates being equal in all companies the tendency is, for insurers to place their risks either abroad or with foreign companies doing business in Canada, and possessed of larger capital and of longer standing than the native companies. This is rapidly tending towards the freezing out of purely Canadian insurance companies, and opens up no very bright prospect for the shareholders whose money is invested in Canadian joint stock insurance.

Those were the conclusions which were arrived at by the committee of the House of Commons as to the insurance combination.

The concluding paragraph in the report of the committee is of a general character and is to be found at page 10, and reads as follows :—

The committee find that the evils produced by combinations, such as have been inquired into, have not by any means been fully developed as yet in this country, but sufficient evidence of their injurious tendencies and effects is given to justify legislative action for suppressing the evils arising from these and similar combinations and monopolies.

The legislative action which we find in the Revised Statutes is not, in its present form, useful for the purpose indicated. Of course, every hon. gentleman knows that this subject of trusts and combines has been considered by several legislatures of the United States as well as by Congress. I have in my hand a report made by the special committee of the Senate of the state of New York on the 6th February, 1893, on coal combinations, and that committee found that there had been substantially a combination, that certain railways which carried coal to the seaboard, and other points outside the coal-producing district, had combined, or had all got into the hands of one concern, and as a consequence the price of coal had been raised, although promises had been made that the prices would not be changed. The report reads :

Your committee repeat the recommendations made in their last report that the attention of the Governor be directed to the dangers that threaten the people of this state from this and like combinations, and that the Attorney General be directed to pursue the remedies in such case provided by law.

While, in the opinion of your committee, as advised by counsel, the evil in the present case may be restrained at least in part under existing laws of this state, by proceedings either to set aside the leases, or, if necessary, to annul the characters of those corporations of this state which are involved in the combination, yet by reason of the fact that the chief parties to the combination are foreign corporations and without the jurisdiction of our courts, no adequate remedy against this or similar mischievous combinations can be had except under federal law and through the courts of the United States.

And the same thing which is true of the States of the Union, is more true of the provinces here. The provincial legislatures are not in a position to deal with the railway companies which are, in nearly every instance, chartered by the Dominion, or if they are not chartered by the Dominion, are chartered by the United States, and consequently are without the jurisdiction of the local legislatures. The committee of the House of Commons discovered that, in the matter of sugar and groceries and in the matter of coal, all necessaries of life—and in a country like Canada the latter in a special manner is a necessary of life—prices had been raised to the consumers by these combinations. I say that coal oil is also a necessary of life. Although in cities it may not be an absolute necessity of life, in the rural districts it is. Candles have gone out of date, and gas is not to be had, and up to the present time, at any rate, electric light is rather too expensive. The plant is too expensive to have electric light in general use in the rural districts of the country. We find that during the last few months some sort of combination was made between the Standard Oil Company and two or three railway companies doing business in Canada, the effect of which was to keep up the price of coal to the consumer. Hon. gentlemen have probably noticed quite recently that railways have been taking other steps in the way of combining. There is a despatch from Chicago published in the local journals here recently which I shall venture to read to the House. It is as follows :—

Chicago, July 11.—After considering the matter four days the presidents of all the big railroads between Chicago and the Atlantic seaboard have agreed that on and after August 1, Chicago shippers must pay from three to five cents more on the one hundred pounds for the transportation of their grain to the eastern markets. More than this, the chief executive officers of these roads say that with the new tariff there will be no more secret deals with big consigners, that the man with a carload of grain must be given the same rate as he who can promise a train load, and those rates must be the ones printed for public inspection.

The new tariff on wheat, oats and flour from Chicago to New York city will be 17 cents per 100 pounds, compared with the present rate of 11½.

On corn the advance will be from 10½ to 15 cents.

For export shipments from Chicago via New York the advance on corn will be from 10½ to 11, and on oats from 10½ to 13. For wheat shipped to the European markets the rate will be 17 cents per 100 pounds, the same as now.

On provisions both export and domestic, rates will be 25 cents, an increase of five cents in the export rate.

Hon. gentlemen see that these four great United States railway corporations have arrived at an understanding at any rate, the pernicious effects of which will be twofold, and there is no reason for supposing that the Canadian roads may not enter into the same combination. The consumer of agricultural products who lives in the east will have to pay a great deal more for the material which he wishes to consume, for his flour or oatmeal, or whatever it may be. That is a

very important fact and it is a fact which is to be deprecated, because the worker and the man who may have a large family and has just enough to do now to maintain that family and educate his children, will have to pay more for the necessaries of life and his salary will not be increased, and he will be placed in a much more disadvantageous position than he is now. On the other hand —and perhaps this effect is really as serious as the one to which I have referred—the farmer out on the prairies in the western country, who toils from early in the morning until night to raise wheat or other grain, finds that after this product is sold a larger proportion of its value will be taken for carriage than has been the case in the past; and we know that at one time in portions of our North-west it was complained that the Canadian Pacific Railway left the farmer only enough of the value of his wheat to enable him to maintain a bare existence and no more. During the last two or more years wheat has ruled high and the rates of the Canadian Pacific Railway have been somewhat reduced, partly I suppose as a result of the competition of other roads, and partly as a result of the agreement made two years ago with the government in connection with the Crow's Nest Pass extension of the road, under which rates were to be reduced. So that one can see how a combine between the men who control the railways can damage very seriously the consumers in the east and the producers on the farms of the west. Our duties are to the great classes, the consumers and the farmers, and not to the railway companies. The railway companies are generally very well able to take care of themselves, and we ought to try and take care, as far as we can, of the interests of consumers. I do not believe that any legislation which we may pass here will effectually and absolutely prevent these combines. Things that cannot be done directly may be done indirectly, but they cannot be done as effectually when done indirectly as when done directly, and it is our duty, having regard to the evidence submitted to us, and having regard to the action of the House of Commons in passing this measure by a large majority, to pass it here. Unless it is shown that there has been a conspiracy, or combine, no one is liable to any penalty or damage for transacting his business in a fair way. I have indicated the results which have followed from combinations to limit the facilities for transporting, also for producing manufacturing, supplying, and so on, articles or commodities. There is a paragraph dealing with unduly, preventing or limiting the manufacture of any commodity, or unreasonably enhancing the price thereof. We had an example in the Consumers Cordage Company, and in the Canadian Cotton Company. In the neighbourhood of the city of St. John they had rope works which gave employment to a great many men. The rope works passed into the hands of a combine with direct headquarters in Montreal, and indirect headquarters in the United States, and that cordage factory was closed up. The men who had been earning their living there, and their families were sent adrift and had to look for other employment. The same thing has happened as to the cotton factories. Several factories in the country have been closed up. The districts in which these factories were situated have suffered serious loss, and the working men in the factories have suffered loss also. I think that an amendment which should be made in paragraph *c* as well as in the other subsection *d* has been covered by some of the reports I have read.

Hon. Sir MACKENZIE BOWELL—Does not the hon. gentleman think that most of the cases to which he has referred, particularly those mentioned by the Committee on Combines, come within the meaning of the clause as "unduly and unnecessarilly?"

Hon. Mr. POWER—Perhaps they do, but this is in order to remove any doubt.

Hon. Sir MACKENZIE BOWELL—Before we accept this bill, we should consider what we are doing. In the first place I am opposed on principle to combines where they unduly exist for the purpose indicated in the clause of the Criminal Code of 1892. What struck me forcibly was, while the hon. gentleman was reading from the reports of the Combines Committee, that most of the cases to which he referred were covered by the law as it stands upon the statute-book at the present time. What I feel is this, you are enacting a law which, like some others, will be very harsh in its character if literally interpreted, and will therefore become a dead letter. Let me call attention to one or two points. These

penalties are very severe. Every one is guilty of an indictable offence and liable to a penalty not exceeding $4,000 and not less than $200 or two years' imprisonment. If two companies enter into a combination they become liable to a penalty not exceeding $10,000 and not less than $1,000 provided they conspire, agree or arrange with any other person or company unlawfully to do certain things. This makes it unlawful to unduly limit the facilities for traffic, or for manufacturing any commodity which may be a subject of trade and commerce. This might be applied to lumber. That is one branch of trade that suggests itself to me now. When the United States market or the English market becomes glutted with lumber, the lumbermen meet together and enter into an agreement which may be called a combination under this law, and say they will cut only so many logs this year, in order that they may have some remuneration for the labour and capital which they have put into their lumbering operations. They limit, in that case, the production, and by limiting production, they create a better market the following year for the article which they produce, and consequently, enhance the value of it. Would that be considered unduly limiting production, or would it be considered a legitimate mode of carrying on business? If a private individual is carrying on the lumber trade—I mention this branch of business particularly, but there are others which come within the same category—whether it be in the planing or sawing, and he knows that the market is overstocked, he has the right, individually, to limit the production, and thereby limit the output and increase the price, because in proportion to the stock in the market would the price be, providing there is a demand for it. Now, you make it a criminal offence, with a heavy penalty, if two companies carrying on this business, however small or however large, come to an understanding between themselves that they will not send as many men to the shanties during the winter, and will not produce only a quarter or half of what they produced the year before. The result would be, they would not have the usual quantity of lumber to put on the market, and thereby they would decrease the quantity of stock in the market, and enhance the price. Would that be considered an undue exercise of power which every prudent man would act upon, and would they be subject, under circumstances of that character, to the heavy penalties and two years' imprisonment indicated in this law? There are combines that I would like to see brought within this law, but it seems to me this bill carries it too far. It reaches not only the large and ruinous combines, and the class of people referred to by the hon. gentleman from Halifax, but it applies to any two individuals—to grocers or merchants who enter into an agreement to increase the price of any commodity. Take the millowners, where the market has been overstocked, and the prices are actually below the cost of manufacture. By an understanding between themselves they stop producing for a while to allow the surplus stock in the market to be consumed, in order to enhance prices in the following year. If you could devise any way which would meet the large combines that are to some extent a curse to the country, without striking such cases as this to which I have referred, I shall be very glad to give it my humble support, but you are going too far when you ask us to adopt such a measure as that indicated by the hon. gentleman from Halifax. I know there is a strong feeling in the country against what are called undue combines. I am as strongly against that as any one else, but you should not go so far as to place every two or three men doing business in a village or anywhere else in a position to be subject to the penalties which you propose by this bill to impose upon them. This is the view I take of it.

Hon. Mr. McCALLUM—This not a new bill. A measure similar to this was passed in the Senate a few years ago, and went to the House of Commons in charge of the late Mr. Robert Reid in this House and passed unanimously. It was sent to the House of Commons, but the member in whose charge it was placed was away, and it did not get through the committee that year. The hon. leader of the opposition appears to take strong grounds in favour of combines.

Hon. Sir MACKENZIE BOWELL—No, I do nothing of the kind.

Hon. Mr. McCALLUM—He takes the case of the lumbermen. There is one thing about the lumber trade. If they combine to reduce operations they do not cut so much timber, and it keeps on going unless it is destroyed by fire. If you look to the country

south of us, you see the effect of combines. The whole business of that country is in the hands of combines. We ought, in reason, to try and prevent them from getting a foothold here. I have no doubt there are combines in this country, and even if this bill is passed, I do not believe it will crush them altogether, but we ought to do as much as we can to keep that evil out of the Dominion. I have much pleasure in supporting the hon. gentleman from Halifax in his laudable attempt to keep combines out of Canada. On a former occasion, when a bill similar to this was before us, I spoke at considerable length on the evil effects of combines in the United States. They have invaded this country, and certainly the hon. leader of the opposition cannot think it a desirable thing that they should get control here.

Hon. Mr. MILLS—I do not know precisely how far my hon. friend from Halifax proposes to go in this matter. We struck out in the Code, when we had it before us, the word "unlawfully" from the 520th section, but we retained the word "unduly," and the other words to which my hon. friend refers. The question that we have before us in this clause is whether there is any legitimate field of action. Because if you strike out the word "unduly," then the clause will strike at everybody who does any one of the things mentioned in any one of those subsections; so we have to consider whether there is any one of these things mentioned in the subsections which would be a legitimate and proper thing to do, apart from legislation on the subject. I know that at the present time parties in the county of Essex are engaged in the production of tobacco.

Hon. Mr. McMILLAN—Growing tobacco.

Hon. Mr. MILLS—Yes. It is a plant that thrives admirably in that section of the country, and I think Mr. Walker, and a gentleman who was formerly the member for the House of Commons from that county, took an active part in persuading the farmers to go into the cultivation of tobacco, telling them that, in their opinion, it would yield them a better return than any other crop to which they could devote their attention. They have produced a very large quantity — very much more than it is possible to find a market for in Canada. The efforts made by Mr. Walker and the other gentleman to whom I referred, Mr. Louis Wigle, in persuading farmers to engage in that business did not violate anything in this section. They persuaded them not to refrain from doing, but to do certain things. That was a legitimate thing to do and did not interfere in any way with the law. The result has been, on the whole, disastrous, because the farmers have a large quantity of tobacco on their hands for which no market at the present time can be found. I should like to put this question to my hon. friend from Halifax, because he has been considering the matter and I have not; supposing his amendment to this section were made, and a number of farmers were to meet together for the purpose of restricting the production of tobacco for the present year, in order that they could work off the supply which they have already on hand, it would not be an undue attempt to limit the production, but it would be an attempt to limit production but if you strike out the word "unduly," in the statute it would be an offence. Then you would make any association or combine of the farmers to restrict the production of tobacco in their own interests an offence for which they would be liable under this section.

Hon. Mr. McMILLAN—Though they were doing it for their own protection.

Hon. Mr. MILLS—The word "unduly" distinguishes between what may be regarded as legitimate, and what might be considered an illegitimate combine. That is what the insertion of the word "unduly" was intended to meet. The whole section is framed upon the assumption that there are certain things which are aimed at in the section which, within certain limits, are legitimate and justifiable proceedings, but if they are carried to an undue degree, then they come within the inhibitions of the statute, and render the parties liable to penalties. The law undertakes to draw a distinction—whether proper or not, at all events that is the idea which seems to run through the section—by the use of the word "unduly" to draw distinction between that freedom of action which is perfectly legitimate and lawful in certain cases, and another line of action which the law is intended to prohibit. When you lessen production you lessen com-

petition; and you may possibly enhance prices. I took the tobacco industry as a single instance, but there are a great many others to which I might refer. For instance, in the western portion of the province of of Ontario when we had access to the United States markets, there was a valuable market for the sale of apples in Chicago and the western cities in the prairie section of the United States where the fruit crop is not very abundant. Those orchards, in years of great yield, produce a very much larger crop than a market can be found for. Supposing you had a combine of farmers who undertook to cut down a portion of their orchards with a view to enhancing the price of the crop that remained. One man may say it is no use doing this unless my neighbours follow my example, so they meet together and agree as to what percentage they shall cut down.

Hon. Mr. McCALLUM—Apples are perishable.

Hon. Mr. MILLS—Quite so. Suppose the farmers meet to decide what proportion of their orchards to remove so as to get a better price for what the remainder would produce. If you strike out those words from the section, would that be a violation of the provisions of the statute as it would remain? I have mentioned these matters for the consideration of my hon. friend. I am not at this moment going to resist this proposal, because I have not given it adequate consideration, but I am not to be supposed, if not opposing it at this moment, to commit myself to the amendment which my hon. friend suggests to the law as it now stands.

Hon. Mr. PERLEY—Will the hon. gentleman allow his speech to go to the public as he has delivered it? Better campaign literature we could not get in the Northwest. The idea of talking about combines of farmers to stop tobacco culture and growing apples. It is preposterous. There is no such thing as a combine of farmers to cut down apple trees or to stop growing anything. We want to produce all we can fairly. The combines that we condemn are the combines which are running up the price of every commodity the farmer has to buy.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman from Monck (Mr. McCallum) must have misunderstood what I said. He commenced his speech by saying that I favoured combines. The hon. gentleman is mistaken. I said I am opposed to combines when they unduly exist.

Hon. Mr. DANDURAND—I suppose the hon. gentleman from Wolseley is in the same error with respect to the speech of the Minister of Justice?

Hon. Mr. PERLEY—Not at all.

Hon. Mr. ALLAN—I could mention another case which it would be difficult to deal with under this amendment, that is the case of the salt wells in western Ontario. Hon. gentlemen will remember some years ago it was found that large beds of salt existed in western Ontario. A great many persons were attracted by this industry, and a number of salt wells were put down. By degrees those wells were so multiplied that the price of salt fell, and it was found that the industry could not be worked at a profit. The result was the owners of salt wells came to an agreement that they would not put out more than a certain quantity of salt each year, for the purpose of keeping up the price in the market. As these amendments are worded, the well owners would be liable to heavy penalties. I think that would be hardly fair.

Hon. Mr. ALMON—The combine to which I object particularly is the combine between the leader of the opposition and leader of the government trying to stifle the wishes of the country, in the matter of the Intercolonial Railway extension. The press of Halifax and the *Citizen* here, state that we only opposed the bill for the purpose of assisting the Canadian Pacific Railway. We all have a suspicion who influences the articles in the *Citizen*. But there is a pious paper called the Montreal *Witness* which, in commenting on the action of the Senate, forgets the commandment "Thou shalt not bear false witness against thy neighbour." Now, how did those members of the Senate, who are directors and stockholders of the Canadian Pacific Railway, vote on that question? They voted with the combine. How did the hon. gentleman from Hamilton (Mr. MacInnes) one of the directors of the Canadian Pacific vote? With the combine. How did the hon. gentleman from Ottawa (Mr. Scott), who is the legal adviser of the Cana-

dian Pacific Railway, vote? He voted with the combine, and if you look at the names of those who voted with the combine and see the number of shares that they hold in the Canadian Pacific Railway, you will see that they all voted together, while we who are opposed to the policy of the government, are supposed to have done so under the influence of the Canadian Pacific. I want to know if the facts I have stated are correct, what motive but the interests of the country induced us to vote as we did. Besides, we are voting to preserve the character of the Senate, and to say that we are not swallowing ourselves—not reversing our decision of two years ago. We voted against a combination, and now we are supposed to be eating our own words.

Hon. Sir MACKENZIE BOWELL—Might I ask the hon. senior member from Halifax whether he has considered what effect this will have upon the Criminal Code which we passed through this House, and which we amended a short time ago? I think we left the word "unduly" in the Code and struck out the word "unlawfully" so as to make it more intelligible. Supposing this bill passes now, and the Criminal Code bill passes also, what will be the effect? I may add, I am very glad to know that there are some questions, among the multitude of those which arise in political life, on which I can agree with the hon. leader of the House. I only regret that there are not more on which we can agree.

Hon. Mr. POWER—I am afraid that the chances of the Criminal Code Amendment Bill being passed are not just as hopeful as we might wish. It is very difficult to get the House of Commons to give attention to a great measure like that towards the end of the session. I have some fears—I hope they are unfounded—that that bill will not become law, but in any case the word "unlawfully" is unnecessary and objectionable here, and it is better to have it out in any case, and if we can strike out the word "unduly" also we shall still further improve the law. The cases put by the hon. leader of the opposition and the hon. leader of the government—that is the case of the lumberman, and the case of the tobacco grower, and the case of the apple grower, are cases which I scarcely think, as a matter of practice, would arise under this enactment. If hon. gentlemen would turn to the Criminal Code they would find that section 520 is a portion of part 29, which deals with offences connected with trade and breaches of contract. The apple growers agreeing to diminish their orchards would not be an offence connected with trade, or with a breach of contract. In old times, before the days of combines, people who were raising articles for the market found out very soon when it ceased to be profitable to produce these articles in large quantities, and they diminished the product. It is not necessary to have a combine, or agreement, for that purpose. When lumber gets down in price, the lumbermen find it out, and naturally diminish their output, and it is the same way farmers, although with respect to grain it is hardly true. As the hon. gentleman from Wolseley says, the farmer in the west raises all he can, and trusts to Providence for the price afterwards. The first words of section 520 must be looked at. The person who is guilty of an indictable offence is one who conspires or agrees with any company to do these things. Now if a tobacco firm in Essex goes to a town, the farmers going there would naturally talk over matters, and finding that tobacco growing was not paying, and without incurring any penalties, they could practically come to an understanding that they will not raise so much tobacco. They would not have a meeting, they would not have a written agreement.

Hon. Mr. MILLS—Does my hon. friend think it would be a happy state of things when it would be a criminal offence for farmers to meet together for such a purpose?

Hon. Mr. POWER—I doubt very much whether the law would apply to such a meeting of farmers. At any rate, unless the farmers did have a formal meeting and enter into a regular agreement, they would not come under the operation of the law.

Hon. Mr. McMILLAN—What does my hon. friend think about the insurance companies?

Hon. Mr. POWER—That is one of the things we have to complain of. I do not know how it is in the upper provinces, but in the maritime provinces the business of fire and marine insurance also, is done almost altogether by foreign companies, and

the representatives of those companies meet and fix the rates of insurance without any regard to the risks at all. The idea is simply to make the rate as high as the insured will stand.

Hon. Mr. McMILLAN—Do you not think that under the present law these men could be prosecuted? Are they not doing that unlawfully and unduly?

Hon. Mr. POWER—No, they are not doing it unlawfully. The objection to the word "unduly" is that these insurance people would claim that taking Canada altogether, the rates were not undue.

Hon. Mr. McMILLAN—All the insurance companies charge the same rates all except three companies which have started lately, which are not in the combine, and the chances are there will be more of them.

Hon. Sir MACKENZIE BOWELL—They will break down likely.

Hon. Mr. POWER—I take the English companies. The English companies have large amounts at risk in Canada. In the province of Nova Scotia they have considerable amounts at risk. The percentage of loss in that province is small. I know that in Halifax it is very small. There are parts of the country where the percentage of loss is considerable. These English companies say "we shall make the people of Halifax and the people of other parts, where the appliances for extinguishing fire excel, pay for the losses which take place in other parts of the country where the appliances for extinguishing fire are not good." Suppose a case of that kind comes before a court, and it is shown that the appliances for preventing fire in Halifax are good, and that these people have unduly raised the rates, they come before the court and say "Well, we do not do business in Halifax alone; we have to look at the business we do all through Canada, and looking at the business we do all through Canada, we are not making money, and the rates are not unduly high." The probability is that the court will hold that the rates are unduly high.

Hon. Sir MACKENZIE BOWELL—I know that in Ontario there are companies doing business—I will not say what companies, I think they are English companies doing business here—and when a water motor is put into an establishment to run the machinery they increase the rate of insurance, because they have an arrangement that when motors are used the insured must pay extra insurance. Would not that be unduly raising the rate? I think so.

Hon. Mr. POWER—We have to look at what would happen. There is not the slightest probability that any one would attempt to come down on the farmers of Essex, or the farmers of King's County, or the farmers of any other part of the country, because they declined to grow what they found unprofitable. It does not need any combination, or written agreement, or anything of that sort, on the part of the farmers to enable them to restrict their product, but it is of importance that insurance companies and railway companies and, to a certain extent, manufacturers, like the cordage manufacturers and the cotton manufacturers, should be prevented from combining with one another to the injury of the public and the injury of the locality in which they are situated. As the hon. gentleman from Monck stated, this bill was passed by the Senate several years ago, and has been passed on several occasions by the other chamber. This word "unduly" was inserted about ten years ago; and the members of the other House, who are brought more directly in contact with the people, find the sentiment of the country is still in favour of having some attempt made to lessen the mischief which is done by those combinations. We cannot prevent them altogether. Indirectly, they can do these things, but we ought to make it as difficult as possible, and prevent these things being done as far as we can.

The motion was agreed to, on a division, and the bill was read the second time.

SECOND READING.

Bill (118) "An Act respecting the Great Northern Railway Company and to change its name to the Great Northern Railway Company of Canada."—(Mr. Landry.)

EXCHEQUER COURT ACT AMENDMENT BILL.

NOTICE OF MOTION.

Hon. Mr. MILLS—I give notice that on Wednesday next I will move that the House resolve itself into a Committee of the Whole

for further consideration of Bill (B) "An Act further to amend the Exchequer Court Act," which was dropped from the order paper.

Hon. Sir MACKENZIE BOWELL—That was the bill which was not reported from Committee of the Whole?

Hon. Mr. MILLS—Yes.

EXPROPRIATION ACT AMENDMENT BILL.

NOTICE OF MOTION.

Hon. Mr. MILLS—I gave notice that on Wednesday next I will move that the House resolve itself into Committee of the Whole for further consideration of Bill (D) "An Act to amend the Expropriation Act."

Hon. Sir MACKENZIE BOWELL—Is this the regular course to be pursued in a case of that kind? The bill was virtually dead, the committee having risen without reporting. Should not the motion be to restore it to the order paper, and then take such proceedings as you may deem advisable afterwards? I merely ask as a matter of precedent and rule with the House. I think that is the course usually pursued, that if a bill is defeated in the committee, and not reported to the House, the motion should be to restore it to the order paper, and make such motion as is deemed advisable.

Hon. Mr. MILLS—I think that the proceeding is regular. There were two courses open, either to introduce a new bill or to restore this bill. There was no report made from the committee to the House.

Hon. Sir MACKENZIE BOWELL—Consequently the bill was killed.

Hon. Mr. MILLS—Now we are asking to put it in the position it was in before, and proceed with it in committee and a report can be made to the House.

Hon. Sir MACKENZIE BOWELL—I think my hon. friend is wrong. Once a bill has been disposed of——

Hon. Mr. MILLS—It has not been disposed of.

Hon. Sir MACKENZIE BOWELL—My hon. friend said there were two courses open, either to reintroduce the bill, or to do what he has done. The rule of Parliament is that once a bill has been defeated, involving any principle, you cannot reintroduce it during the same session of Parliament. The course that has been pursued before was that when there was no report from the committee the bill was dead, so far as the House was concerned. It strikes me that the motion should be to restore it, and then send it to the notice paper, and then send it to the committee afterwards. I merely point this out and do not raise it as an objection.

Hon. Mr. MILLS—I think my hon. friend is mistaken on both points. In the first place, it is open to introduce any bill, a clause of which has been defeated in committee, and which has not been reported. That I need not discuss, because it is at this moment an academic question. I am not proposing to do it, so it is not necessary to decide that point. What I am asking is that the bill shall be restored to the order paper for the committee, because the House is not seized of it. There was not anything defeated except in committee, and if the committee chose to reconsider what it did, the House has not before it the question of the defeat of any clause by the committee at all. The committee, of course, no doubt will take cognizance of their former action, but I am asking that the bill be placed before the committee in exactly the position in which it was when the committee were last considering it.

Hon. Mr. McKAY—One peculiar thing about the matter is that the hon. gentleman who moves to have this bill restored to the order paper, is the same hon. gentleman who moved that the bill be killed in committee.

Hon. Mr. MILLS—I simply moved that the committee rise. It is not killed at all.

Hon. Mr. ALMON—It is a case of suspended animation.

Hon. Mr. MILLS—If it were in the position of a defeated bill, the proceeding which I am proposing to take could not be taken. It is because it is not killed that I am making this motion.

THE REDISTRIBUTION BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (126) "An Act respecting repre-

sentation in the House of Commons." He said:—This is a very important measure connected with our constitutional system, but one which does not concern the constitution of this House. The principle of this bill is one which was very carefully considered in 1882, and again in 1892, and upon which the opinion of the country was taken at the last election. The principle upon which the bill that I am asking this House now to read the second time, is based upon a very ancient part of our constitutional system. It is interesting, in order to ascertain the principle upon which we should proceed, to notice something of the history of the House of Commons in the mother country. In the earlier stages of the existence of that body, there was no elective assembly. The freemen, who were the tenants of the Crown, appeared as the Commoners for the purpose of giving their assent to taxation. The work of legislation, so far as it existed, was in the King and the Lords. The Commons did not, for a very considerable period of time, take any part in legislation. The fact that they were the proprietors of a great portion of the property of England, and that it was a recognized principle of the constitution that a man's property could not be taken from him without his consent, gave to the Commons, in matters of taxation, a very important power, and the possession of that power enabled the Commons ultimately to win a status in respect to the ordinary business of legislation. At first, when subsidies were asked from the Commons, they expressed their readiness to grant those subsidies, or supplies, upon the condition that certain reforms, which they deemed necessary, should be conceded, and those reforms which were asked for by their petition were usually granted and when granted were put into the form of law, not with the assistance in any way of the Commons, but by the great officers of state after the session was over, and those early acts are found in the ancient rolls of Parliament. It was found by experience that very frequently the concessions which had been made were not, in fact, those which had been asked for, they were illusory, and so the Commons ultimately, instead of petitioning, asked for a substantial voice in the work of legislation itself. It was not until the 48th year of Henry III. that a Representative Assembly took the place of the general assembly of the King's tenants. Before that, whether the Commons were a large or small body depended upon the interest which they took in the questions which were likely to be brought forward for consideration, but after the principle of representation was introduced, then the representatives sat in the second chamber as the elected men, representing the freemen of the counties and the boroughs. In the early history of English representation, we find that the writs were sent to the sheriffs of the counties. The county or borough was the unit which was represented in the House of Commons, so that there was always a very close relation existing between the municipal organization and the district which sent a representative to Parliament. In the great baronies of the United Kingdom, no representatives were sent to the House of Commons. The parties held their estates from the lord of the district, and they attended his court, and not the court of the King, and so we find such counties as Chester, Durham and Pembroke that were represented in the Court of the Barons, were not represented in Parliament at all, and the county of Cornwall, when the King's eldest son was Earl of Cornwall, sent their representatives to the Court of the Baron of Cornwall, but afterwards when there was no eldest son, and the King himself held the duchy or earldom of Cornwall, then the free men of the county were counted the King's tenants and sent their representatives to Parliament, the same as any other party. Besides this, it was not Parliament that created the constituency; that was the prerogative of the Crown. We find Edward VI. creating many constituencies in that section of England which was thought to be strongly Protestant, so as to increase the power of the Protestant portion of the people of the United Kingdom in Parliament, and when Mary succeeded him, there was a corresponding increase of the representation by the Crown in that section of England in which the Catholic population were numerous and influential, and it was not until the time of Charles II. that the last constituency was created by prerogative. Newark is the last instance in which the Crown called into existence a constituency and issued a writ to give that constituency representation in Parliament. There were great changes taking place in the commerce of the country. New towns were springing into existence, and old towns were falling

into decay, and in those cases, the Crown withheld its writ from the decayed boroughs and towns, and bestowed its writ upon the new districts which had become commercially important. When union took place between England and Scotland, and it was agreed that each should have a certain representation in the Commons of Great Britain, this prerogative of the Crown, was necessarily left in abeyance; it could not be exercised, and so after the union, no such constituency was called into existence; but in all the colonies, the Crown retained the prerogative of calling into existence constituencies, dividing the province or colony into electoral districts, giving to the freemen who had come to the colony, the right of election, and so the people of the province or colony had representation in a provincial legislature. It was admitted that Englishmen carried with them common law rights, so far as they were suited to their circumstances, in every district in to which they went for the purpose of settlement, and so they carried with them the right of representation. The Crown appointed an agent or governor to represent it, and gave him a commission authorizing him, as such agent, to call upon the people to elect representatives to an assembly, because the Crown alone had no power to change the law. It had no power to supply those local defects which experience showed it was necessary to provide for in every new colony, and it had no power of taxation, the power of taxation resting with those whom the people might return to the local legislature, but in all the old colonies that existed before the American revolution, except where such power was conferred specially by charter, the Crown did not recognize the right of the legislature to create electoral districts. Wherever such a measure was carried through the local legislature it was disallowed, nor did it permit the legislature to limit the period for which that legislature was called into existence. It continued to exist indefinitely—vacancies occurring, by death or otherwise, were supplied by a new election—until the Crown chose to exercise its prerogative to dissolve the legislature, and this it did whenever a fitting opportunity occurred. Since the union of England and Scotland a very important influence has been exercised in consequence of that union, and in consequence of the abeyance of the prerogative in respect to the creation by Parliament of electoral districts. I say a very important influence has been exercised over all the colonies, and this power, which was considered a prerogative of the Crown and which the Crown jealously guarded, has for a century been regarded as an ordinary power of the legislative assembly which the Crown shares in its legislative capacity, and which it does not any longer exclusively possess and exercise as a matter of prerogative connected with its administrative authority.

When the British North America Act was carried, it did not alter the character of the institutions which existed in the various provinces that were united. The British North America Act restricted those powers, so far as the legislative authority and the administrative authority, as an incident to that legislative authority, is concerned. The form of government which existed in each of the provinces that had an existence prior to the union, continued to exist after the union. We had responsible government in Old Canada; and in Nova Scotia and New Brunswick responsible government prevailed after the union exactly as it did before. The British North America Act did not destroy the governments of the provinces, and create new institutions. It perpetuated the existence of those that already existed, and left them unimpaired so far as this was possible. There was a legislative union between Ontario and Quebec, then Upper and Lower Canada. That legislative union, by the British North America Act, was dissolved, and the dissolution of that union made it necessary to make special provision to repair the two edifices that were created out of the one that had existed before. Their separation from each other, rendered certain repairs necessary, and those repairs were made. But that is a very different thing from wiping out of existence those political institutions that existed, and creating them anew. If hon. gentlemen will look at the British North America Act, they will find that it provides for certain changes taking place. The union between Upper and Lower Canada is dissolved, and the two provinces, Ontario and Quebec, spring out of that former union. Nova Scotia and New Brunswick are perpetuated. The executive governments are perpetuated. There is no change intended in any of them, except in so far as necessary, to give them a complete autonomy, where the se-

paration, to some extent, impairs that autonomy. When hon. gentlemen look at the terms of the British North America Act, they will see it states that it is desirable, not to call into existence provinces that did exist before, but to call into existence something that did not before exist, the federal government, the central authority. It does not pretend to call into existence the provinces which existed under that central authority. It does not pretend to call into existence their governments. It assumes they had an existence. You could not otherwise federally unite provinces. They could not express a desire to be federally united unless it was intended that their previous existence was to be continued and perpetuated. Let me call the attention of hon. gentlemen to the terms or words used in the preamble to this Act, which are as follows:—

Whereas the provinces of Canada, Nova Scotia and New Brunswick have expressed their desire to be federally united into one Dominion.

Now to be federally united, it was as necessary that the autonomy of the provinces should be perpetuated as that for certain purposes they could be coalesced into one Dominion under one government. Then this government is to be similar in principle to that of the United Kingdom.

Hon. Mr. DEBOUCHERVILLE—Would the hon. gentleman just repeat his last statement, as I did not hear it.

Hon. Mr. MILLS—I say that it was necessary that the provinces should be federally united under a constitution similar in principle to that of the United Kingdom. The constitution, to be similar in principle, is not necessarily federal. It is not to the federal feature of the constitution that reference here is made. It is not to the nature of the governments that are to exist in the provinces as such that reference is made, but it is to this one Dominion that is to exist over them, by which they are to be bound together in one political family, and that constitution, considered in itself, separated from the consideration of the form of government which would go to the provinces, is to be a government similar in principle, is to have a constitution similar in principle to that of the United Kingdom. It is to have the same executive head. That executive head is to be advised by a political body similar to that which advises Her Majesty in the United Kingdom. That executive head is to be advised by a body having the same relation to Parliament, holding its office, continued in existence, upon the same terms and conditions as the advisers of the Crown are continued in the United Kingdom; and it is further declared:

And that whereas, on the establishment of the union by the authority of Parliament, it is expedient not only that the constitution of the legislative authority in the Dominion be provided for, &c.

The constitution of the legislative authority in the Dominion is to be provided for, and also the nature of the executive government therein is to be declared. There is a distinction made between the constitution of the legislative authority and the constitution of the executive. Her Majesty is the executive head. Her powers and prerogatives are the same in every part of the empire. Certain powers and prerogatives attach to her, as the head of the new government which has been called into existence. The Imperial Parliament does not bestow those powers upon her. The Imperial Parliament does not undertake to legislate in order that she may possess them. She already possesses them. They exist in her by virtue of her sovereign authority, and so all the Act does, so far as the executive authority is concerned, is to declare what that executive authority is. But that is not so with regard to legislative authority. This, prior to the passing of this Act, had no existence. It is by virtue of the Act that it is called into existence, therefore it became necessary to define what the legislative authority was and that legislative authority is set out and bestowed, by the authority of the Imperial Parliament, upon this Parliament, and upon this government. But Her Majesty, as executive head of this government, has no power conferred upon her by this Act, but that power is declared by this Act. In order to preserve this federal feature of the government of Canada, it is provided that, as between the provinces, the representation in the House of Commons shall be based on population, and that population is to be ascertained first after the union in 1871 and every ten years thereafter.

Hon. Mr. ALMON—Hear, hear!

Hon. Mr. MILLS—There is no authority to change the constitution in that regard. As between the provinces, there is a special provision made for the representation. The

population, as ascertained at the census, is the basis of representation of each province of the Dominion for the succeeding ten years. But hon. gentlemen will see that that is a wholly distinct thing from the question of redistribution of seats. The question of redistribution of seats does not depend upon the taking of the census. It has nothing to do with that provision. It has no more to do with the census in the Dominion than in the province. Every province in the Dominion may amend or alter its representation. Let me suppose for a moment that we had a law at the union which was continued down until the present time, determining that no one except a freeholder should be an elector. Supposing that Parliament afterwards were to determine on an extension, and let me suppose that the number of freeholders was small in proportion to the population in some sections of the Dominion, and very large in proportion to the population in others. Now, it might happen, after you extend the franchise, that you might find it necessary to alter the distribution of the seats. There is nothing in the British North American Act that restrains any province from distributing the seats in the local legislature. There is nothing in the Act which interferes with the distribution of seats within a province in the Parliament of Canada, and as a matter of fact, let me say to hon. gentlemen, that this has been recognized and acted upon in more than one instance since confederation. In the redistribution of seats after the census of 1871, a division was made of the county of Huron that was regarded as very unfair by one of the representatives of that county. A bill was introduced transferring the township of Tuckersmith from one division of Huron to another division. That bill came before the House of Commons for consideration, and was carried through that House. No one suggested that, because there had been a redistribution immediately after the census, there could not be a further consideration of the subject. It went through the House of Commons without a question. We had in the House of Commons at that time some very eminent lawyers, John Hillyard Cameron, Edward Blake, Sir John A. Macdonald and others. No one, in all that assembly, for a moment supposed that Parliament had not power to redistribute the county of Huron as if no division had taken place. That question came before this House and this House rejected the measure, but not because a redistribution had been made under the census of 1871. Not at all. Any hon. gentleman who remembers the discussion that took place on that occasion, knows right well that the objection made here was, that, in the alteration of the representation of the constituency, the government ought to assume the responsibility of making that alteration, and the Senate would not support a measure on that subject which had not emanated from the government and for which the government had not made itself responsible. Let me mention another instance. Any hon. gentleman in this House, I have no doubt, will readily recall the changes that were made in 1892. Very important changes were made in the representation. Seats were redistributed, and places found for the additional members that certain provinces were entitled to. A redistribution of constituencies for the members from other provinces was called for under the constitution, it became necessary to diminish their numbers, but in the redistribution that took place, upon further consideration, the measure did not suit the government who were its authors, and in the following session, if hon. gentlemen will turn to the statutes of 1893, they will find there was a further measure amending the Redistribution Act, altering the boundaries of some constituencies which had been established under the redistribution of 1882.

Hon. Mr. PERLEY—Was that to make room for the new members?

Hon. Mr. MILLS—No, not at all, but because some mistakes had been made it was thought that a more perfect redistribution could take place.

Hon. Mr. McDONALD (C.B.)—It was a mistake in the printing of the statute.

Hon. Mr. MILLS—No, it was a further reconsideration of the subject by the House, and an amendment to the bill of the previous year.

Hon. Mr. McMILLAN—It was all based upon the census.

Hon. Mr. MILLS—So is this. Hon. gentlemen will see that. When the hon. gentleman says it was based on the census, no one pretends to say that you can give to any province a larger representation than that

which it was entitled to under the census previous to the Redistribution Bill. It is not based on the representation as it then exists. By the census of 1891 the province of Ontario was found to be entitled to ninety-two members. Under the present bill nobody proposes to give it more; but I say this, and I am perfectly sure that the view which I express will be upheld without question and without division in any judicial body in this country, or in any judicial body to which we may appeal, that it is open to Parliament, if so disposed, to introduce a new distribution bill every year, so long as it does not depart from the principle which the census furnishes it.

Hon. Mr. McMILLAN—It is a bad practice.

Hon. Mr. MILLS—That is a question for consideration. In this matter I adopt the maxim of the Turks, that it is better to change every year than to be always in the wrong.

Hon. Mr. McMILLAN—That is good.

Hon. Mr. MILLS—I need not enter into a discussion of section 51 of the British North America Act. It is perfecly clear that it contemplated a redistribution of seats in accordance with the practice which prevailed in England, and that is that the division shall be made by a commission to whom the question of divisions may be referred, and not by Parliament itself.

Hon. Mr. ALMON—I believe in England it is the custom to disfranchise boroughs where great bribery has been used. I want to know if West Elgin were disfranchised by the government, would another member be given to another constituency?

Hon. Mr. MILLS—If the practice that prevailed under the constitution of England were adopted, and a constituency were disfranchised for bribery, then the representation that that constituency had might be bestowed by Parliament upon some other constituency if Parliament were so disposed.

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

Now, what is meant by "such authority and in such manner"?

In England the manner is considered by Parliament It says who shall constitute the commission. It says how many seats each constituency shall be entitled to, and it leaves to that commission the division which is to be made in the constituencies that it is found necessary to alter, and upon which it is proposed to confer further representation. Now, let me say here a word with regard to county boundaries. The principle is one that has always been recognized in the mother country, and I mention that as an important matter for the serious consideration of those who have any regard to British precedents and to the practise in the Parliament of the United Kingdom. It is important, because there is such a thing as historic continuity in a county. A county that has been represented by a man of eminence, who has distinguished himself and conferred honour upon the constituency that sent him to Parliament, is one of whom the constituency may be proud, and after he has served his time, and disappeared from the political arena altogether, such a constituency has a natural aspiration to be represented by another man, if not equally distinguished, by a distinguished man. And so the principle, as it is stated by Mr. Gladstone, of continuity in a constituency does a great deal to aid the constituencies in aspiring to possess better representation than they would otherwise likely acquire. Under our constitution—and let me here say that in this federal union of the provinces, we have a constitution similar in principle to the English—it never was intended that you should draw a sharp line between the province and the Dominion, and to say that no interests that exist in the provinces shall be known or recognized as such in the Parliament of the Dominion. So far as union is concerned, this federation represents one body. We have provinces which are inseparable portions of that union composed of municipalities with decentralized power, and I say it never was intended, if these could be conveniently used by us or be made available by us, that we should deny ourselves the opportunity of doing so. If you turn back to the articles of confederation, you will see that, as they left the hands of the Quebec convention, and as they were taken over to England by the delegates who went from the various provinces to

assist in the convention, in London, the division of each province into constituencies was for all time to be left to the local legislature of the province—that that division was not to be effected by us. Some representatives in London, who held in this country strong views in the opposite direction, succeeded in persuading their co-delegates to join them in conferring upon the Parliament of Canada, and withdrawing from the legislatures of the provinces, the power to distribute the seats in the Dominion. That was done, and the British North America Act represents the modified view, the changes, in this regard, that took place in the United Kingdom. But the principle of representation by population, between the provinces, was retained, and the organizations that existed were intended to be recognized so far as it was found practical and convenient, and so, when electoral districts were established for the return of members to the House of Commons, there were but two or three instances in which the principle of county boundaries was disregarded, and that was because two or three counties, lying nearly side by side, having very nearly the same population, the parties not wishing to decide to which of them the additional representative that it was necessary to bestow upon the provinces, should go, undertook to create constituencies in two or three instances in which the representative was given to a constituency made up of parts of two counties. That was done in the case of Kent and Lambton, and in one or two other instances, but in the vast majority of cases the principle of county boundaries was recognized. There was an obvious reason for that. Under the municipal organization, under your various local institutions, you have the people of the same county meeting together in their agricultural societies. You have them meeting together as jurymen. You have them meeting together in their county councils. You have them associated for various purposes. They become acquainted with each other; they know the capacity of each other. If a man exhibits ability in any one of these spheres, he becomes marked out to his neighbours as a proper man to represent them in the future, and so he may be chosen. But when you make up a constituency of parts of two or three counties put together, the people of whom never meet for any other purpose except once in four or five years for the purpose of an election, you have people who have no particular sympathy with each other. The very ablest men among the whole of them may be a man residing in a single township taken from another county, a stranger to all outside of his own township, who has no chance in that constituency to represent it. I have gone into many of those constituencies, organized in the way I have mentioned under the Act of 1882, and under the Act of 1892, and I found the people to-day as much divided from each other, as much strangers to each other, as void of sympathy with each other, no matter whether they are Conservatives or Reformers, as if no such union, for a political purpose, existed. They meet in convention once in four or five years, when the necessity for an election arises. They never meet at any other time. They choose their candidate; they generally choose that candidate from the section that has the most numerous population. The weaker sections have a very inferior chance of furnishing a representative, and a constituency so situated is a constituency without any of those organic elements which are recognized under the English parliamentary system as essential features in a healthful and proper representative institution. This matter was very fairly considered, and very fully discussed, in 1872, and the Prime Minister at that time, Sir John Macdonald, who introduced the Redistribution Bill of 1872, referred to this very subject. I ask those who have respect for his memory, and who admit that he was a man of unquestioned ability, to give their attention to what he said on the subject. I shall read from the parliamentary debates the exact words used on that occasion.

Hon. Mr. DEBOUCHERVILLE—From the official report?

Hon. Mr. MILLS—Yes.

Hon. Mr. DEBOUCHERVILLE—There was none published then.

Hon. Mr. MILLS—There was a report made in 1872, and I am quoting his exact words from a quotation which appears in the *Hansard* of 1882.

Hon. Mr. FERGUSON—I suppose my hon. friend is aware that Sir John Macdonald put himself on record very differently at a later period.

Hon. Mr. MILLS—I know that. I am just as well aware of it as the hon. gentleman. I am going to discuss that later. I have nothing to conceal. My hon. friend was not in the House at that time, but some of his friends were. I regarded that as a very unjust bill, but this House never questioned it. There had been no election on the subject, and there was no issue made of it prior to the distribution which took place. I shall now read from the *Hansard* of 1882, when this opinion was quoted, and I have myself read it in the original, and know that it is perfectly correct. It will be found on page 1205:

With respect to the rural constituencies, the desire of the government has been to preserve the representations for counties and subdivisions of counties as much as possible. It is considered objectionable to make representation a mere geographical term. (Hear, hear.) It is desired as much as possible to keep the representation within the county, so that each county, that is a municipality in Ontario, should be represented, and if it becomes large enough, divide it into ridings. That principle is carried out in the suggestions I am about to make. That rule was broken in 1867 in three constituencies, viz.: Bothwell, Cardwell and Monck; and I do not think, on the whole, that the experiment has been a successful one. I do not think it was unsuccessful as far as the representatives of these new constituencies themselves were concerned, as they are well and ably represented by the gentlemen who now hold seats for the constituencies; and I hope that if I am returned again to the next Parliament I shall meet those hon. members. But it is obvious that there is a great advantage in having counties elect men whom they know. Our municipal system gives an admirable opportunity to constituencies to select men for their deserts. We all know the process which happily goes on in western Ontario. A young man in a county commences his public life by being elected by the neighbours who know him to the township council. If he shows himself possessed of administrative ability he is made a reeve or deputy reeve of his county. He becomes a member of the county council, and as his experience increases and his character and ability become known he is selected by his people as their representative in Parliament. It is, I think, a grand system that the people of Canada should have the opportunity of choosing for political promotion the men in whom they have most confidence and of whose abilities they are fully assured. All that great advantage is lost by cutting off a portion of two separate counties and adding them together for electoral purposes only. Those portions so cut off have no common interest; they do not meet together and they have no common feeling except that once in five years they go to the polls in their own township to vote for a man who may be known in one section and not in the other. This tends towards the introduction and development of the American system of caucuses, by which wire-pullers take advantages for their political ability only and not for any personal respect for them. So that as much as possible, from any point of view, it is advisable that counties should refuse men whom they do not know, and when the representation is increased it should be by subdividing the counties into ridings.

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I omitted to state that it is not intended to divide either Ottawa or Hamilton. Although we have adopted in old Canada the principle of electoral divisions, it has not been considered in England a proper mode of representation, inasmuch as it totally excludes minorities, and in some constituencies in England they have introduced the system we now propose for the purpose of protecting minorities. It is therefore proposed that Hamilton shall return two members.

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He did not intend to discuss the details, but agreed that the principle of the division of the counties adopted was judicious, making the electoral divisions conterminous with the counties; and that it was not well to urge the doctrine of population too far, although it should be regarded as far as possible. The principle of representation by population had been properly disregarded, the changes having been made evidently for political reasons, and he was not surprised that the bill had been brought down at this late stage of the session, when there was scarcely time to discuss it.

These words the hon. gentleman who, for so many years, led the Conservative party, spoke in 1872 when the bill was under consideration. The hon. gentleman from Marshfield says that Sir John Macdonald changed his mind on this question. I do not think he did; he changed his practice, but he gave a reason for that change of practice that Sir Oliver Mowat had gerrymandered some constituencies for the local legislature, and he proposed to follow his example. There was no principle recognized in the division of 1882. I have in my possession the map which was prepared for the division for 1892, with the vote of every polling division upon it, and with a careful estimate of what the political effect of the division should be, and the same in 1882. Hon. gentlemen knew right well that no such calculation can be made by the present government in respect to this bill. A certain number of counties in the province of Ontario are entitled to return under it one member and they are left undisturbed. There are certain other counties that are entitled to return more than one member, and a division of each was made prior to 1882; they are left undisturbed. Then there are other counties which it is necessary to divide, some to return two, some three members, and the division of these counties is left to three eminent judges, the Chief Justice of Ontario, Sir George Burton, the Chancellor of Ontario, Sir John Boyd, and Mr. Justice Falconbridge. Mr. Justice Falconbridge was well known before his elevation to the bench as an active member of the Conservative party.

Hon. Mr. McMILLAN—He was never in Parliament.

Hon. Mr. MILLS—Neither was either of the others. I do not know that Chancellor Boyd ever gave a vote.

Hon. Mr. McCALLUM—You are going to bring him into politics now.

Hon. Mr. MILLS—I do not know what his politics were. I know what Judge Falconbridge's was, and I believe the Chief Justice of Ontario was a Liberal, but as to Sir John Boyd's politics, I say I do not know that he ever voted.

Hon. Sir MACKENZIE BOWELL—It does not make any difference. He is an honest man any way.

Hon. Mr. MILLS—He is, and I am not calling in question the honesty or uprightness of any of those gentlemen, I think they will make a perfectly fair division. We are acting upon the interpretation which we gave in 1892 to this, the provision of section 51 of the British North America Act, which authorizes Parliament to make this division through some constituted authority, and that authority we have undertaken to constitute in such a way that it will enjoy the complete confidence of well-informed men of all parties. It is sometimes said that in acting upon the principle that county boundaries are to be preserved, we are departing from the principle of representation by population. I do not think so. I think we are acting on that principle. Of course, you cannot have a pedantic equality in all the circumstances, but you are giving to the largest constituencies the largest representation.

Hon. Mr. CLEMOW—Toronto for instance.

Hon. Mr. MILLS—Toronto has five members.

Hon. Mr. CLEMOW—With 200,000 people.

Hon. Mr. MILLS—Montreal has 250,000 people, and the late administration gave Montreal only five representatives. My hon. friend did not question that. Montreal has some eight representatives from rural districts outside. In anything that affects the well being of the city, these men are as much the representatives of Montreal as if they represented a constituency in the city, and the same with Toronto. Toronto has to-day four or five members sitting in the House of Commons who are elected by outside constituencies. Are not these men as much devoted to the interests of Toronto, when a question comes up for consideration, as if they were returned for some division of Toronto? Every hon. gentleman knows right well that there is some advantage to these men, and some advantage to the country, under this system, of taking men of professional or commercial distinction from the city to represent rural constituencies. There is some advantage in that, and if the city were to insist upon full representation according to its numbers, the probability is that outside constituencies would cease to select urban residents as their candidates. I say, then, that there is an advantage in that system. There is another thing which cannot well be lost sight of, and that is, very often, in new districts, you have a large area with only a very moderate population, and the difficulty of canvassing—the expense associated with it, the difficulty of a member remaining in touch with his constituency, is such that it may very well be that while you have more than the unit of representation in the city, you have less in some of the rural districts. But this principle of representation by population was not a principle that was adhered to or recognized in the bill of 1882, or in that of 1892. Let me take Essex, for instance. The county of Essex had at the census of 1881, 46,000 people. Twenty-one thousand or a little less than 21,000 was the unit of measurement. Now, giving the county two members there were 4,000 of an excess of population. If you were to undertake to give representation by population then, one township should have been taken from the east end of Essex and attached to Kent in order to reduce the number represented in Essex by the two members representing the community. Any hon. gentleman who will go over the census will see that in such a Redistribution Bill as that of 1882, and again that of 1892, there was not the slightest regard had to the principle of representation by population, and the breaking up of county boundaries and the departure from the principle laid down by Sir John Macdonald in 1872, was not due in the slightest degree to any such consideration. No such motive had the slightest influence upon those who made the division at that time. For instance, in the province of Nova Scotia, Inverness had

nearly 26,000 inhabitants, Halifax City with two members had 68,000 inhabitants; that was 34,000 for each member. Halifax would have been entitled to three members if you were going to adhere strictly to the principle of representation by population. Then there was the county of Victoria with 12,470 represented by a member, and Queen's had but one-third of the number of inhabitants that was given a single representative in the city of Halifax. Then let me take Westmorland, in New Brunswick. Westmorland had nearly 38,000 population with one member; Queen's had 14,000 of a population with one member; Sunbury 6,500 with one member. That was the condition of things in these provinces after the Redistribution Bill of 1882, so that it is preposterous to argue that the Redistribution Bill at that time broke down county boundaries and united fractions of different counties for the purpose of giving to the country the principle of representation by population in the constituency. Then when we come to the province of Quebec, we find that Drummond and Arthabaska had over 37,000; Rimouski 30,000, Hochelaga 36,000, Montcalm 13,000, and so on. I mention these cases for the purpose of showing that no such principle as representation by population was recognized in 1882, nor was it in 1892. Then let me take Ontario. If you were to adopt the principle of representation by population in the arithmetical sense, and to break down county boundaries and to undertake to form constituencies of equal population, you would destroy all that organic life which pertains to a constituency made up of people who are in the habit of acting together, for various public and other purposes, as jurymen, as members of agricultural societies, as municipal councillors, and as voters in municipal elections and elections for the local legislatures.

Hon. Mr. McMILLAN — Sir Oliver Mowat did not pay much attention to these rules.

Hon. Mr. MILLS—I think he paid a good deal of attention to them. I will have the maps here for the information of my hon. friend. In some cases there are departures from the rule, but the cases are very few. But, Oh, the number of cases in which the rule was departed from in 1882 when fifty-five constituencies were altered, in the province of Ontario alone, and this House made no protest against the wrong that was being done. Let me mention a few cases. North Leeds, 12,400; South Grenville, 13,000; Frontenac, nearly 15,000; Monck, 15,000; Lennox, 16,000; Cardwell, 16,000; Kent, 36,000, East Simcoe, 28,000; South Simcoe, 26,000; East Elgin, 26,000—those are instances to show that the principle of representation by population was not that which governed those who prepared that measure. Under that measure and taking the census of 1881, which was the basis of that measure, you have eight constituencies representing a population of 111,000. That is 13,870 instead of 21,000. You have eight other constituencies representing a population of 115,000 or about 15,000 to the constituency. You have eight others representing 213,000, or 26,600 to the constituency. So that in one case the first eight constituencies, that ought to have five members, have eight, and in the other case, which ought to have five members, had eight. And so you have the other eight, that ought to have had eleven, under represented by eight. I am quite sure every hon. gentleman will see that in that measure the principle of representation by population did not govern, so that the reason for the measure was something wholly different. Let me mention some of the facts, and my hon. friend sitting opposite me I hope will bear testimony to the accuracy of the statement which I make——

Hon. Sir MACKENZIE BOWELL—Wait till I hear it.

Hon. Mr. MILLS—I am not asking the hon. gentleman to testify in advance. The county of Kent was entitled to two representatives at least. It had 54,000 people. 42,000 was the number that, according to population, should be represented by two members It had 12,000 to spare. Then two was the smallest number that the county should have returned. A portion of Kent was attached to the county of Lambton, that had 2,000 people less than Kent, and the remaining portion of Lambton was given two members, that is, Lambton, that had 2,000 people less had three townships taken off, and the remaining portion given two members. That portion of Lambton taken off, and a portion of Kent taken off, formed the county of Bothwell. Then there was a portion of the county of Bothwell, the townships of Orford and Howard and the town

of Ridgetown that gave a Liberal majority of upward of 400, were taken off the county of Bothwell and added to the county of West Elgin which was already largely Liberal. Why were those townships taken from the county of Kent and put onto the county of West Elgin?

Hon. Mr. McMILLAN—What was the population of West Elgin?

Hon. Mr. MILLS—42,000 odd, a little more than was necessary to entitle them to two members.

Hon. Sir MACKENZIE BOWELL—West Elgin?

Hon. Mr. MILLS—No, Elgin. The town of St. Thomas, if taken off East Elgin and put into West Elgin, would have given them enough for two members. Of course East Elgin had no prescriptive right to the town of St. Thomas.

Hon. Mr. McMILLAN—It has had it since the union of the provinces, I think.

Hon. Mr. MILLS—My hon. friend says that because the town of St. Thomas which is a part of the county of Elgin, was in the first instance put in East Elgin, that that was an insuperable bar, as I understand him, to Parliament putting the town of St. Thomas into West Elgin, although it is of the same county. But to take two townships and a town out of the county of Kent, that never was in West Elgin, that did not act with West Elgin, and forms no part of West Elgin, for no purpose whatever, to take that off the county of Kent and put it in the county of Elgin was a most proper thing to do.

Hon. Mr. McMILLAN—If the hon. gentleman will look at the populations of East and West Elgin, as constituted, with those two townships, he will find they are nearly on a par.

Hon. Mr. MILLS—My hon. friend is in trouble again—I am speaking of the municipal county of Elgin—the county that under the law in known as the county of Elgin, contained at the time 42,000. Now, 21,000 is the unit, a one-ninety-second part of the province of Ontario; so that the county of Elgin had a sufficient number to entitle it to two members and a few hundred to spare. If the county of East Elgin was unduly large, and the county of West Elgin unduly small, there was a simple way of rectifying that inequality and of equalizing the constituency, and that was by taking the town of St. Thomas out of East Elgin and putting it into West Elgin.

Hon. Mr. McMILLAN—There was just as much difference between East and West Elgin, if you take half of St. Thomas which was a municipality by itself, just as much as one of the townships was, you might as well take the city of St. Thomas and divide it into two as to take one of those townships which my hon. friend mentions from Kent. They are all on a par.

Hon. Mr. MILLS—No, I happen to know personally of the matter and my hon. friend does not.

Hon. Mr. McMILLAN—Yes, I was thirteen years in the county.

Hon. Mr. MILLS.—I am glad to hear it, and I hope my hon. friend will see the injustice of the proposition he is now putting forward. Take the city of St. Thomas, West Elgin had about 14,000. It is a larger constituency than a good many of those that were left, even as it was. East Elgin contained 28,000. At that time St. Thomas had about 7,000 people, and if you take St. Thomas off East Elgin, you would reduce its population by 7,000. If you put 7,000 with 14,000 it would make 21,000, and if you take 7,000 from 28,000 it would leave 21,000. So that if you transfer the town of St. Thomas, according to the population at that time from East Elgin to West Elgin you would have two constituencies as nearly as possible equal.

Hon. Mr. McMILLAN—It was a municipality by itself, and we would have to cut it in two.

Hon. Mr. MILLS—The hon. gentleman is mistaken. The town of St. Thomas had 7,000 at that time.

Hon. Mr. McMILLAN—Under one municipality.

Hon. Mr. MILLS—There is only one municipality in St. Thomas, and taken off East Elgin and put on West Elgin it would have made two constituencies about equal.

Hon. Sir MACKENZIE BOWELL—My hon. friend the Minister of Justice is finding

fault because Elgin was not divided in the manner in which he thought it ought to have been divided.

Hon. Mr. McMILLAN—It is the only way it could be divided.

Hon. Mr. MILLS—I have had a good many interruptions, and if I interrupt my hon. friend the leader of the opposition, I hope he will not lose his equanimity.

Hon. Sir MACKENZIE BOWELL—Not if the hon. gentleman only interrupts once, which is all I have done.

Hon. Mr. MILLS—My hon. friend speaks of the wrong that has been done. It is quite right to take off two townships and put them on East Elgin, but it would be wrong to take one township from East Elgin and put it on West Elgin. Let me see what these gentlemen did besides that. They found East Elgin had too large a number and they took South Dorchester off East Elgin and put it on East Middlesex. They took the township of Euphemia off Lambton and put it on West Middlesex. They took the township of Stephen off South Huron and put it on North Middlesex. I need not go over the whole of the divisions, but as I have pointed out already, it is clear, beyond all question, that they were not made for the purpose of equalizing the constituencies. They did not equalize them. They left the difference as great between the constituencies after the changes were made as before. They cut up county boundaries and they brought people together once in five years for elections that otherwise did not meet at all. Besides those principles upon which I think we ought to proceed and those practices which I think we ought to avoid, there is this fact, that upon this question Parliament has a mandate from the country. The present administration, and those who support them, went to the country upon this question, as one of the questions on which they asked an expression of public opinion. There was the question of the adoption of the provincial franchise; there was the question of the restoration of county boundaries and the principle of representation by population within those limits, as far as it could be conveniently adopted. Those have been adhered to in this bill. We have also, as I pointed out, not taken into our own hands the redistribution of seats. We have not come to Parliament, as the government did in 1872, in 1882 and in 1892, with a measure carried through the House of Commons by a majority altering the boundaries of constituencies of those who were politically dominant for the time being, and coming to this House and receiving, within a remarkably short period of time, the ratification of that measure, without any protest by any hon. gentleman who supported the administration. I think, with the undoubted expression of public opinion in the country—the returning to Parliament of a majority of fifty members supporting the principle of this bill—that this House will not consider it any portion of its duty, to call in question the propriety of the measure, and to object to its becoming law.

Hon. Sir MACKENZIE BOWELL moved the adjournment of the debate.

The motion was agreed to.

SECOND READINGS.

Bill (141) "An Act to confer on the Commissioner of Patents certain powers for the relief of the Penberthy Injector Company."—(Mr. Casgrain.)

Bill (158) "An Act respecting the Edmonton District Railway Company, and to change its name to the Edmonton, Yukon and Pacific Railway Company."—(Mr. Perley.)

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, 18th July, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

BUFFALO AND FORT ERIE BRIDGE COMPANY'S BILL.

REFERRED BACK TO COMMITTEE.

Hon. Mr. LOUGHEED moved:

That the resolution adopting the report of the Standing Committee on Railways, Telegraphs and Harbours upon the Bill (No. 96) from the House of Commons, intituled: "An Act respecing the Buffalo and Fort Erie Bridge Company," be rescinded and that the said report be referred back to the said committee for reconsideration.

He said :—In the absence of the hon. gentleman from Brandon I have been asked to move the resolution which appears on the motion paper in his name. I am happy to say that the misunderstanding which prevailed between the promoters of the bill and my hon. friend from Monck has been happily explained away, and I understand my hon. friend will consent to the motion passing.

Hon. Mr. McCALLUM—As far as I am concerned, if the House consider it right and proper that we should grant this motion, and will carry out the understanding they have come to—and I have every reason to believe they will—I have no objection whatever. We will see in committee what they will do.

The motion was agreed to.

THIRD READING.

Bill (J) "An Act respecting Usury."—(Mr. Dandurand.)

INTERCOLONIAL RAILWAY EXTENSION BILL.

THIRD READING.

Hon. Mr. MILLS moved the third reading of Bill (138) "An Act to confirm an agreement entered into by Her Majesty with the Grand Trunk Railway Company of Canada, for the purpose of securing the extension of the Intercolonial Railway system to the city of Montreal."

The motion was agreed to, and the bill was read the third time.

Hon. Mr. CLEMOW—I understood yesterday that this bill was to be postponed until the Drummond County Railway Bill was taken up. I have given notice of an amendment that I intended to move to this bill. I thought it was understood that the consideration of this bill should be deferred until the Drummond County Railway Bill had been considered, because if the Drummond County Railway Bill were rejected this bill would be unnecessary, and vice versa,

Hon. Mr. MILLS—My hon. friend will see that that rule would apply to either bill.

Hon. Mr. CLEMOW—This has been an exceptional bill all along, and we considered both bills together.

Hon. Mr. MILLS—That is what we are doing. We are going on with the other bill immediately. It would be impossible to do otherwise than to pass one first.

Hon. Mr. DANDURAND—Was not the converse proposition, as laid down by the hon. leader of the opposition, adopted; that if the Grand Trunk Bill passed, the Drummond County Bill passed de facto?

Hon. Mr. MILLS—That was the fact.

Hon. Sir MACKENZIE BOWELL—I might mention to my hon. friend that the Grand Trunk Bill might be passed, and they might utilize, under lease, the Drummond County Road, or they might make other arrangements by continuing the Grand Trunk to Lévis and Quebec, but if the Drummond County Railway should be purchased, and the Grand Trunk not leased, then you would have a road beginning nowhere and ending nowhere. The understanding yesterday was that the Drummond County Bill should be laid over until the government had prepared another clause to the bill, providing that it should not come into operation, nor the purchase be completed, until the agreement with the Grand Trunk Railway had been concurred in and agreed to by the shareholders of the Grand Trunk Railway Company.

Hon. Mr. MILLS—Yes.

Hon. Mr. CLEMOW—I move :

That the clause compelling the government to transfer to the Grand Trunk Railway at Montreal all unsigned western bound traffic, be amended by adding thereto, with "approval of the shippers, consignors or owners of freight destined for western points."

I gave notice correctly, but it was published incorrectly. The notice was that when the third reading of the Grand Trunk Railway Bill was called, I would move this amendment. But in the minutes it appears as an amendment to the Drummond County Railway Bill. Everything is wrong here. My intention was to give the parties having unconsigned freight in Montreal the option that their freight should not be transferred to the Grand Trunk without their consent. I think it is only reasonable. A great deal of freight goes to Montreal unconsigned. Under this arrangement all the unconsigned freight would be handed over holus bolus to the Grand Trunk Railway Company. I look upon this clause as a combine of the worst kind, and I want to remove that feature from the bill. Therefore I say that it should

be amended in accordance with my motion. If they do not object all right, but parties should have the power to approve or disapprove of their freight being transferred at Montreal. I do not think it will injure any one, but it will remove that hideous feature of the case—being a combine of the worst kind between the Grand Trunk and the Dominion of Canada. I do not think there is any precedent for it. I do not believe, if the records of the whole world were searched, that we would find an arrangement of this nature. It would be a great adventage if this amendment were accepted, and it could do no harm. If those parties having unconsigned freight think proper to object to their freight being transferred to the Grand Trunk, they should have the same privileges as owners of the consigned freight. I think the amendment will be an improvement to the bill, and I cannot see that it will injuriously affect any interest.

Hon. Mr. POWER—The hon. gentleman should have moved it at the third reading.

Hon. Mr. CLEMOW—This is the third reading.

Hon. Mr. POWER—I am not proposing to raise a question of order. The hon. gentleman can move his amendment, I suppose, at the last motion, that the bill do pass. though I have never known it occur. I wish to say a word or two on the merits of the proposition. The hon. gentleman thinks there is nothing like giving a dog a bad name. He says this is a combine of the worst kind. If there was no railway competition below Montreal, I could understand that there might be some force in the hon. gentleman's contention, but the fact is that we have at the present time at least one railway competing with the Intercolonial Railway, and there is no possibility of the rates being made unduly high, so that I think the combine argument fails. When you get to Lévis, there are two or three roads, and shippers who wish to have low freight can use some other road.

Hon. Sir MACKENZIE BOWELL—I rise to a question of order. There is nothing before the House which the hon. gentleman can discuss. We had better have the motion, if it is in order, put in the Speaker's hands.

Hon. Mr. CLEMOW—The bill has been rattled through the House so fast that nobody can understand it. Some thought that we were dealing with the Grand Trunk and some with the Drummond County Railway Bill. As far as the hon. gentleman's argument is concerned——

Hon. Mr. POWER—I rise to a question of order. If I cannot discuss the motion, the hon. gentleman has no right to reply to my remarks.

Hon. Mr. CLEMOW—I am only explaining.

Hon. Mr. POWER—That is all I was doing.

Hon. Mr. CLEMOW—I did not understand, and I do not think any member of the House understood what was before the House. I may not have made this motion in time, but I was following what I understood, rightly or wrongly, was the arrangement of yesterday. I merely want an opportunity to put this before the House and let the House vote upon it. I want to have it put on record that I took this course. As far as the hon. gentleman's argument is concerned, there is no force in that at all, because this is freight at Montreal going west.

Hon. Mr. DEBOUCHERVILLE—The hon. gentleman can move that the bill be not now read the third time, but that it be referred back to the Committee of the Whole.

Hon. Mr. MILLS—It has been read the third time.

Hon. Mr. McDONALD (C.B.)—In order to give the hon. gentleman from Rideau an opportunity to put his motion before the House, I move that the bill do not now pass, but that it be amended as he has suggested.

Hon. Mr. MILLS—My hon. friend cannot make that motion.

Hon. Mr. McDONALD (C.B.)—Yes, he can.

Hon. Mr. MILLS—The bill has been read the third time, and the House can only accept or reject it at the passing.

Hon. Mr. McDONALD (C.B.)—I remember some years ago a motion was made that a bill do not pass, and the bill was defeated. If a similar motion carries here, then the bill can be referred back.

Hon. Mr. SCOTT—The hon. gentleman is mistaken.

Hon. Mr. CLEMOW—I merely want the thing to be understood fairly and squarely. I do not care how you do it. I hope the leader of the government will not take advantage of my failure to understand the position of the bill.

The SPEAKER—This motion is in order only with the consent of the House. If it is the pleasure of this House, I can put the motion, but not otherwise.

Hon. Mr. CLEMOW—If hon. gentlemen do not consent you will have a hard time with other bills.

The SPEAKER—Is it the pleasure of the House that this bill pass?

Hon. Mr. CLEMOW—Yeas and nays.

Hon. Mr. SCOTT—My hon. friend, on reflection, I am sure will see that the proposition he made was not one that was tenable. It has reference to all freights not consigned. Freight might be from Russia, Sweden, Germany or elsewhere, sent to Canada. On the hon. gentleman's proposition, that freight would have to be detained in Montreal until you could communicate with the consignor.

Hon. Mr. CLEMOW—No.

Hon. Mr. SCOTT—That would be the effect of it, and it would not be reasonable at all.

Hon. Sir MACKENZIE BOWELL—I should like to call the attention of the House to the fact that the hon. gentleman is out of order. The motion was put and the yeas and the nays asked for, and nobody has a right to speak after the members are called in.

The Senate divided on the amendment, which was lost on the following vote:—

CONTENTS:

Hon. Messrs.

Aikins,	McLaren,
Allan,	McMillan,
Bolduc,	McSweeney,
Bowell (Sir Mackenzie),	Mills,
Casgrain,	O'Donohoe,
Cochrane,	Ogilvie,
Dandurand,	Power,
Dever,	Scott,
Dobson,	Snowball,
Ferguson,	Sullivan,
Fiset,	Templeman,
Forget,	Thibaudeau (LaVallière),
Hingston (Sir William),	Vidal,
King,	Villeneuve,
Lougheed,	Wark,
Macdonald (P.E.I.),	Yeo.—33.
MacInnes,	

NON-CONTENTS:

Hon. Messrs.

Almon,	McKay,
Armand,	McKindsey,
Boucherville, de (C.M.G.),	Merner,
Clemow,	Perley,
Landry,	Primrose,
McCallum,	Prowse.—13.
McDonald (C.B.),	

The bill then passed, on a division.

DRUMMOND COUNTY RAILWAY BILL.

THIRD READING.

Hon. Mr. SCOTT moved the third reading of Bill (133) "An Act to authorize the acquisition by the Dominion of the Drummond County Railway."

Hon. Mr. MILLS moved that the bill be not read the third time, but that it be amended by adding the following clause:—

This Act shall not come into force until after the bill of the present session, entitled "An Act to confirm an agreement entered into by Her Majesty with the Grand Trunk Railway Company of Canada for the purpose of securing the extension of the Intercolonial Railway system to the city of Montreal," is brought into operation by the Governor General's proclamation, as required by the said Act.

Hon. Mr. LOUGHEED—I yesterday gave notice that I would move the amendmend which appears in my name on the notice paper. I might say this was made at the suggestion of my hon. friend from Amherst, who observed the omission in the bill. I beg to withdraw it in favour of the amendment moved by the Minister of Justice.

Hon. Mr. ALMON—Does the hon. gentleman opposite think there is the slightest danger of the Grand Trunk Railway refusing to accept the bill which has been passed? The government have given everything the Grand Trunk Railway Company have asked, and the shareholders will hold up both hands in favour of it. I am not a prophet, nor the son of a prophet, but I venture to predict that as soon as this bill passes the stock of the Grand Trunk will go up.

Hon. Mr. FORGET—Buy some of it now.

Hon. Mr. DEBOUCHERVILLE—I do not intend to vote against this amendment, but I should like to understand it. The Grand Trunk Railway Bill has passed, and I do not see how this can affect it.

Hon. Mr. MILLS—I do not think, personally, the amendment is necessary. I have no doubt the Grand Trunk arrangement will be carried out, that it will receive the necessary support of those interested in the company, but some hon. gentlemen in the House seemed to think it was necessary to make assurance doubly sure, and suggested the amendment, and for the sake of facilitating the passage of the bill I concurred in that suggestion, and so we proposed this amendment. Of course if the Grand Trunk stockholders or shareholders were to decide against the arrangement which the managers of the company have made with the government, it would not go into operation, and the proclamation would not issue, and in that event it is simply provided that the other provision as to the Drummond County Railway should not come into operation either. I have no doubt that both will come into operation when they receive the sanction of Parliament, but as this amendment was asked for by some hon. gentlemen who supported the bill, I thought it was only courteous to them that we should agree to it.

The amendment was agreed to.

Hon. Mr. DEBOUCHERVILLE—I do not think that this amendment which has just been passed changes the position of the bill very much. Still it may satisfy some. But there is another point on which I am not satisfied. It is admitted, I think, by every hon. gentleman that if the contract with the Grand Trunk Company was broken we would find ourselves with the Drummond County Railway on our hands, beginning nowhere and ending in the same way. The question is, can this contract with the Grand Trunk be broken? Supposing the Grand Trunk does not well and faithfully perform all the covenants and agreements undertaken by this contract, would the government have a right to break the contract? I think it is the essence of a contract that if one party does not comply with all the conditions, the other party can break the contract. In that case, as it is not a contract with the Drummond County Railway, but a sale, the government will remain in possession of the road. I understand that the objection might be made, if the House reject the Drummond County Bill where will the government be? They will have no communication with the Grand Trunk. That is an entire mistake, because the Grand Trunk already has a road from Richmond to Point Lévis in better condition than the Drummond County Road.

Hon. Mr. MILLS—Not at all.

Hon. Mr. DEBOUCHERVILLE—The reason why I think it is in better condition is that the time tables show about the same time for the two, although one is longer than other.

Hon. Mr. SNOWBALL—There is a difference of three-quarters of an hour.

Hon. Mr. DEBOUCHERVILLE—On one express it is about the same thing. At all events, it is easily understood that at this moment, when the Grand Trunk is almost a necessity, there may be some understanding, but the Grand Trunk from Richmond to Point Lévis is certainly one of the best roads in America. It has been built without regard to expense. Everybody who travels on it knows what condition it is in. If we reject the Drummond County Bill, we will still have the same connection with Point Lévis by the Grand Trunk, and I am sure they would be glad to make another arrangement with the government to take that road, and by taking that road they would prevent the destruction of that country. That road is serving a large section, which will not be as well served if it is a local road. I think that we should not pass the Drummond County Bill. I therefore move that this bill be not now read the third time, but that it be read the third time this day six months.

Hon. Mr. MCCALLUM—I wish to say a word of explanation as to why I shall vote for the six months' hoist. I do not propose to sanction this arrangement when I take into consideration what has been said by the members of the House about it. The hon. gentleman from Brandon said this measure was conceived in sin and brought forth in iniquity. He may have changed his mind about it, but I have not changed

mine. The leader of the opposition said it was a damnable bill. What change has come over these hon. gentlemen? Have they been sufficiently satisfied so that this new bill is acceptable to them after all they have said about it? It is not satisfactory to me, and I shall not vote for it. I am just as anxious as anybody to get the Intercolonial to Montreal, but at the same time I have not been satisfied about this matter. Therefore I do not think I should be doing my duty if I gave a silent vote on this question, because it is well known, from the discussion which took place here and what people have stated, that this is the same arrangement that we had two years ago. For that reason, I do not intend to vote for it. Other people may have new light. I should like to know from where the new light has come. I have not been able to see it and I have tried to look for it. Probably I am not so bright as some people who get light, but if I had characterized the bill as conceived in iniquity and brought forth in sin, and as a damnable bill, I would want considerable light before I would support it. I have opposed it from the beginning, and I have not changed my mind at all. We hear of contractors like the hon. gentleman from Glengarry going over that road who say that they could build two roads for what we are paying for this. I spoke the other day of something being for the boy in it and helping the machine, there is no doubt in my mind there is something being done in that way. Of course I think so, but I cannot think too loud. They may be operating the same as MacNish, and I have no doubt we will have a MacNish who will confess the whole thing by and by when we get it before the courts. I have given sufficient reasons why I should not vote for the bill, and I hope I will satisfy the people of the country when I record my vote against this bill.

The amendment was lost on the following division: —

CONTENTS:

Hon. Messrs.

Almon,	McKindsey,
Armand,	Merner,
Boucherville, de (C.M.G),	Miller,
Clemow,	Montplaisir,
Landry,	Owens,
McCallum,	Perley,
McDonald (C.B.),	Primrose,
McKay,	Prowse.—16.

NON-CONTENTS:

Hon. Messrs.

Aikins,	MacInnes,
Allan,	McLaren,
Baird,	McMillan,
Baker,	McSweeney
Bolduc,	Mills,
Bowell (Sir Mackenzie),	O'Donohoe,
Casgrain,	Ogilvie,
Cochrane,	Power,
Dandurand,	Scott.
Dever,	Snowball,
Dobson,	Sullivan,
Ferguson,	Templeman,
Fiset,	Thibaudeau (LaValliere),
Forget,	Vidal,
Hingston (Sir William),	Villeneuve,
King,	Wark,
Lougheed,	Yeo.—35.
Macdonald (P.E.I.),	

The motion for the third reading of the bill was agreed to, and the bill was read the third time and passed.

CUSTOMS ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (154) "An Act further to amend the Customs Act."

(In the Committee.)

Hon. Mr. SCOTT—This bill is promoted by one of the provinces of the Dominion, and perhaps other provinces, to enable sportsmen from the United States who take out a license in Canada under certain conditions to take back with them a part of their spoils. I think in most of the provinces they are limited to two deer, and this authorizes the Governor General in Council to make regulations for the carrying out of the proposal to allow them to take the carcasses out of the country.

Hon. Sir MACKENZIE BOWELL—Unless this bill is restricted in its operation I should be inclined to cast my vote against it. If I understand the bill, it is to change the Customs Act so as to permit the exportation of deer. Is it only to the extent to which they may be shot in the different provinces? If it goes beyond that, then it would be dangerous.

Hon. Mr. SCOTT—It is not beyond that. It is at the instance of the provinces.

Hon. Sir MACKENZIE BOWELL—That is a matter of little consequence to me. I am not wedded to what the provinces want. When I had the honour of being in the

government, we forbade the exportation of deer, cariboo, moose and that character of game for the reason, that the Canadian woods were being depleted of these animals. Foreigners used to come in by hundreds during the shooting season and export deer by thousands until you could scarcely get a deer in our woods. I am speaking particularly of Ontario. Then the Federal Government passed a law prohibiting the exportation of deer. After that the provinces took the question into consideration and passed Acts for the preservation of game. In Ontario no one is permitted to shoot more than two deer. If the licensee, whether he be from the United States or Europe, obtains a license, do I understand that under the law he is restricted to the killing of two deer, and that if that be the case will he be restricted under the operation of this Act to the exportation of two deer?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—I do not know the law in New Brunswick and Nova Scotia, but in the province of Quebec a huntsman can kill two moose, two cariboo and three deer within what is termed zone No. 1. In zone No. 2 the right to kill is extended to four moose instead of two, and is restricted to two cariboo and three deer. In all cases, however, deer are prevented from being shot. What I should like to know, before proceeding any further, is whether the wording of this Act would prohibit the exportation of more than two deer in Ontario, and two moose and two cariboo or three deer in the province of Quebec. Perhaps some gentleman from the maritime provinces could tell us the law in those provinces. The bill reads:

For regulating the number of deer and parts thereof which may be exported in any year when shot under provincial or territorial authority in Canada.

That seems to me to restrict the exportation to the number they can shoot at present, but if the law were changed in either of these provinces, and they were permitted to kill deer indiscriminately, then they would have the right to export indiscriminately, and whether that should be restricted, or whether we should wait until that event occurs, is a question for the hon. minister to consider.

Hon. Mr. ALLAN—As far as I can learn, this bill is sought for more by the agents of steamboats and hotels and railway companies and others who are interested in that way, who think that by the passage of this law, allowing those coming in from the United States to shoot to carry off their game, it will be the means of affording additional attractions to travellers, and so increase the number of people visiting the different parts of the country, and bring no money to the railways and hotels. I do not believe that any sportsman really wants a bill of this kind. I am sorry to say that I was unable to obtain an opinion from those I wrote to in Toronto since this bill was introduced. I know that they are true sportsmen, but, unfortunately, they are all out of town. My objection to the bill is that it would tend to increase the number of pot hunters, who would come to the country to shoot and take away game with them for the purpose of sale. In Ontario, the law as it stands limits the shooting to two deer for each person, but even with that limit there are ways and means found of getting round the regulations, and it is extremely difficult for the game wardens to prevent evasions of the law, although in the last few years they have been doing their best to enforce the law and do their duty. The results have been that in may parts of Ontario the deer have increased. If this bill is passed, I think it will add to their difficulties, and we shall have a number of people mere pot hunters coming in for the sake of shooting and selling the deer. As to the objection made by my hon. friend that the deer, if not allowed to be taken away would be left to rot on the ground, there is no danger of that. Any one who shoots a deer, can easily dispose of it. As far as I am concerned, I should be very sorry if the bill passed.

Hon. Mr. POWER—I may say, for the information of the hon. leader of the opposition, who asked something about the law in the lower provinces, that in Nova Scotia the exportation of moose hides and carcasses and cariboo hides and carcasses is strictly forbidden by customs law, and while this bill does not expressly mention moose, I think the term "deer" would certainly cover cariboo, and might cover moose. As one interested in the preservation of game in Nova Scotia, I should be very sorry to see the bill passed. The community, as every hon. gentleman knows, is divided into two classes on the subject of game. There are those who

want to make the most possible money out of the game just to-day, and there is the class who wish to preserve the game so that the game may afford amusement and profit to future generations, as well as to the present generation. It seems to me, hon. gentlemen, that in the present instance the Minisster of Customs has been perhaps, to a certain extent, unduly influenced by the people who are always in the majority, who want to make a little money here and now It is perfectly true that if you could guarantee that this alteration of the law, when it went into operation, would not be abused, there might not be a great deal of fault to find with it. But, as a matter of fact, there will be all sorts of abuses and frauds connected with it. That has been the experience of every one who has had anything to do with the enforcement of the game laws. Pot hunters, and others who are anxious to make a little money out of game, are ready with all sorts of tricks and subterfuges and even fraud in order to succeed in their object. A difficulty will occur at once. This enactment proposes that the Governor in Council may make orders for regulating the number of deer and parts thereof which may be exported in any year, &c. You will have this sort of thing happening : each man, as I understand it, in the province of Ontario who procures a license is allowed to shoot two deer. Then you will have a man come and ask to export two deer, a man who has been hunting and perhaps has not shot any deer, and you will find the pot hunter who has killed a dozen deer making use of people who have not shot any to export the whole dozen. I am satisfied that it will be almost impossible to prevent the evasion of this law. I do not think there is any large class of the population who are asking for the change. With respect to the game of the country, Providence put it here in the first place for the use of the inhabitants of the country, and I do not think that, for the purpose of meeting the views of a few gentlemen who come here, a large diminution of the game should be encouraged. If there was a provision that a man who had shot a deer might take the horns away with him I should not so much object, but when we come to admitting hides and carcasses the inducement is too great. It is not a measure on which the fate of which the government depends, and I propose to use my right as an independent member to vote against the bill.

Hon. Mr. SCOTT—As I explained, the Minister of Customs was very much impressed with the representations of sportsmen who come into the country and spend a good deal of money. I speak only of the province of Ontario, for I have no knowledge of the game laws of the other provinces. A sportsman is allowed to kill two deer. These sportsmen spend very large amounts of money in the country purchasing equipments, food, tents, &tc., and employ guides and others, and they represented that it seemed very hard that, having paid their money for their licenses, they would not be allowed to take away the deer they were allowed to kill. I see the force of the argument that the privilege under this bill may be abused. I presume it would all depend on the arrangement made by the Customs Department. All this clause does is to allow the Governor in Council to make such an arrangement as will enable them to permit the number of deer a sportsman is allowed to kill to be taken out of the country. I quite see the opportunity for abuse.

Hon. Mr. CLEMOW—As I understand it, every man is obliged to take out a license?

Hon. Mr. SCOTT—Yes.

Hon. Mr. CLEMOW—For which he has to pay $25. He is supplied with tags by the Customs department, so as to furnish evidence that the deer was killed by the same person who had the license. I think if a man shoots two deer under such circumstances he should be allowed to take them away. Under the present arrangement, it is impossible to deceive the Customs Department. They are obliged to present the tags at the customs when making the entries. Am I right?

Hon. Mr. SCOTT—Yes.

Hon. Mr. CLEMOW—I think every precaution is taken to prevent more than two deer being killed and taken out of the country by any one sportsman. If you come to the conclusion that sportsmen should not kill any deer, then make restrictions, but if you think two deer is a reasonable number to kill, you shoul allow the sportsmen to take away two deer, because it is

better to have them taken away than to leave them to rot in the woods.

Hon. Mr. POWER—They are not allowed to rot in the woods.

Hon. Mr. CLEMOW—What can they do with them?

Hon. Mr. ALLAN—Sell them in the country.

Hon. Mr. CLEMOW—As long as a customs tag represents a deer, what difference does it make in whose hands it is?

Hon. Mr. LOUGHEED—It seems to me the opposition to passing the bill is illogical and inconsistent, when we take into consideration the rights of the provinces in regulating the game laws. If the provinces have the right to protect these animals and to deal with them exclusively, I see no reason why the power should not be vested in the Governor in Council, when any particular province makes such representations, to permit the exportation of property which admittedly belongs to the province. It seems a most selfish ground to take, and is simply a dog-in-the-manger policy. The animals belonging to the province, the power to deal with them is vested in the province.

Hon. Mr. POWER—The legislation forbidding the exportation of these hides and carcasses was introduced at the instance of the provinces acting in their legislative capacity. Now, is there any evidence that the provinces in the same capacity, have asked to have this prohibition removed?

Hon. Mr. LOUGHEED—Yes, I can very well understand a province becoming overzealous in regard to a particular matter, and legislating without fully contemplating the results which might arise from a particular line of policy, and afterwards seeing the mistake they have made in asking the Dominion to pass restrictive legislation. I understand from the Secretary of State that this legislation has been asked for by the provinces.

Hon. Mr. SCOTT—The province of Ontario I spoke of.

Hon. Mr. POWER—The hon. gentleman said certain United States gentlemen have made representation to the Minister of Customs.

Hon. Mr. LOUGHEED—I take it for granted the statement made by the hon. Secretary of State is correct, that the province of Ontario has desired this legislation, and it is legislation of a nature which should be passed. Prohibitions of this nature should be of an elastic character—should be possessed of such flexibility that the right should be granted when certain grounds are submitted to the Governor in Council to induce the Governor in Council to use and exercise the right. If the power is vested in the Governor in Council, all the ills which have been pointed out by my hon. friend from Halifax cannot possibly arise. I certainly shall support the bill.

Hon. Mr. McSWEENEY—The province of New Brunswick gets a revenue of six or seven thousand dollars a year from licenses. They charge outsiders about $20 each and give them the privilege of killing so many moose, and it seems very strange, when you give them the privilege of killing so many, that you do not allow them to take them away. In many instances moose has been left to rot. Six or seven thousand dollars is quite an object to the government. Every deer costs from fifty to a hundred dollars to the man who kills him. I think it is a great mistake to prevent the exportation of these animals.

Hon. Mr. MILLS—We must not confuse the functions of the provinces in this matter with ours. The preservation of game in this province belongs to the province. It does not belong to us, and I do not think it is any portion of our duty to undertake to frustrate the policy of the province, even though we may think that policy is not the wisest or the best policy to pursue. The propriety of permitting foreigners to come in and shoot game, which may have the effect of greatly diminishing the abundance of game of any particular kind in the country, is fairly open to question, but in the provincial legislature and not in the Parliament of Canada. What we are undertaking to do here is, not to decide whether it is best or wisest for us to permit people from the United States or any other foreign country to come in and obtain licenses to kill game in any one province in accordance with the provisions of the law; but where a province has granted to a party from abroad a license, and he has killed game in the country under that license, and in conformity with the law,

whether we should allow him to take that game away with him or not. I cannot myself see any good reason why we should not allow him to take with him to his home what the local legislature have, under their license, allowed him to kill. If it is found by experience that an immense number of foreigners would come into this country and obtain licenses for killing game, and that the result of permitting them to take the game away was simply to greatly increase the number of licenses, that is a matter which at a very early day would come under the attention of the local legislature in each province, and they might amend their laws, but as long as they legislate in the direction in which they do, I do not myself see any reason why the Dominion should not permit the parties to take with them the game which they have killed. The laws of the several provinces may be very different with regard to the preservation or killing of game. It largely depends upon its abundance or its scarcity, and if this matter of the exportation is regulated by the Governor in Council, it would be possible to adjust the regulations to the particular law of each province so as, in that regard, to permit the parties to enjoy the fruits of their skill as hunters, and for which they have already paid.

Hon. Mr. CLEMOW—You can limit the number of licenses, can you not?

Hon. Sir MACKENZIE BOWELL—No, because that is under the control of the local government. If I understand it aright, the Ontario Government charge a license to foreigners coming in, no matter from what part of the world, of $25.

Hon. Mr. FORGET—Not only foreigners, but from the province of Quebec.

Hon. Sir MACKENZIE BOWELL—And their own people too.

Hon. Mr. FORGET—Yes.

Hon. Sir MACKENZIE BOWELL—They charge $25 to every one except the settlers in the rear counties, who are allowed to shoot so many every year for food. It has to be shown that the hunters who hold licenses have killed only two deer, and tags must be attached to them, showing that the license fees has been paid. If that is strictly carried out, the danger of exterminating the game would be avoided altogether. If the Minister of Customs were to adopt such regulations as would compel the exporter to produce a copy of his license under which he shot the two deer, there could not be much danger arising from the passage of the bill. The only fear that I have is that that law might be evaded, and by some means injury done to the game such as existed prior to the passage of the law preventing the exportation of game. When that clause was placed in the Customs Act it was done at the instance of the different provinces and at the instance of the game clubs, and all who were interested. The province not having the power to prevent the exportation of game, applied to the Dominion Government of the day, to place such a law on the statute-book, so as to prevent it. Now I understand these same provincial governments have asked to have the law so amended as to permit the exportation of that quantity of game which the laws in each province permit a sportsman to shoot. If that be the case, and it is not carried beyond that, I do not see how any harm can arise. I do not think it is the foreign sportsmen who have urged this so strongly on the government. It is the railway companies, and hotel keepers, that have more to do with it than any one else, and they say that during those periods in which the sport can be followed, people come to this country and spends immense sums of money. As my hon. friend from Moncton said a moment ago, a sportsman comes in and spends $400 or $500, and all he gets are two deer if he can shoot them for two or three weeks sport. That is the class of people we want to see in this country as much as possible. It is in the interest of the carrying trade, in the interest of those furnishing them with food and supplies for that time, and if it can only be guarded so as not to have the effect indicated by the hon. gentleman from Halifax I do not see any harm in the bill.

Hon. Mr. POWER—It was very stupid in me that I did not notice earlier the most objectionable circumstance connected with this measure. It is this: it is stated by the hon. Secretary of State, and I suppose there is no question that the statement is correct, that this enactment is intended to pave the way for allowing sportsmen from abroad to take with them the number of deer which they are allowed to kill, but the enactment

before the committee is not limited to those people at all. Under this enactment the residents of Canada can shoot and export. In our province the man who is domiciled in the province is not obliged to get a license, and I think it is the same way in New Brunswick. All over the province of Nova Scotia you would have the residents of the province, who have not been in the habit of killing moose or cariboo, as soon as the market was open for those animals in the United States going into the slaughtering of those animals wholesale, and if the measure is one intended for the purpose indicated by the Secretary of State, I think he ought at any rate to amend this enactment by inserting after the word "person" in line 12, the words "not domiciled in Canada," so as to limit it to outsiders. Otherwise, we should have a wholesale slaughter of our large game, and all the efforts which we have been making to protect them and prevent them from being exterminated would be defeated.

Hon. Mr. ALLAN—A gentleman from British Columbia has told me that there is no restriction in that direction now. What I fear is that under this bill, whereas at present the great majority of those who come to Canada from the United States are real sportsmen, who come for the excitement and pleasure of sport and to whom the mere value of a carcass is a trifling consideration, under this bill the number of pot hunters who come to take animals away for the value of them will be greatly increased.

Hon. Mr. SCOTT—I shall be glad to accept the amendment proposed by the hon. gentleman for Halifax, to insert the words "not domiciled in Canada." Of course this does not give the authority. It simply empowers the Governor in Council to make regulations, and with the strict gentleman at the head of the Customs Department, you may rely on it that the regulations he would make in matters of this kind would be sufficiently stringent. I should like to correct an expression of the hon. leader of the opposition in which he said I spoke with the approval of the provinces. I spoke merely of the feeling in Ontario.

Hon. Mr. TEMPLEMAN—The hon. gentleman from Toronto has just made a remark that he believed there was no restriction in British Columbia in respect to the quantity of game that may be killed. I believe I made such a remark the other day, and the hon. gentleman was possibly misled by it. I find by the statutes of British Columbia that licenses may be granted to parties not domiciled in British Columbia at a charge of $50, and that under that license they may kill not more than ten deer, five cariboo, three mountain sheep, five mountain goats, two bull wapiti and two bull moose.

Hon. Mr. SCOTT—That is a liberal allowance.

Hon. Mr. TEMPLEMAN—Although the charge is high, it is a liberal allowance of game. There is one thought suggested by the British Columbia Act on which I should like the opinion of the Minister of Justice. Our law makers have arrogated to themselves the power to prohibit the exportation of game from the province. I understand that is also the law of Manitoba, that if you kill game there you cannot export it from the province. The 4th clause of the British Columbia Game Protection Act says:

> No person shall at any time purchase or have in possession with intent to export or cause to be exported or carried out of the limits of the province or shall at any time or in any manner export or cause to be exported, &c.

Assuming that the province has that power, that this law is intra vires of the province, what effect would this proposed amendment to the Customs Act have on the British Columbia law? If the provinces give licenses to sportsmen, it is only fair that those sportsmen should be permitted to take home with them the spoils of the chase, that is only fair and right. Still you see it is rather an anomalous condition of affairs, so far as British Columbia and Manitoba are concerned. If the law there is law, you cannot in those provinces export the animals, even if you pass this bill.

Hon. Sir MACKENZIE BOWELL—I have long been of the opinion, as a layman, that the provinces have no right to prevent the exportation of any game—that, in fact, the law which the hon. gentleman has read, and also that of Manitoba is ultra vires. That is my impression as a layman. The Minister of Justice could tell us better what he thinks of it.

Hon. Mr. ALMON—I do not see how the suggestion of the hon. gentleman from British Columbia could be carried out. He must know that frequently of the basket of

fish which a fisherman brings home, a certain portion is caught by himself and a portion with a silver bait, and you cannot tell how much game, under a license, a man may have shot and how much he may have bought.

Hon. Mr. MILLS—I do not know that it is any portion of my duty to expound the law to the Senate Chamber. It is sufficiently difficult to do that to the Crown, when the subject specially comes up for consideration, but I have an opinion upon this question and I can state that opinion as a senator. My opinion is that the legislation of British Columbia, in that regard, and of the province of Manitoba, are very close to the border which separates laws which are intra vires from those which are ultra vires. I take this by way of illustration. The Crown is the proprietor of all the lands in British Columbia that are not in the possession of private individuals. Where the Crown has not parted with its title, so far as wild game is concerned, it stands in respect to that game in much the same position that any proprietor would be who finds game on his property. It is largely by virtue of its proprietory rights that the powers of legislation arise, and when it undertakes to legislate what shall become of it after it ceases to be game, the matter is then somewhat altered. Supposing a proprietor who owns a park permits a party to shoot game in his park, and gives him a license to do so upon condition that he will not sell any portion of the game outside of the county or district in which he is, he makes a contract, and it may be that that contract may be enforced—that he may be able to enforce that contract against the party who has killed the game, because that was one of the conditions on which he was allowed to shoot or kill the game, but he could not make any general regulation that would bind the party, and what the province may do under a contract or license between themselves and the individual hunter, is a different thing from a general regulation which it may undertake to enforce as law. I do not think that a province could undertake to prohibit the exportation of game as a law, but they might enforce a contract into which they have entered with the individual who obtained the license. The same point was well discussed some years by Bether and Keating, as law officers of the Crown, when they asked whether the Hudson Bay Company, under their charter, could prohibit persons trading with the Indians in the Hudson Bay district. They said the Crown could confer upon them no power to establish a monopoly of trade, but they might do that as proprietors. Being proprietors of the country and having the fee simple, they might treat everybody as trespassers who undertook to land upon their territory and deal with any of those who were resident within their territorial limits. This question stands very much in the same position.

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

Hon. Mr. FORGET—Must the game be shot by the sportsman who has the right to to shoot it.

Hon. Mr. SCOTT—Yes.

Hon. Mr. FORGET—How will you prove that he did shoot it?

Hon. Mr. SCOTT—He must satisfy the customs.

Hon. Mr. FORGET—I have seen parties of five or six trying to shoot for about ten days and they could not kill a deer, but they got their guides to shoot them, or bought them from settlers, and I do not know what they did with them. Could you prove that these gentlemen had not killed those deer?

Hon. Mr. SCOTT—They would have to satisfy the customs officers at the point of export that they had a license, and that they had killed the deer. The customs officer may be deceived.

Hon. Mr. FORGET—I belong to a club where we have 200 miles of shooting and some Americans are members of the club. I daresay there are about a dozen of them. Outside of two, I never saw one shoot a deer yet, but they had some deer. They bought them. Whether they exported them or not, I cannot tell.

Hon. Mr. SCOTT—They could not export them.

Hon. Mr. FORGET—They brought them to the railway station and shipped them to Montreal.

Hon. Mr. BOLDUC, from the committee, reported the bill with an amendment, which was concurred in.

The bill was then read a third time, and passed on a division.

BILL INTRODUCED.

Bill (162) "An Act to incorporate the Belleville, Prince Edward Bridge Company."—(Sir Mackenzie Bowell.)

THE REDISTRIBUTION BILL.

DEBATE RESUMED.

The order of the day being called:

Resuming the adjourned debate on the motion of Hon. Mr. Mills for the second reading (Bill 126) "An Act respecting Representation in the House of Commons."

Hon. Sir MACKENZIE BOWELL said:—In rising to address the House on this, to my mind, very important question, I must adopt the rule usually followed by young members, of asking the indulgence of the House for some little time in discussing the question. I am sure that every hon. gentleman who listened to the speech, or the first three-quarters of an hour portion of the speech of the hon. Minister of Justice in introducing this measure, did so with interest and I might say with pleasure. It was instructive in its historical character, giving, as it did, a short résumé of the history of the introduction of the franchise, and also of the establishment and organization of constituencies. I regret exceedingly that I cannot express the same opinion of the latter portion of his remarks. The first portion, being historical and somewhat theoretical, the hon. was perfectly at home. When he came to deal with that which is practical, and which is brought into operation almost every day of the year, then it struck me that he was, if I might be permitted to say so, rather out of his element. The hon. gentleman laid down the principle first, that this was a measure with which the Senate, as such, should not interfere, regulating, as it did, the electoral districts of the House of Commons. It is only another illustration of that policy which the hon. gentleman and the party with which he is connected have been invoking since they have been in power, that is, the policy of denying to others the privilege which they claimed they had the right to exercise when they were in the position which we now occupy. If it were right for the present hon. Secretary of State, when he was leading the opposition in this House, to move a motion to destroy a bill which came before us legitimately and based upon the constitution which governs us, the hon. gentleman ought at least to allow the same privilege to be exercised by those who are dealing with a measure which is ill-timed, and which is presented to us at a period not provided for by the constitution under which we live, and by which the country is governed. However, that is a question with which I will deal at a later period. My hon. friend also discussed for some length of time the policy adopted by the Imperial Government when they were dealing with the question both of the franchise and of electoral districts. If my hon. friend had pointed out this important fact, that England is governed principally by precedent, and that we in Canada are controlled and limited in our legislation by a written constitution, particularly as affecting these questions, he would then have presented the question to the Senate in a much more enlightened and intelligent manner—at least, that is the view that I hold upon this question. The Imperial Government has the right, at all times, to change, alter and amend as they may think proper. We in this country can only go so far as the constitution permits, and when we step beyond that we are doing that which we have no constitutional power to do. The next point my hon. friend dealt with, and at some length was the question of representation by population, and the question of boundary lines. These are the only points, as far as my recollection serves or my notes indicate, with which the hon. gentleman dealt during his hour and three-quarter speech, and those are the portions to which I shall draw the attention of the members of the Senate as briefly as I can.

Hon. Mr. POWER---It was an hour and one quarter speech.

Hon. Sir MACKENZIE BOWELL—That will give me three hours if I deal with each point an hour at a time. In the first place I am led to believe, looking at the bill, that it is not introduced so much for the purposes which were indicated by the hon. Minister of Justice, as to gain a temporary political advantage over his opponents at the next election. Taking

the speeches of those who have spoken on this question in defence of the measure, we can come to no other conclusion. Who the author of this bill is, I am not prepared to say, but judging from the fact that the hon. minister himself was in Ottawa during the absence of his colleagues, I attribute the authorship of it to himself; and I am led to that belief from the fact that, if the reports in the newspapers be correct, the hon. gentleman was in correspondence with his party friends in different parts of the Dominion in order to ascertain what their views were as to the division of the electoral districts. I make this statement from what I read in the British Columbia newspapers, in which it was stated that members of the Liberal party had been in correspondence with the hon. gentleman, and that his reply to them was, to consult the different Reform associations in the province and acquaint him with what they desired to have done in the matter of redistribution.

Hon. Mr. MILLS—Perhaps my hon. friend will permit me to interrupt him at this point, and to say that I believe that I wrote but one letter on the subject, and that was in reply to a member of a Reform association in British Columbia, Vancouver I think it was. He had written to me.

Hon. Sir MACKENZIE BOWELL—I am only speaking of what I read in the newspapers. My remark was that he had replied to applications made to him as to what they were to do, and he told them to consult the different Reform associations, in order that he might be in a better position to so draft his bill as to give them that assistance which they desired in the elections. Looking at the papers, we find that the master mind of the present administration, Mr. Tarte, when touring through the province of Ontario, told the people what they, the ministry, intended to do. He said, at a banquet given on 28th, April in Brantford:

> I have no hesitation in saying that, knowing Ontario as I do, when the gerrymander is undone—and we will undo it—when the gerrymander is undone we are going to take the life out of them in Ontario as we have dons in Quebec.

Knowing the people of Ontario as well as I have known them for a great many years, I am very much inclined to think that a threat of that kind, coming from the hon. Minister of Public Works, will have very little effect when they have an opportunity of expressing their opinions at the polls.

Hon. Mr. McMILLAN—Unless they have a machine.

Hon. Sir MACKENZIE BOWELL—No doubt the machine may be in operation, unless the government—as I hope they will—adopt the measure that has been introduced in the lower House, to try and prevent its working. If they do not do it, let us hope our own provincial legislature will attend to the matter, although I have very little confidence in them, because they have resisted every attempt on the part of the leader of the opposition, Mr. Whitney, to place a law on the statute-book to prevent the operation of that "threshing machine," which no doubt they will "hug" whenever an opportunity presents itself. I find that Mr. Mulock, the Postmaster General, in introducing the bill, stated as follows:—

> It has not been the custom in the Canadian Parliament to make changes in the constituencies except in the session immediately succeeding the decennial census, but it has happened that, ever since confederation, the census and the succeeding redistributions have always taken place while our political adversaries were in power.

If that policy is to be adopted, where is this redistribution of seats to stop? If it be right, because one party has succeeded, that they may immediately change the electoral districts and gerrymander them, or so arrange them as to give them political influence, it opens the door for a redistribution at any time upon a change of ministry. I hesitate not to say that the constitution never contemplated anything of the kind. If you read the speech of the Postmaster General carefully you will find that the political element pervades every sentiment in it. He went so far as to point out the different members of the House of Commons who were to be beheaded when this bill becomes law, as I shall point out in a very short time. The mode of redistribution in Toronto and London was intended, and could have been for no other purpose, than to behead the gentleman who represents East York and the gentleman who represents West York in the House of Commons. The principle of adhering to boundary lines is so ridiculously absurd when applied to the bill before us, that one can scarcely understand why the minister based his whole argument upon that particular point. I might have added to my remarks in reference to the minister communicating with members of the Liberal party, that it is

stated, and I believe upon very good authority, that some of the—shall I call them machinists—who cannot be secured at the present moment to give evidence in the courts in the election trials now affecting West Elgin and Huron, were in the city, namely, Capt. Sullivan, and also a Mr. Hewitt: is it true that these gentlemen were here in communication with the government, indicating to them how they should distribute the electoral divisions in Ontario. I speak of Ontario more particularly, because scarcely any of the other provinces are affected by this bill. Quebec is affected to a slight extent, and I shall refer to Quebec by and by. But here are two well known heelers. Here are men who have been proved in the courts of Ontario to have carried on a systematic policy of bribery and corruption, who have absented themselves from the courts of law; whether they have got out of the province or not I do not know. But they are outlaws to all intents and purposes, and one of them, if not the other, has already been disqualified for eight years on account of his actions in South Ontario. If those are the men with whom the hon. gentlemen consult about their arrangements, it does not redound much to their credit.

Hon. Mr. MILLS—Does the hon. gentleman charge the government, or any member of the government, with consulting these men?

Hon. Sir MACKENZIE BOWELL—No, I said they were here, and merely ask the question.

Hon. Mr. MILLS—It is a most improper insinuation.

Hon. Sir MACKENZIE BOWELL—I do not mean it as an insinuation. I mean to say that their being here under the circumstances, it is not at all unlikely that they did call upon the hon. gentleman. Whether he accepted their advice or not I do not know. I have not sufficient confidence in the members of the government——

Hon. Mr. MILLS—I beg to say to the hon. gentleman that I know not these men. I have not read the proceedings, I have been too much engaged to know what has happened in Ontario. I never saw either of the men whose names he has mentioned, and if that has been said I say that it is a most atrocious calumny, utterly unworthy any man stating elsewhere or repeating here.

Hon. Sir MACKENZIE BOWELL—Knowing the party, as I have said, for the last 40 or 50 years, knowing what has transpired within the last 12 months, in the different courts, and the intimate relations existing between those in power and those who committed the crime of tampering with ballot boxes and bribing, I should not be at all surprised to find them in close union in any matter affecting the franchise, or any other political matter. I accept the hon. gentleman's statement, he says he knows nothing about them and has not read the proceedings. It is not a question whether he read the proceedings of the courts. I merely mention this incidentally to show the parties who were here, and supposed to be in consultation with the government upon this question, who had been in the different constituencies doing that which they should not do, and for which some of them have been disqualified, and if they can be got hold of in the witness box again, may possibly suffer for their crimes in some dungeon; at least if they do not, they ought to. My hon. friend was very particular in denouncing the statement—not particularly denouncing it, but in trying to prove that he and his party were not in favour of—perhaps I had better not say that—that the party only advocated representation by population in so far as it affects the different provinces.

Hon. Mr. MILLS—I did not say that.

Hon. Sir MACKENZIE BOWELL—When I referred to this question of representation by population, the hon. gentleman said a short time ago that, so far as the constitution was concerned, it only referred to the provinces, and that the representation of each province must be based upon its population, but that question of representation by population was not to be considered in the arrangement and redistribution of seats in the provinces.

Hon. Mr. MILLS—I did not say that.

Hon. Sir MACKENZIE BOWELL—I am rather surprised to hear my hon. friend's reply, because we all know that this country at one time was almost in a state of revolution upon that question, and it is well known also that all parties, or nearly

all parties, were at a later period of our history in favour of that principle. It is true Sir John A. Macdonald, as leader of the Conservative party, never laid down the principle that representation by population should be the sole basis of representation. He took very much the view my hon. friend did the other day, when he said that no binding rule of representation upon that basis could upon any principle be adopted, and in that I fully concur, as I did in the remarks which I made in 1882 in reply to the Hon. Edward Blake when he criticised very severely the redistribution of seats at that time. I then stated that the redistribution of the seats, in Ontario particularly, and in other sections of the province, was based upon the population of the different districts as nearly as it was practicable to do so. It is utterly impossible—and more so if you confine the representation to county lines—to adhere to that principle of representation by population, and it was upon that basis and solely that the Act of 1882 was framed.

Hon. Mr. POWER—Hear, hear!

Hon. Sir MACKENZIE BOWELL—And that was the reason why the different townships were taken from one district and one county and added to another.

Hon. Mr. DANDURAND—Without party consideaation at all?

Hon. Sir MACKENZIE BOWELL—My hon. friend was not the party who was dealing with the question. If he had been, I am quite sure party would have been paramount in his mind. I have no desire whatever to shirk the responsibility attached to that Redistribution Bill, and I state further, that when it was found that we had to so readjust the representation as to give to Ontario six new members, we found it necessary to make those changes which I have indicated, as we had to gave one or two places an additional member. On this question of representation by population, as Sir John Macdonald's name has been mentioned repeatedly in connection with this branch of the subject, I desire to read one or two extracts from speeches delivered by him. In 1872 he said :

In determining the mode of distributing the new seats, the government took into consideration the principles which have guided the establishment of the elective system in the provinces ever since they have been provinces; and it will be found that in them all, while the principle of population was considered to a very great extent, other considerations were also held to have weight, so that different interests, classes and localities should be fairly represented, that the principle of numbers should not be the only one.

While he lays down that general principle, he first starts out with the declaration that the principle of representation by population was considered to a great extent. Then, so far did the party which my hon. friend leads in this House go, that he supported a motion made by the hon. member for Lambton, the then leader of the party, the late Hon. Alexander Mackenzie. I find in *Hansard* that I made these remarks, to be found on page 1377 :

At that time, so much in love with the principles of representation by population were hon. gentlemen opposite, that they denounced the government for not demolishing the small boroughs of Brockville and Niagara. They supported it to such an extent that the hon. member for Lambton moved the following resolution affirming that principle:—

"That the six additional members to be allotted to Ontario are due to the increased population of that province, and should be allotted with reasonable regard to the population. That the bill be referred back to a committee of the House with instructions to amend the same by allotting members for Ontario in such a manner as to give, as far as practicable, representation to those parts of the population which, by the present division would be excluded from their fair share of political power."

My hon. friend opposite voted for that motion.

Hon. Mr. MILLS—Yes; a proper motion.

Hon. Sir MACKENZIE BOWELL—He voted for a motion affirming the principle of representation by population, which he now says is not necessary and should not be exercised in a pedantic manner. Then the hon. gentleman himself repeated almost verbatim the other day what he said in 1882 in reference to the county of Kent and the adjoining counties, and he gave the population of these different counties, showing how they could be divided so as to have, as nearly as practicable, an equality of population. I merely mention that to show that in the discussion of this question, he affirmed directly by his vote, and indirectly by his utterances, the principle of representation by population. There are other extracts to which I could call the attention of the House on this question, but I do not deem it necessary to do so. Then the hon. gentleman says that the Act of 1882 did a great injustice to the Liberal party. Is that true? Let any one examine the returns of the elections in

the province of Ontario, and it will be found there is no foundation for that statement. We have heard a great deal about the gerrymandering of Bothwell, about the gerrymandering of Lambton, and other sections of the province. Let him point out to me any single instance where a Liberal, in 1882, lost his election through the gerrymander. I find that Mr. Clancy made this statement in the House of Commons, and it was not answered. Mr. Clancy said, in one of the most instructive speeches made in that House during the whole debate:

> I defy him (that is the Postmaster General) now to point out a single constituency in the forty-eight now under consideration in which a Liberal candidate was defeated as the result of the redistribution of 1882.

That is the challenge thrown out in the House of Commons by the present representative of Bothwell, and it has not yet been accepted. In addition to that, he gave the names of the different parties who had been elected in these gerrymandered constituencies, as they are termed. Was the Hon. Alexander Mackenzie defeated? He retained his seat until he eventually left Lambton and went to East York. The gentleman who succeeded him, now Judge Lister, was elected by a very large majority. A Liberal was elected for the other riding of Lambton until the electors of that constituency became disgusted with the action of the Liberal party when in power, on account of their dealing with the oil interests, and so on, and returned Mr. Moncrieff; but since then another Liberal has been returned. In that division the gerrymander has not affected any portion of the county. Was my hon. friend defeated in Bothwell? He carried it every time until last election. True, there was one return made by a returning officer in which he was deprived of his seat for a very short time. Just as soon as the courts could intervene and show that the return was improperly made, the hon. gentleman secured his seat. Go through the whole of the constituencies that were changed at that time, and I am quite prepared to repeat the challenge made by the hon. member for Bothwell in the other House, that nothing can be found to justify the charge made by hon. gentlemen opposite. What is more, Mr. Clancy gave figures showing that these gentlemen were elected by larger majorities than they had before. But as time rolls on changes take place. New electors rise up Young men come of age, and my hon. friend was defeated, as others have been.

Hon. Mr. MILLS—No, that is not the way it was done.

Hon. Sir MACKENZIE BOWELL—How was it?

Hon. Mr. MILLS—Ballots were put into the box and ballots were taken out, and I have some of them in my possession that were found afterwards.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman makes a statement now that he should have made as soon as he found out the fraud. If the statement made by himself now, be correct, he is equally guilty with the guilty parties for not having punished those who perpetrated the fraud. The man who knows of a fraud being committed and does not bring the parties to justice, becomes a party to the fraud, and it is no credit to the hon. gentleman that he has not had these parties punished. I must, on behalf of the gentleman who defeated him, repudiate, so far as I can, any insinuation that he was a party to such frauds if they ever existed. If this kind of machine work and ballot stuffing was carried on to defeat him, I regret exceedingly that the hon. gentleman did not do what the opposition at the present time are trying to do, bring the guilty parties to justice. If he did not do so, he has only himself to blame for it. My hon. friend laid great stress on adhering to the boundary lines of counties. Does this bill in any particular, from the whereas in the beginning to the finish, show any indication of having been based on that principle? If there ever was an abuse of the words boundary lines, we have an evidence of it in this bill. What do we find? You go to the city of Toronto which has some 160,000 inhabitants, having added to the electorial division a portion of West York and a portion of East York, giving that city a population of some 200,000. Why? Because as the hon. gentleman says, these outlying suburbs, as they used to be, are a part of the municipal division and boundaries of the city of Toronto. There is a carrying out of the principle which he has advocated. Why have they done that? Perhaps it would be improper to accuse them of any political intention, but unfortunately people outside will draw conclusions. Yorkville, which is taken from East York and added to the city of Toronto, gives a large majority to Mr. McLean, the representative of that division

whose majority in the last election was very small—I think only one or two. That taken out of East York places that constituency in a position where the hon. gentleman no doubt expects to elect a Liberal candidate. Take Parkdale, that section of the city of Toronto which now forms, for election purposes, a portion of the west riding of York, and attach it to Toronto and you add another 20,000 people to the city of Toronto and take 200 or 300 of a Conservative majority away from Mr. Clarke Wallace.

Hon. Mr. MILLS—These are parts of the city of Toronto.

Hon. Sir MACKENZIE BOWELL—I know that, but only for municipal purposes, but was not a part of the city of Toronto until it was attached by law, the same as the north part, Yorkville. Under the pretense of keeping the municipal boundaries together they have attached these two. Then you go to London and you find that they have brought a certain portion of Middlesex, which is largely Liberal in its tendencies, into the city. It being a somewhat closely contested constituency, they expect to defeat the gentleman who represents it now, or any Conservative candidate who may contest the riding. If they had carried out that principle in all the electoral divisions throughout Canada, I could not have had much fault to find with them; but New Edinburgh, which has a Conservative majority and is attached to this city for municipal purposes, is still left in the county of Russell, which has a large Liberal majority and can over-balance the Conservative majority in New Edinburgh; but if they attach New Edinburgh to Ottawa, it might ensure a couple of Conservative representatives instead of two Liberal ones as they have at present. What have they done with the county of Lanark? The north riding of the county of Lanark is composed of part of the county of Carleton. Why? Because Carleton had a large population of between 30,000 and 40,000, while Lanark had only 13,000. Fitzroy and Huntley were taken from that county and attached to North Lanark in order to equalize, as far as possible, the population of the riding. The county of Russell has also part of Carleton attached to it. Why has not Gloucester township been taken away from Russell, and attached to the county of Carleton to which it belongs for all municipal and judicial purposes, Frontenac is in precisely the same way. That has part of Addington attached to it. Leeds is another which is composed of part of Lanark and part of Leeds. The only places in which the hon. gentlemen have applied the principle of representation in accordance with county boundaries, are those two cities to which I have referred, and from which they expect to reap the advantages to which I have called the attention of the House. Then there is another incongruity in the bill. I should like to know why Toronto has to be divided into five electoral divisions. Why is West Toronto to be deprived of the right of electing two members, as they do now, while they leave Ottawa, Hamilton and Halifax in the same position as they have been? There is only one answer to it, that there is no political advantage they expect to accrue from interfering with them. Otherwise, we have every reason to believe that it would be done—at least, you can draw no other conclusion.

Hon. Mr. MILLS—My hon. friend divided Toronto but left Hamilton and Ottawa undivided.

Hon. Sir MACKENZIE BOWELL—We never laid down any such principle as the hon. gentleman does. I am speaking of those who lay down a policy by which they are to be guided in the management of the affairs of this country, and I point out that they have only followed that policy in such cases as they expect to derive a benefit from it. We laid down the principle of so arranging the electoral divisions as we thought was in the interests of the country and the locality itself.

Hon. Mr. POWER—And of the Conservative party.

Hon. Sir MACKENZIE BOWELL—If we had made any profession of that sort my hon. friend would have been quite right in denouncing us for objecting to the policy he is pursuing to-day. My objection is that the government profess what they do not carry out. We did not make any such profession and consequently were not liable to such a charge.

Hon. Mr. MILLS—Hear, hear.

Hon. Sir MACKENZIE BOWELL—Let the hon. gentleman show any case where we did, and I shall be happy to reply to it. I should like to give the House some figures in justification of what I said a few minutes ago in reference to the results of the so-called gerrymander. The government of to-day are in power having a majority of representatives at their back from the province of Ontario, while the Conservatives majority polled, during the election of 1896, some 16,000 over that polled for the Liberal candidates. Now, if they came to power with this villanous gerrymander, as they termed it, existing at the time, and obtained a majority of representatives with a minority of votes, what right have they to complain of the result of that gerrymander.

Hon. Mr. POWER—They are trying to make things fair for the Conservatives.

Hon. Sir MACKENZIE BOWELL—In what way?

Hon. Mr. POWER—By removing this obnoxious state of things.

Hon. Mr. BAKER—By removing a majority of the votes, the hon. gentleman means.

Hon. Mr. McMILLAN—"Oh, wad some power the giftie gie us."

Hon. Sir MACKENZIE BOWELL—Yes, if they could only do that "it wad frae monie a blunder free them." In Ontario in 1891 the total votes polled was 191,252 Conservatives, and 166,335 Liberals. That gave a Conservative majority of 24,717. It is true the Conservatives were retained in power in 1891. Now you come down to 1896 and you find that the Conservatives polled 413,000 votes while the Liberals polled 397,114, giving a Conservative majority in the province, as a whole, of 15,885 votes; yet the Liberals have a majority of one or two members in the House of Commons from Ontario. My hon. friend from Halifax says they want to so readjust and redistribute the constituencies in Ontario that the Conservatives may have justice done to them, and if they have, why then these gentlemen will go out of power, and that is a consummation I have no doubt the hon. gentleman devoutly wishes to occur. These are the facts in connection with the votes.

Hon. Mr. SCOTT—I beg to say that that alleged fact is disputed. I had occasion to make the figures the other day, and I shall give them to my hon. friend.

Hon. Mr. MILLS—That does not include the whole province.

Hon. Mr. BAKER—Figures will sometimes lie in spite of the proverb.

Hon. Sir MACKENZIE BOWELL—It depends on who manipulates them, hence I shall not be surprised at any figures that may be presented. My hon. friend took great credit to himself for divesting the government of the power of dividing the different constituencies which they have declared shall return certain members to Parliament, thereby depriving themselves of that responsibility which should attach to all governments, the force of which I am sure my hon. friend will recognize. He says, "We have magnanimously divested ourselves of power which might be exercised in the interest of our party by giving it to the judges." I do not think any one who knows the three judges referred to will object to any of them. I believe them to be honourable and learned men, who will do what is right. But that was not always the hon. gentleman's faith. The hon. gentleman held opinions quite to the contrary. He held opinions upon one occasion, that the government of the day should not divest itself of the responsibilities attaching to the division of constituencies, and that it should not be left in the hands of judges, and the hon. gentleman so voted.

Hon. Mr. MILLS—No. My hon. friend will find that I supported that proposition and brought it forward in the House of Commons in 1892. That was the first time it was raised.

Hon. Sir MACKENZIE BOWELL—In discussing this question in 1892 the Hon. Mr. Laurier then, Sir Wilfrid now, in discussing the action taken by Mr. Gladstone when he had under consideration the extension of the franchise and also the redistribution of seats in England, said:

In some quarters the suggestion has been made that the duty of redistribution should be referred to a commission of judges specially appointed; in other words that Parliament should divest itself of its powers in this most important particular. Sir, I am bound to say at once that this is a proposition which my friends and I would not favour either upon this or any other

subject. I am bound to say that we would not entrust to any this duty and privilege which properly belongs to Parliament. Moreover this proposition implies a singular want of confidence in parliamentary institutions. It implies that in a matter of this kind the majority would never be able to rise above the low temptation of strengthening themselves at the expense of their opponents.

Hon. Mr. MILLS—My hon. friend will find a later discussion of that when the proposition was supported. That was from a misapprehension of the point to which he referred.

Hon. Mr. FERGUSON—It is too plain, to be a misapprehension.

Hon. Sir MACKENZIE BOWELL—I think this language is so plain and such good English that it is utterly impossible for any mortal to misunderstand it. Mr. Laurier goes on to quote from the utterances of Mr. Gladstone, of Lord Salisbury, and of those who carried on the negotiations between these two great statesmen as to the conference for the purpose of redistributing certain electoral districts in England. Then he goes on to say:

The contest of rival claimants in such a matter is just as much a judicial contest as any other controversy between party and party; and therefore it was quite proper that contest should be judicially adjudicated upon, but apart from this judicial question if it were admitted that there may be questions as to the solution of which Parliament can be conveniently superceded by another body that would be, I think, fatal to parliamentary institutions.

Yet these gentlemen are doing the very thing Sir Wilfrid condemned. He continues:

I may say that if the majority of Parliament cannot be trusted to do justice in a matter of this kind to refer the matter to a commission, would be begging the question and not solving it, because what would happen? If the majority of Parliament could not be trusted to do justice in such a case, the commission would be appointed by the same men who, according to that could not be trusted to do right.

I have no doubt the hon. gentleman had himself and his friends in his mind's eye should they get into power. He has now adopted the principle of divesting himself of that power which he says is destructive of the rights of Parliament. He continues:

The commissioners would be stamped with their own image, swayed by their own spirit, and no greater justice could be expected from the commissioners than from the body that appointed them. No, we stand upon the authority of Parliament itself, but we submit while Parliament should exercise that power, it should be exercised in a spirit of moderation, fairness, equity and justice.

Then he continues, as I have indicated, to quote from the correspondence which took place between Gladstone and Salisbury, and wound up as follows:—

This was the principle followed in England by Mr. Gladstone and accepted by Lord Salisbury, and this is the principle which I propose to the House. Before I sit down I will move this amendment:

"That all the words after 'that' in the said motion be omitted and the following inserted instead thereof: 'That Bill No. 76, an Act to readjust the representation in the House of Commons, to be referred to a conference of commissioners to be composed of both political parties, to agree upon the lines or principles on which a Redistribution Bill should be drawn.'"

Hon. Mr. MILLS—Hear, hear; that is one mode.

Hon. Sir MACKENZIE BOWELL—The hon. Minister of Justice voted for that also.

Hon. Mr. MILLS—Certainly.

Hon. Sir MACKENZIE BOWELL—He sustained the position taken by his leader at that time in denouncing a reference to a commission of judges, and he voted for a motion to refer it to a commission appointed by both parties, in order that the two leaders of the two great parties of this country might, with the assistance of others, come to a right and equitable decision as to the proper division of the electoral districts. If it were right then, let me tell him he is not right to day. In 1892, these gentlemen gave utterances to these sentiments and placed upon the records of Parliament a motion adopting the principle which I should like, I frankly confess, to see adopted in this country. However, we, the Conservative party, acted upon the principle laid down by Mr. Laurier, that neither Parliament nor government should divest itself of the power which legitimately belong to them under responsible government. I should like to see this principle adopted, and in future, in case we are asked to deal with questions of this kind after the next decennial census, I hope they will adopt that system and they shall have, as far as in me lies, my humble support.

Hon. Mr. McMILLAN—They will not be in power.

Hon. Sir MACKENZIE BOWELL—Perhaps they will be if we pass this bill for them.

Hon. Mr. MILLS—Hear, hear.

Hon. Sir MACKENZIE BOWELL—My hon. friend, when he was speaking asked to receive the same courtesy and non-

interference that I would except myself, and I told him that I would accept that proposition, and as I interrupted him only once during his speech, he has had more than his share of interruptions. But I have no objection if the hon. gentleman will only ask relevant questions and not something which has nothing to do with the point which I am discussing, I shall try and answer him at least. That is the principle which the hon. gentleman laid down in reference to judges, and the divesting of this House of power, but he now seems to have a confidence in the judges of the provinces that his party has not always exhibited in the past. I have lived long enough to have a recollection of the manner in which the party denounced the action of judges, more particularly when their decisions in the courts were not of a character to please them. Many hon. gentlemen will remember the violent attacks made by the Minister of Marine and Fisheries upon Judge Tuck in New Brunswick, because his decisions were not what the politicans of the day thought they ought to be. He gave a decision which was strictly in accordance, I believe, with law, and which was justified by every one who knew anything of law; that there had been a mishap in the action of the returning officers and other officials is beyond a doubt, but that Judge Tuck was right has not been questioned except by politicians who wish to denounce him. Then if the hon. gentlemen turn to the *Globe* newspaper of not very long ago—not longer than 1892—they will find that that paper denounced in somewhat virulent terms even the judges of the Supreme Court in this Dominion. Why? Because they would not do what the *Globe* and its party thought ought to be done when a question of appeal came before them, in the Northumberland election case, when Mr. Hargraves was unseated. Who does not remember the denunciations of Judge Elliott in London because he gave a decision in reference to the voters' list? And my hon. friend was one of those who thought he ought not to have given that decision, but it has been justified ever since by the Superior Court judges. In the Ontario Legislature, Mr. Stratton, a very prominent member of the House, a gentleman who expects to be called to the ministry of Ontario just as soon as a vacancy occurs; when the question of the right of constables to vote, being paid agents at the different elections, and it was proposed to refer that question to the judges, said of them in 1898:

> What the Attorney General is asking us to do, is to provide for cases where the decision of a possibly partisan, narrow-minded, trial judge might construe the law of the land different to what it was intended, and to prevent long and tedious delays in appeal.

The question arose in that case as to what the rights of these constables were. Mr. Stratton thought that if it was referred to the courts, which the Attorney General asked them to do, that a narrow-minded judge might put an interpretation upon it that Parliament never intended. Any one who has watched the decisions of the court, any one who has had anything to do with the preparation of bills that have passed through both Houses of Parliament, knows that on many occasions the intention of Parliament was in a certain direction, but that the wording of the laws was such as to justify the judges in giving decisions just contrary to what Parliament intended, and it is the only manner in which justice could possibly be administered, yet this Liberal leader of the party had no hesitation in denouncing judges in the manner in which I have indicated. Then he went on to say:

> But the learned judges took a lofty stand. They say they have no regard for the expense this province might be put to, and they must have a few days fishing. Nero fiddled while Rome burnt, and the judges go fishing while the opposition is trying to rob a great many of the electors of the province of their franchise. The law is not intended to rob constables of their votes.

This is the language used by Liberals towards the judges of the country when they do not act in accord with their particular ideas and views upon political questions. My hon. friend referred to amended acts and acts affecting the electoral divisions in the Dominion between the decennial census and if I understood him aright, he gave these illustrations in order to prove that we were acting not only within the constitution as it stands upon the statute-book, but were following precedents set by the late Conservative government. I must be excused for referring to these facts because I do not wish, nor do I believe that the members of the House wish, to have appear upon the records of this Senate a declaration of the kind made by the Minister of Justice whose duty it is to know what the provisions of these Acts are. You might excuse it in a gentleman who has not the same standing at the bar. You might excuse it in a lay-

man like myself, if I were to make a statement of that kind, but there is no excuse for the Minister of Justice to instance these cases as a justification for the course which he is pursuing. The bill in 1887, to which reference has been made, was clearly one to correct clerical errors which had occurred in the bill redistributing the different constituencies, particularly in the province of Quebec and also in Ontario. In one case the error was of character, which, had it not been corrected, would have deprived Ottawa of a representative; and in some constituencies in the province of Quebec, the amendments were necessary in order to bring certain portions of territory within the electoral district which had been left out altogether. In the Act of 1887, Sir John Thompson explained this very clearly when he said:

The Representation Act, as published in the Revised Statutes, continues the old enactment that the House shall consist of 211 members, and a subsequent chapter deals with the representation in the North-west Territories; but it is proper that the second section should be amended to make it conform with the present number of members of the House. There is also a difficulty arising from the fact that, since the representation in the House was last distributed, the boundaries of some municipalities have changed, and, therefore, if the Act reads as it now does, from the day the Revised Statutes were brought into force, the boundaries of some of the constituencies would be different from those boundaries as established by the Act of 1882. The bill contains a short clause declaring that the meaning of the Representation Act is that every county, town, township, village or other territorial division, shall be as it stood prior to the bringing into force of the Revised Statutes.

Clearly showing that in the Revised Statutes blunders had been made, and that it was necessary to introduce a bill in order to set them right. In the committee on the bill, you will find, if you refer to page 1227 of the *Hansard* that the same hon. gentleman made this statement:

The object is to correct a clerical error in the Revised Statutes. Notwithstanding the addition made of the four members for the North-west, under the Act of last session, the Representation Act was carried forward into the Revised Statutes with the word "211." The object of section 2 is to preserve the Representation Acts as they existed prior to the Revised Statutes. Of course the Revised Statutes repealed the previous legislation. It is not intended that the boundaries, as previously established, shall be changed.

That is, the boundaries as established by the Act of 1882, which had been omitted in the Revised Statutes and remained as they were. Yet my hon. friend and those of his friends in the other House have given these as instances of a change in the electoral districts to justify the course which they are taking. Judge Ouimet also spoke upon this question in 1893. His remarks will be found on the occasion when the other bill was introduced on page 1617. He says:

The description of the county of St. Hyacinthe remained as it was according to the original establishment of the county in 1864, but since then the parish of Ste. Marie de Madeleine has added a certain part of the parish of St. Jean Baptiste, and it is in order to include about twenty farmers there that the amendment is moved. As it is now, these farmers are in no county.

This is the character of the legislation which has been quoted as justifying the present redistribution between the period of the decennial census. I might also read an extract from Mr. Bernier's remarks—not the hon. senator, but the Mr. Bernier who represents the county, and took the same view that the present Judge Ouimet did and justified the action which was taken. He said:

The reason given by the Minister of Public Works (Mr. Ouimet) are perfectly true. The changes made by the motion are only a matter of detail; they are rendered necessary in order to allow a certain number of electors of the parish of St. Jean Baptiste to exercise their right of vote, which they would be deprived of should the law remain as it is. The electors are included in the parish of Ste. Marie de Madeleine.

And then he goes on to give us some particulars in connection with it. I find Sir John Thompson again spoke upon the question. He said:

This is a short bill which I introduce for the purpose of amending the Representation Act of last session in certain particulars which are of a clerical character, and which merely relate to the correction of the boundaries, without making any change in any of the principles on which the Act was founded. The first section is more accurately to define the boundary lines of the electoral district of Nipissing.

A portion of the country with which Parliament was not very well acquainted. The result was there were some difficulties arising in the boundaries of that constituency. All of these bills were introduced solely for the purpose of correcting clerical errors in the Revised Statutes, and did not recognize the principle of the redistribution either in part or in whole, of the different electoral districts as provided for under the 51st section of the Confederation Act.

At six o'clock the Speaker left the Chair.

After Recess.

Hon. Sir MACKENZIE BOWELL resumed. He said:—When the House rose at six o'clock I had completed the evidence which I produced to show that whatever changes have been made in the electoral districts since the general distribution of 1892 were for the purpose of correcting clerical errors that had crept into the statutes, owing in a great measure to the consolidation of the laws published in the Revised Statutes. I omitted, however, in referring to the question of representation by population, to mention one of the cases to which the Minister of Justice referred in which he made, what he thought at least, a case against the late government that is the case of the county of Elgin. I turn to the speech which I myself made in reply to one that had been delivered by the Hon. Mr. Blake then leading the opposition in the House of Commons, I shall not inflict upon the House the whole of that speech, but if any one desires to know the exact distribution of the seats in accordance with population, I refer him to that speech which he will find in *Hansard* of 1882, pages 1378 to 1383. I shall confine myself to the case mentioned by the hon. gentleman opposite, that of Elgin. I find in my remarks the following language:

> We now come to the Elgins. The hon. gentleman (Mr. Blake) thought that East Elgin, having a population of 28,147, and West Elgin having but 14,214 should not be interfered with except by taking the town of St. Thomas from the east and adding it to the west riding. Perhaps if there had been no other readjustment necessary in order to equalize the population, the suggestion by the hon. gentleman might have been accepted, but as Bothwell and Kent, Lambton and Essex lie in the same group, it was necessary, in the readjustment of West Elgin, to readjust the others, and regard was had to population. Well, the result of the readjustment is that East Elgin instead of having 28,147 has 26,304 and West Elgin having but 14,214 has now 23,480, so the two Elgins, have a population of 23,000 and 26,000 instead of 28,000 and 14,000 respectively. East Elgin is represented by a Conservative and West Elgin by a follower of the hon. gentleman opposite.

Now these are the facts in connection with the constituencies of Elgin and the adjacent counties. What I desire to point out in justification of this is, that in the readjustment we had to provide constituencies for those which had been obliterated. It will be remembered by those who were in the House at the time that in these different redistributions, the government of the day abolished the constituency of Cornwall, which had a small population. I could give the figures of every constituency which was changed. It will be found in the speech to which I referred. We also abolished the town of Niagara. We also, in the last redistribution, abolished the county of Monck, all three of them being Conservative constituencies. We did not, in any case, abolish a constituency which had been represented by a Liberal, and the reason we abolished these small constituencies was that they had but a small population, and we desired to give to the great growing west, the north-west of Ontario, a representation which they had not previous to the redistribution. Take the Nipissing district for instance, the construction of the Canadian Pacific Railway was the means of opening up a vast territory into which population began to flow. That portion of the unorganized part of Ontario had at that time no representation in the House of Commons; hence Monck was abolished in order to give that large area with fifteen or twenty thousand inhabitants that were in there—I am speaking from memory as to the number of inhabitants—representation in the House of Commons which they had not before. So that part of the Nipissing territory, which was not in any constituency previous to the readjustment, was created a constituency and the eastern portion of Algoma was attached to it. I thought it well to give this explanation for fear that some hon. gentlemen who were not in the House at the time, and were not acquainted with the facts might think that a grave injustice had been done. I notice also in connection with this question of representation by population, that when the hon. Minister of Justice, then Mr. Mills, in the House of Commons, made his motion in reference to a subdivision of some portions of the western section of Ontario, he made no reference whatever to county boundaries. He simply laid down the principle by which he thought the division should be made, but nothing is mentioned in the resolutions about county boundaries.

Hon. Mr. MILLS—But it is mentioned in my speech.

Hon. Sir MACKENZIE BOWELL—Perhaps so. I am speaking of the resolution. There is another important fact in connection with this question of redistribution and county boundaries. Of course, my hon. friend will say, when I refer to the divisions which have been made in the

province of Ontario by the Ontario Government, that he is not responsible for it. I acquit him of being responsible, individually, as a member of Parliament, but he is an ardent supporter, and has been an ardent supporter of the Hon. Sir Oliver Mowat ever since he has been in power, and upon no occasion has he denounced the action of that gentleman in dividing the constituencies in that province. I do not know whether my hon. friend, the Minister of Justice, would have done the same, but I hold him responsible for it at any rate. While the hon. Minister of Justice was an ardent supporter of Sir Oliver Mowat, we know that Sir Oliver Mowat has proved himself to be not only an ardent supporter but a great admirer of my hon. friend, the Minister of Justice, and I presume he feels proud of having such a supporter and admirer.

Hon. Mr. MILLS—I do.

Hon. Sir MACKENZIE BOWELL—Then I take it for granted that the action of Sir Oliver Mowat is the action of the hon. Minister of Justice, as he has always ardently supported and defended his policy.

Hon. Mr. MILLS—No.

Hon. Sir MACKENZIE BOWELL—In the division of constituencies we will see how far he had any regard whatever to county boundaries. Take the county of Huron; the Ontario law goes on to say:

Shall consist of the townships of Tuckersmith, Osborne, Stephen, Hay and Stanley, that portion of the township of Niagara south of the line known as the cut line and Huron road and the town of Seaforth and the village of Haytown and Exeter.

Here is a case in which in two instances it cuts the township in two. If he cuts the township in two how can the principle the hon. gentleman has laid down to guide us in Dominion matters be carried out? He has told us that the county boundaries should be maintained in order that the electors may be enabled to select from among themselves the reeves or school trustees in that division. Here is a case in which one township has been cut in two, a part of the township going to one riding and a part of the township to the adjacent riding.

Hon. Mr. MILLS—Both in the same county.

Hon. Sir MACKENZIE BOWELL—Yes, but has two representatives the one man would have the interest at least of the one part of the township under consideration when dealing with legislative matters which might not be supported by the other. Then take that part of the township of Hallett, which lies on the east of the road commonly called the Gravel Road. There is another case in which the township is cut in two. Another provision is that Colborne and that part of the township of Hallett which lies west of the road commonly called the Gravel Road, and that part of the township of Goderich north of the Gravel Road, and cut line and township of Goderich. Then there is another case. Leaving the county of Huron and travelling down to the county of Brant we find this provision:

The north riding of Brant shall consist of certain townships and the northerly portion of the township of Brantford.

The northerly portion, mark you.

The northerly portion of the township of Brantford and the town of Paris; the south riding shall consist of the township of Burford, Oakland and the southern portion of the township of Brantford and the city of Brantford.

Here is a riding cut out from two or three townships east, west, north and south, and yet the hon. gentleman has been supporting the principle of electoral divisions by county boundaries. The hon. gentleman says it is in the same county. Admit that it is in the same county, the interest of one portion of a township may not be the interest of another just in the same manner that one township may not have the same interest as the other township. In the matter of representation in the Ontario Legislature I admit that there is a very great force in the arguments which the hon. Minister of Justice has advanced in favour of county boundaries. Why? Because the local legislature dealt exclusively with every question of a municipal character. If it is a question of the school funds, if it is a question of changing and altering the municipalities, that belongs to the local legislature and not to this Parliament, thence the interests of a township, or of a county would be more solidified, if I may use that expression, then they would be if they were sent to this Parliament. In the speech which I have just quoted and which I delivered in 1882, I laid down this principle, and I reaffirm it, and the more I think of it

the more I am convinced of the correctness of that position under that policy. The question of county boundaries as affecting the representation in the House of Commons has no force whatever, for this reason: that we deal with questions of a Dominion character, and not of a local and municipal character, we deal with questions affecting the fiscal, the financial and the commercial policy of the country, and the man who lives on this side of the line, as well as the man that lives on that side of the line, casts his vote, we suppose, at least, upon principle. If the question is the question of the national policy, if it be the question of a fast line of steamers, if it be the question of a pacific cable, or any other question which affects the whole Dominion, does it matter where the man lives, he casts his vote for or against the principle involved, and the question of boundary line has no more to do with it than if he lived at Timbuctoo.

Hon. Mr. MILLS—And the capacity and character of the man would have nothing to do with it on the same theory.

Hon. Sir MACKENZIE BOWELL—The character of the man I suppose would be made up in political matters or commercial matters, according to his light on the questions to which I have referred. It might not be so if he had a machine to hug. That might be quite a different thing. Then he might not be actuated by principle. He would be actuated by something of a baser character. It does not matter where a man lives if he is casting a vote on a great question.

Hon. Mr. PERLEY—We elected a Quebec man for Saskatchewan.

Hon. Sir MACKENZIE BOWELL—Sir John Macdonald was elected for Vancouver and the Hon. Sir Wilfrid Laurier was elected for Saskatchewan district, but he did not accept it because he was elected somewhere else, and if my memory serves me correctly, Sir George E. Cartier was elected for St. Boniface. Those gentlemen, like my hon. friend opposite have been defeated on various occasions. Mr. Gladstone and other great men have been defeated. I do not consider that any reflection upon any individual, but as my hon.friend suggested, these gentlemen represented constituencies in different parts of the Dominion, and they could represent the people upon the great questions of the day and the policy which each party was advocating just as well as if they had been elected in the town in which they live. My hon. friend said also, that the great advantage of county lines is to enable the people in the immediate vicinity to elect those from among themselves who had municipal experience, and yet ten or fifteen minutes afterwards he told us that many of the constituencies desired to be represented by men of talent—men of character and greater political calibre than those who lived among themselves, and he instanced Montreal as having fifteen or twenty representatives who live in the city, and who represent rural constituencies, and he told us that there were eight or ten in the city of Toronto who represented rural constituencies, and that the reason why Toronto was not given her quota of representation in the House of Commons in proportion to the population was because she had residents in the city who represented rural constituencies; ergo, they represented the city as well as they did the country constituencies. If that be correct, and it is correct as a fact, what have county boundaries to do with the selection of these men? They were not selected because they lived in the county; they were selected because the party machine, in some cases, forced them upon the party who were willing to accept them. I do not know, but I think my hon. friend did not live in the constituency he represented.

Hon. Mr. MILLS—I was gerrymandered out of it by the measure you are defending.

Hon. Sir MACKENZIE BOWELL—Not in the first place. If the hon. gentleman was gerrymandered out of his residence, he retained his seat, so that the gerrymander did not affect his seat in the House of Commons. I did not live in the riding which I represented for twenty-five years. I lived in a city in the same county, but not in the riding, so that the argument, as far as that is concerned, is, to my mind, valueless. My hon. friend gave as a reason why this Redistribution Bill was introduced—that it was one of the planks of their platform at the last election.

Hon. Mr. McCALLUM—They claim that they have carried out all the promises they made.

Hon. Mr. MILLS—We have been engaged in the business.

Hon. Mr. DANDURAND—As far as the Senate would allow.

Hon. Sir MACKENZIE BOWELL—If the government of the day had carried out the pledges that they made at the election we might have some respect for that declaration. Did they not pledge themselves to give us free trade as it is in England? Did they not pledge themselves also to abolish the "robbers great and the robbers small." Did they not tell us that this country was cursed with a protective policy which they were going to wipe out of existence? How have they carried out that pledge? By increasing the duties on some articles in the tariff. Take the duty on carpets, for instance. It was 25 per cent under the old tariff. They raised it 10 per cent, and then, like the fakirs, brought it down, and said to the importers, "You shall have 35 per cent with twenty-five off," leaving the duty 26¼ per cent instead of 25. We shall have before us in a day or two a bounty bill, granting bounties for the next five years larger than ever the Conservative party proposed to give in order to protect one industry.

Hon. Mr. SNOWBALL—That was a bad example.

Hon. Sir MACKENZIE BOWELLL—The hon. gentleman smiles. I am glad the hon. gentleman is in good humour. Is that a $52,000 smile? If we increase it on other things we will have a smile that will please the whole of us.

Hon. Mr. McCALLUM—What about public works to be given only to the lowest tender?

Hon. Sir MACKENZIE BOWELL—I am not dealing with that. The hon. gentleman is better acquainted with that question than I am. However, I will drop that portion of the subject with this broad declaration: If they had carried out their pledges, we might have some respect for this. No doubt they made this pledge, but I do not think they ever anticipated, when they made it, that they would have attempted a redistribution until after the census. The leader of the present government said in a speech that he made upon this question, that the law provided for a redistribution after each decennial census, hence he never contemplated any such abortion as we have before us to-day. After making the motion to which I referred this afternoon, the Hon. Sir Wilfrid, then Mr. Laurier, used this expression:

> So it seems to me that the proposition involved in the amendment ought to commend itself to the judgment of every man in the House who appreciates British precedent, British institutions and, above all, British fair play.

That is a noble sentiment.

> The periodical redistribution of seats in this House is a standing order of our constitution.

There is no question about that and that is the ground upon which we contend that no general redistribution should take place until after the decennial census. The Confederation Act provides that on the completion of the census in the year 1871 and in each subsequent decennial census the representation of the four provinces shall be readjusted.

Hon. Mr. MILLS—"Shall be."

Hon. Sir MACKENZIE BOWELL—Did I not say that.

Hon Mr. MILLS—Yes, but I am emphasizing the word for you.

Hon. Sir MACKENZIE BOWELL—I am glad the hon. gentleman did, because it is imperative, and that is what I desire to impress on my hon. friend. With the permission of the House I will read a further declaration of Sir Wilfrid's on the occasion I have referred to:

> The periodical distribution of seats in this House is a standing order of our constitution. It is not a matter as to which the government are free to act, which they can repudiate or can accept; if it were so it would be open to each party to deal with it in the manner best suited to its own interests, in the conception which both parties hold of their own rights. But it is not such a matter? The government in introducing this bill are simply carrying out an organic disposition of constitutional law, and we submit that it would be a monstrous consequence if, when the government are carrying out an organic disposition of the constitutional law they were to carry it out in such a way as to steal an advantage over their opponents.

Hon. Mr. MILLS—Hear, hear; that is what you did.

Hon. Sir MACKENZIE BOWELL—He lays down the proposition that it is imperative with Parliament to deal with this question of redistribution after each decennial

census, based on the population of each province. If Quebec, which is the pivot on which the whole principle revolves, increases her population and the other provinces do not, then the other provinces lose representation just in proportion to the decrease in the population, while Quebec retains the same number that she did at confederation. Now, if it were intended that any redistribution should take place between these periods, why does the Act not say so? If you turn to the Confederation Act you will find that special power is given to the local legislatures to change, alter and amend their electoral districts just as they please. It says, in reference to the provinces:

In each province the legislature may exclusively make laws in relation to matters coming within the class of subjects next herein enumerated; that is to say, the amendment, from time to time, notwithstanding anything in this Act, of the constitution of the provinces, except as regards the office of Lieutenant-Governor.

There they have the power to abolish their legislative councils, deal with the local parliament, to increase or decrease their representation as they think proper. That is not the case with the federal power.

Hon. Mr. MILLS—Not as to numbers. We have not the power, except periodically, to alter the representation as to number from each province. That is the only restriction.

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman had kept quiet for a moment I would have told him so. I say the Confederation Act does not say in plain words that you shall not change your electoral districts, but it makes a provision for redistribution as to the numbers, based upon the population of each province as compared with the unit of the province of Quebec. And just in proportion to the increase in each province, so in proportion would the representation take place. Now, if it were intended that there should be any manipulation of these constituencies between these periods, I take it for granted the law would have made that provision, as it has done in the case of the provinces. There is one hon. gentleman who shakes his head. Why should it not be so? Does any one suppose for a moment that the fathers of confederation, when they were discussing this question, ever contemplated a change in the electoral districts just before every election? Supposing we recognized this principle. Here is a change just on the very verge of another election, and, what makes it still worse, a year afterwards the census must be taken and another redistribution takes place, so that, in many cases, the representative of the people would not be representing those who elected him, and it would be placing in the hands of every government that comes into power the right to so manipulate the constituencies, as to be to their party advantage, just as was pointed out by the Hon. Sir Wilfrid Laurier in the extract from his speech which I have just read.

Hon. Mr. MILLS—That was what was done in 1882. The election occurred in 1882, immediately after the redistribution, the same year.

Hon. Sir MACKENZIE BOWELL—So it must be with you. That was only carrying out the imperative requirements of the Act. Where is the point in what the hon. gentleman says. The election took place after the decennial census, simply because the time of Parliament had expired and it could not be helped. So it will be with my hon. friends if they retain power sufficiently long, or if they should dissolve, as they might do immediately after the census if they pleased, if anything justified it in the interests of the party to which he belongs or in the interest of the Dominion; but there is this absurdity, if I may use the expression without being offensive, of that interruption. The hon. gentleman wished to impress on my mind that the law says it shall be done, and in that case they had no alternative but to go to the people.

Hon. Mr. MILLS—My point is this: The hon. gentleman intimated it could only be for some very atrocious reason we would propose to redistribute before the election.

Hon. Sir MACKENZIE BOWELL—I did not say anything of the kind. What I said was that a party in power might do so, and if I express my own individual opinion, I would say you were doing it now for no other purpose than to benefit yourselves politically at the coming election, and the instances I have given of the manipulation of the constituencies of Toronto and London, and leaving other constituencies alone, is the very best evidence of the intention of the government in the law that they have proposed.

Hon. Mr. MILLS—We are correcting an outrage.

Hon. Sir MACKENZIE BOWELL—It is well to correct all errors. It is well to correct an outrage, but in correcting that outrage I hold it is not the duty of any one to commit one tenfold worse. You had better bear the ills you have than fly to others that you know not of. Is the hon. gentleman correcting an error by adding two suburbs which are in two of the York ridings, for electoral purposes, to the city of Toronto, and for what purpose? For the purpose of cutting off the heads of McLean and Clarke Wallace, and no other reason, and then in order to carry out the principle which he admires so much in other constituencies, is going to divide up the city into five constituencies. What I contend is, that the action of the government of to-day is a direct and positive violation of the spirit of the constitution. I do not say that it is a violation of the letter of the constitution, but I do say that if the fathers of confederation had ever contemplated the possibility of an outrage such as is contemplated to day, they would have made provision in the British North America Act to prevent it. Sir John Macdonald said, when he was replying to the Hon. Edward Blake upon this point :

> Legal power is right, but the expediency of exercising that power is a different affair. The only matter in which the House of Lords cannot interfere is the Supply Bill. We know that when the Senate threw out the Tuckersmith Bill, the hon. gentleman did not deny the constitutional right of that House to interfere in the matter, and they interfered readily and well on that occasion, because they prevented a breach of the British North America Act by so doing.

This is what one of the best constitutional authority that we have had in the Dominion says. He lays down this principle, he says that the legal power exists, but that it is inexpedient to treat every question upon that ground, and he winds up by saying that the rejection by the Senate of the Tuckersmith Bill, which most of you understand without my explaining, prevented a breach of the British North American Act. How did they prevent a breach of the British North American Act? By rejecting a bill which changed electoral districts from the position which they occupied under the general Redistribution Act. Sir John Macdonald also made these remarks in 1887, to be found at page 840 of the Commons debates :—

> The principle was set early in our legislature, that there should be no readjustment of the constituencies either in regard to the boundaries or otherwise, except every ten years after the taking of the census, and I think it would really be well that we should adhere to that rule. Occasionally by the addition of a rural portion of a county to a town, there may be a little inconvenience, but it would be much better that that inconvenience should be borne rather than we should have little bills brought in on every alteration of the boundaries of any municipality except either urban or rural—to alter the bounds of the constituencies for electoral purposes.
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> We would have continual taunts of gerrymandering thrown across the floor.
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> We had better leave the matter as it is so that the electoral districts shall remain both as to boundaries and otherwise as they are until the next readjustment.
>
> Depend upon it, we would bring upon ourselves a great deal of trouble and a great many objections from both sides of the House by making any other alternations in the boundaries of constituencies, because if the argument of convenience is adopted in one case that argument will apply to another, and various reasons will be given why it is convenient to alter the boundaries of constituencies.
>
> The boundary of a constituency should not be altered except once in ten years.

That is the principle that was laid down by one of the first statesmen in the Dominion, and it is the principle on which we should continue to act until after the next census.

Hon. Mr. MILLS—Was that Sir John Macdonald or Sir John Thompson?

Hon. Sir MACKENZIE BOWELL—Sir John Thompson held, as Sir John Macdonald did, that except as a matter of convenience or necessity, it would be well to adhere to county boundaries where possible. Take my own county; you could not very well split it up with other counties. It was divided into three ridings at confederation, but not exclusively on the basis of population. My own constituency was the smallest, numerically considered ; to-day it is the largest of the three, because it has a large territory which since has become settled. So it is with all new sections of the country. I remember distinctly when Muskoka was set apart as a separate constituency. It had only about eight or nine thousand inhabitants, while many others lying south and east had much larger population, but it was growing rapidly, and to-day it is one of the largest constituencies in Western Ontario. In dealing with this question the hon. member (Mr. Blake) spoke long and very earnestly on the question of redis-

tribution. He used not very moderate language towards his opponents, but he wound up his speech with these words, which are so applicable to the present case as applied to my hon. friend opposite that I take the liberty to read them for his edification. I have no right to assume that he has not read the speech himself, but the sentiments are so applicable to the case now under consideration that he can truly apply them to himself. They are the views which most of us hold to-day as to the reasons for changing the boundaries of the various constituencies in Ontario particularly. He said:

> Full deliberation is needed for another cause—because this measure is exceptional in its character in this: All other measures of legislation which you bring before Parliament, you submit, when the time or trial comes, to the constituencies which sent you to do their business; you submit to the same men and the same set of tribunals throughout the community; you go before them and you say: "Five years ago you entrusted me with power to act as your representative; such and such things have I done, I bring them before you as the fruits of my labours in that capacity,—and I ask you who sent me to judge whether I am deserving of your continued confidence or no." But this is a measure, Sir, which proposes to alter the jury, to alter the tribunal, to provide for a different set of jurors to try those who are to come before them very shortly for trial upon the events of the last four or five years. No longer are we to appeal to the same set of men before whom we fought the battle four years ago,—no longer are we to say to them: "You returned me by such and such a majority, or you defeated me by such and such a majority, and I appeal to you, on the one hand, to continue your confidence, or, on the other hand, to reverse your vote of want of confidence on the issues which have been raised during those four or five years." No, it is proposed to provide for a different set of jurors, to whom hon. gentlemen, afraid to appeal to those who sent them here, propose to appeal to vindicate their conduct.
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> I commend that to the careful consideration of hon. gentlemen opposite, to whom it is specially applicable now.

There could not be language found that suits the present occasion so well as the language used by Mr. Blake, and I apply it with all the force I can to the position in which we are placed to-day, and also to the hon. gentleman. I do not propose to continue my remarks further. I have laid down what I believe to be the correct principle on which this Parliament should act, and that is, not to interfere with the electoral divisions until after the decennial census has been taken. If this bill now becomes law, the hon. gentleman will have a different jury to whom to appeal, and immediately afterwards there will be another jury provided for those who are to contest the succeeding elections. That should not be the case. I hold that this Senate has the right to deal with this question as it thinks proper, and I resent the doctrine laid down by the hon. Minister of Justice that it is a matter not affecting this branch of Parliament, and therefore we should not deal with it, if it were right for the hon. gentleman opposite in 1882 to make a violent speech against the Redistribution Bill of that session and move the six months' hoist, is it criminal in us, now, to treat this bill in the same way? If he had a right, occupying the seat that I do now, and holding the position that I hold to-day in reference to the opposition, to move the six months' hoist, what right have these hon. gentlemen to declare that this House has no authority to interfere with a question of this kind? The hon. gentleman in 1882 used this language, which is somewhat edifying:

> In my judgment no greater blow has ever been aimed at confederation than this bill; and nothing has tended more to shake the autonomy of the Dominion; no free man can accept it.
>
> I say that when the liberties and privileges of a people are infringed upon by an accidental majority in Parliament the minority so trampled upon will seek redress.
>
> The people whose interests are affected will not stand it.
>
> They will not submit to or tolerate it, and this Senate has now a great duty to perform in the premises if it is to be truly a safeguard for the minority.

These were tolerably strong words, and was followed by a motion for the six months' hoist. Now, I propose to follow the example of my hon. friend to some extent. I do not propose to be so discourteous as to move the six months' hoist, but I shall move something else which I think will have about the same effect, and give a reason for it. But I will paraphrase my hon. friend's remarks before making the motion.

In my judgment no greater blow has ever been aimed at confederation and the basis of the whole electoral system, than this bill; and nothing will tend more to shake the autonomy of the Dominion; no free man having any regard for himself or his country can accept it. I say that when the liberties and privileges of a people are infringed upon as now proposed by an accidental majority in Parliament secured through false pretenses, the minority so trampled upon will seek redress. The people whose interests are affected will not stand it. They will not submit to or tolerate it, and this Senate has now a great duty to preform in the premises if it is to be truly a safeguard for the people of Canada. Believing that to be the case, I propose the following motion

in amendment to that made by the Minister of Justice :

That it be resolved, that it is inexpedient to proceed further with the bill now under consideration inasmuch as it is provided by section 51 of the British North America Act, that the representation of the provinces in the House of Commons shall be readjusted upon the completion of each decennial census subject to and in accordance with the rules in the said Act set forth, and as the next decennial census will under the provisions of the Confederation Act be taken in 1901, a readjustment of constituencies in the Dominion made previous to such census being taken would, in the opinion of this House, be a violation of the spirit of said Act.

Hon. Mr. SCOTT—The language that I used in 1882, which my hon. friend has quoted, was simply justified by the circumstances, and I adhere to the views I then expressed, that never in the history of this country was a more dangerous Act introduced and passed by a political party than the one to which reference has been made. It was an entire departure from principles that had always prevailed in Canadian history. Before confederation, hon. gentlemen will seek in vain to find any instance, except the three particular cases to which Sir John Macdonald himself alluded in 1872, where there was a departure from county boundaries, and in the Confederation Act the counties were set forth with great particularity. The county of Lanark was divided into two ridings. The county of Leeds was divided into South Leeds and North Leeds ; Northumberland was divided into two ridings, Northumberland East and Northumberland West ; Ontario was divided into Ontario South and Ontario North; York was divided into East and West York ; Wentworth into North and South ; Elgin, East and West ; Wellington, East and West, and so on. The hon. gentleman has quoted the British North America Act to show that this is a departure from the principles laid down in that Act. I dispute that. The Act reads perfectly plainly. It has reference to the distribution of the members that represent the several provinces. It has no reference to the internal arrangement of any one province. The language is not capable of a second interpretation. It reads :

On the completion of the census in the year 1871 and on the subsequent decennial census the representation of the four provinces shall be readjusted, not of any one province, but the four provinces.

Shall be readjusted by such authority in such manner and from such time as the Parliament of Canada from time to time provides.

Quebec is given a fixed number, and the other provinces a number varying according to the population of those provinces, and the proportion which it bore to the population of Quebec. That is perfectly clear, and the hon. gentlemen themselves have always acted on that principle. No later than 1893, after the Act of 1892 had been passed, the government of which my hon. friend was a member, rearranged the constituencies a second time, because the first arrangement did not suit them. My hon. friend referred to Nipissing as if that stood alone ; but I have the Act under my hand here, and not only Nipissing but Hochelaga, Ottawa City, Chambly and Verchères were in the same position. The Act says it shall consist of Longueuil, Chambly, St. Lambert, St. Basil, and so on.

Hon. Mr. McDONALD (C.B.)—A repetition of the old Act.

Hon. Mr. SCOTT—No, not at all. It would be here if it were. It was altered and it reads :—Paragraphs so and so are hereby repealed and the following substituted therefor. The electoral list of Rouville shall consist of so and so, L'Ange Gardien, St. Jean Baptiste, St. Hilaire and so on. Bagot in the same way, and the electoral districts of Richelieu, St. Hyacinthe and Provencher was changed. No better evidence can be offered than the fact that the hon. gentlemen themselves arranged the constituency. No later than 1895 they introduced a bill changing two constituencies, Verchères and Joliette, and yet those gentlemen attempt to argue that it is a disturbance of the constitutional Act to now rearrange the counties in one province. The British North America Act is perfectly plain upon the point. It had reference only to the readjustment of the representation in the several provinces. It had no connection whatever with the readjustment of boundaries of electoral districts within the province, so long as they did not disturb the number. We make no disturbance in the number of representatives from Ontario. The number bears exactly the same relation to the other provinces that it did before the introduction of this bill. It does not disturb that at all.

Hon. Mr. FERGUSON—If this clause has no reference whatever to any change or any arrangement within the province, and the province gets ten new members, how is he going to dispose of them ?

Hon. Mr. SCOTT—That can only be rearranged after a decennial census, but there are no new members added here.

Hon. Mr. FERGUSON—If eight or ten members come to a province, they have to be distributed over the province, and how is that to be done?

Hon. Mr. SCOTT—We make no disturbance of the number representing each province. We simply readjust the boundaries of those counties which were gerrymandered in 1892; that is all we do. The hon. gentleman who introduced this motion brought into the debate very many subjects which I do not propose to discuss, but I think some were manifestly unfair and done with a view of reflecting on the members who form the government of this country. He spoke about the men who had committed those atrocious frauds in West Elgin having been down in Ottawa, and no doubt the inference was endeavoured to be thrown out that they had conferences with the government. That is exceedingly bad taste. In the first place, this government did not equire any advice on the subject. They laid down the principle. Nobody can give them any advice. Hon. gentlemen may smile, but if they just reflect for a moment, we simply said: "We will restore the county boundaries, as they existed before 1892."

Hon. Mr. McCALLUM—The government did not consult Captain Sullivan.

Hon. Mr. MILLS—No, we left that to the hon. gentleman.

Hon. Mr. SCOTT—There was nothing to consult him on. There was no one to consult with. We decided that, as the gerrymander existed west of Toronto, the eastern portion of the province should not be disturbed. We wish only to undo the gross irregularities that had been perpetrated under the Act of 1882; limiting it entirely to this, because it was very well recognized that the gerrymander was not carried out to the same extent in eastern Ontario that it was in western Ontario. When we laid down that principle, we did not require anybody's advice. We had no control over it. We simply said "The county of Huron returns three members: we will allow the county of Huron to continue to return three members. We will exclude those townships which have been brought in, and will take in those townships which have been excluded, restoring simply the county boundaries, and eaving it entirely to an independent body to say how it should be divided." Is that not fair to both parties? Can anybody point out the possibility of our foreshadowing whether any substantial gain would be obtained by the Liberal party by so doing? No one could tell. It was absolutely impossible. We had no opportunity. We laid down the principle that if a county had only the requisite number to elect one member, it would only have one member. No one could tell what the effect of that was to be on the county. If the county was entitled to two members, and had at the present time two, we said "Leave it to the county itself, and let it have two members; let the county be divided as the judiciary may decide." And the same way with regard to the counties of Grey, Huron and Bruce, and those counties which are entitled to a larger number. I maintain, therefore, that nobody could give us any advice. We did not leave any option with ourselves. Anybody reading the bill will see that it is laid down on a strict, absolute principle and is not susceptible of any alteration. The judges have simply to divide those counties as they may think proper. They do not go outside of that. The hon. gentleman has endeavoured to show that this House, in the discussion of what was known as the Tuckersmith Bill declared that it should not have been introduced at that particular time. I took part in the debate on that bill, and the rea on the bill was thrown out was a very simple one. Mr. Cameron's election was contested. It was making a considerable difference to Mr. Cameron whether Tuckersmith township was excluded or not in reference to the election to be held if he were declared to be unseated, and he was so declared. This House held that while the matter was *sub judice* the constituency should not be disturbed. The question of readjustment had nothing whatever to do with it. It was not mentioned in the debate. I challenge any hon. gentleman to look up the debate. The whole point turns on the fact that it was improper, while the case was before the court, that Mr. Cameron should be allowed to interfere with, or disturb the county boundaries, because it was at his instance the legislation was inaugurated. That is the real truth of the bill.

Hon. Mr. McCALLUM—It was not right.

Hon. Mr. AIKENS—I do not think that was the real reason. The reason was because the township of Tuckersmith had already voted, and after it had cast its vote, then they wanted to attach it to the constituency represented by Mr. Cameron for the purpose of electing him.

Hon. Mr. SCOTT—That is what I say. The Senate held that if Mr. Cameron had to go back to a new election, the constituency should be the same as the constituency in which the vote was cast before—that there should be no alteration of the boundaries between the first and second elections.

Hon. Mr. AIKENS—That was the decision of this House, but that was not the argument used by the hon. Secretary of State at that time.

Hon. Mr. SCOTT—I know that. I am bound to say that I think this House was right, although at the time I may have taken a different view for the reasons I gave. No doubt there was an attempt to gain a party advantage. In looking back on the occurrences of some twenty-six years ago, or more, I think that the verdict of this House was a proper one, that while the member had to go back to his election, the constituency should not be disturbed. My point in the argument is that the question of the readjustment of representation had nothing whatever to do with the motives which prompted this House to throw out the bill. I lay down this principle, that the Act of 1882 was a violent departure from the rule that always had prevailed in Canada. Before confederation the county boundaries were invariably preserved at all events in Ontario, and I believe also in Quebec. The question of representation by population has been drawn into this debate. It has nothing whatever to do with the representation in the province. I took part in the question, and my hon. friend opposite took part later in the fifties, 1856 to 1859. It was the prevailing question, and it was the question which no doubt forced on the confederation, and it was due to the fact that the provinces of Upper and Lower Canada were each represented by 65 members. Bruce, Grey, Huron and Wellington were filling up rapidly, and the population of Ontario had grown very much faster than that of Quebec, and therefore the agitation arose in Upper Canada for a larger representation, and that was representation by population. It had no reference to the several constituencies within either province, but it had entirely reference to the greater population of the one province and the less population of the other. That was the whole point in the representation by population agitation that afterwards led to the union of the provinces, and that opinion is confirmed by the fact that when the union formed Upper Canada was given a larger representation. The representation of Quebec was fixed at 65, and that was to be the standard from which the representatives in the other provinces was to be derived, but had no possible connection with the internal arrangements, and as I have shown, the late government felt no hesitation in altering boundaries within the provinces. It did not disturb the number of members which represented the province, and therefore they were quite right and quite justified in altering the boundaries if they thought it was a proper policy to pursue. What I maintain is that the Act of 1882 was not only a departure, but that it was framed entirely with a view at annihilating the Liberal party in this country, and that was the reason for the strong language I used on the occasion of my moving the six months' hoist. I say, too, that in the arrangement of the boundaries in 1882 the individual members of the House were consulted as to what townships they wanted in the constituency, or what townships they wanted excluded from the constituency, that the principle that my hon. friend alluded to of equalization of the population was not a feature at all in it, as I will show by reading some extracts from the Act of 1882. The electoral district of Brockville with 15,000 population, was taken out of South Leeds with a population of 23,000. There was no attempt there at equalizing the numbers—a small one and a large one. The population of Cardwell was only 15,300. It was formed out of part of Peel, Simcoe and Dufferin had only 15,000 and it adjoined North Wellington with a population of 24,000 and South Wellington with the same population. There was no attempt there at equalization. Then Durham West, with a population of 15,000 ad-

joins Ontario South with a population of 19,000. Frontenac, with a population of 13,000, adjoins South Leeds with a population of 22,000. Grenville South, with only 12,000 adjoins Dundas with 20,000. North Leeds and Grenville with a population of 13,000 adjoins Carleton with a population of 21,000. Lennox with 14,000 adjoins Addington with 24,000. Middlesex West with 17,000 adjoins Middlesex East with a population of 25,000. It would seem, therefore, in the division that the question of population did not enter, because if they were desirous of having an equal number of population with the number in these adjoining constituencies it would have been an easy matter to make the alteration, and more particularly as the lines laid down by the hon. leader of the opposition would lead one to the conclusion that according to his view municipal boundaries should be abolished entirely and electoral districts formed out of many districts as were defined, abandoning a principle that had prevailed not only in Canada at all times, but also in England even to this day. You never hear of their going outside their county boundaries in England to make up a district; on the contrary, instructions are given, when new electoral districts are formed, that they must not go outside county boundaries and must not even divide parishes. Peel with a population of 15,000, adjoins West York with a population of 41,000. There was a chance to have made a better distribution if the motive had been the equalization of population, but hon. gentlemen see that those figures are conclusive, and that the redistribution had no reference to equalization of population. Then, again, I ask the hon. gentleman what justification is there for taking a township out of a county and then returning into that county a township from another district of equal population? Take, for instance, the county of Oxford with a population of 49,000. It can be easily divided into two ridings, as it always had been for the last half century up to 1882. Blenheim with a population of 9,600 was taken out of Oxford and replaced by East Thorpe with an equal population of 9,630. Now, is such legislation defensible to take a township of 9,000 out of a county and replace it with another township of equal population? Surely there was some motive in that. The general conclusion was—and it was pretty well discussed and practically recognized in that particular county—that it was simply a desire to "hive the Grits."

Hon. Mr. McCALLUM—It was in the county was it not?

Hon. Mr. SCOTT—No, not at all. Two townships were taken out and two more put in. I have a map here, which the hon. gentleman can look at if he desires. Blenheim, with a population of 5,000, is taken out of Oxford and put into Brant. Burford, with a population of 4,600, was taken out of Brant and put in Oxford. What was the sense of that?

Hon. Mr. McCALLUM—Does the hon. gentleman want my opinion?

Hon. Mr. SCOTT—Yes.

Hon. Mr. McCALLUM—I will give it by and by.

Hon. Mr. SCOTT—It was to "hive the Grits." I do not think any fair minded man would say that it was a justifiable thing to do, to take a township out of one county and place it in another, and to take from that other county a township of similar population to replace it. What was the object of it, unless to give the riding a different complexion?

Hon. Mr. MILLS—And a Liberal township was taken out of Perth and put into Oxford.

Hon. Mr. SCOTT—That continues on the list. I do not desire to weary the House with details, but I merely quote that to show the principle that guided the hand that drew up the Act of 1882—that it could only be prompted by personal motives.

Hon. Mr. PROWSE—To prove that, it would be necessary to show the population of the district from which that portion was taken, and to show the population of the district in the part of Oxford County in which it was placed.

Hon Mr. SCOTT—I can give my hon. friend the population of those counties. The populations were, Brant 36,000, but up to that time it had been divided into two ridings, North and South Brant. Oxford was a county that had about the fair number for an equal division. Oxford had 49,857,

which would have made a division of 24,000 odd for each member, which is about the number that the larger counties in Ontario contain. But certainly no more glaring instances can be given than those which I have just quoted. Take Brant, which I gave a moment ago. What could be gained where you take 5,600 out of Oxford and put them in Brant, and take 4,939 out of Brant and put them in Oxford? That certainly would require some explanation. It could not be to equalize the population.

Hon. Mr. PROWSE—They took out more than they put in.

Hon. Mr. SCOTT—As I said, the principles that have guided the government in framing this bill are not open to cavil. It cannot be charged that any political motive was in view, because no one could tell what the result would be. It could not be a gerrymander. In the case of the city of Toronto, we simply take the city as we take the various counties. We made no change in the city of Toronto. We did not alter it at all. We said, "Whatever population the city comprises within the municipality of Toronto, shall be divided so that the city of Toronto shall have five members."

Hon. Sir MACKENZIE BOWELL—Why did not the government add New Edinburgh to the city of Ottawa, of which it is a ward, as they did the two outlying districts to Toronto.

Hon. Mr. SCOTT—It was felt the gerrymander was more gross west of Durham, taking the line west, and it was felt that it was not desirable to disturb the eastern portion of Ontario. We only propose to remove those portions of the Act of 1882 that were most gross and indefensible.

Hon. Mr. FERGUSON—Why did the government deal with the city of St. John and the county as they are doing if that was their only object?

Hon. Mr. SCOTT—There are parties in the city of St. John that have a double vote, they vote for a member of the city and member of the county, if I am well advised.

Hon. Mr. FERGUSON—That is not by the Act of 1882. That arrangement is 100 years old.

Hon. Mr. SCOTT—That was the rule, and it was thought to be an anachronism. Our attention was called to it in taking the recent plebiscite, where it appeared that persons in St. John had a double vote which did not exist anywhere else in the Dominion, and it seemed only reasonable to place St. John city and county on the same plane as before.

Hon. Sir MACKENZIE BOWELL—There was no gerrymander of the city of Toronto?

Hon. Mr. SCOTT—I beg pardon. The city of Toronto, as constituted under the present bill, is confined entirely to the city of Toronto. The county of York is confined to the county of York.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman stated that they confined their operations to the gerrymander in the west, in order to correct what they thought was a wrong; the city of Toronto, to which he was referring, was not gerrymandered in 1882 nor in 1892. It remained precisely the same.

Hon. Mr. SCOTT—We did not desire to interfere with the principle we laid down.

Hon. Mr. FERGUSON—What was that principle?

Hon. Mr. SCOTT—The principle was that there should be no disturbance of county boundaries, and we have not disturbed county boundaries.

Hon. Sir MACKENZIE BOWELL—I gave a dozen illustrations.

Hon Mr. SCOTT—The hon. gentleman cannot point out a single case. The one principle prevails through the whole bill. It is not open to criticism, and in the course that we followed we adopted the principle that hon. gentlemen are so often desirous of quoting and that is the principle that prevails in England. We thought that that was certainly the fairest way. I have in my hand a copy of the instructions given to the boundary commission when the last rearrangement was made in Great Britain. It was made on the principles we adopted in this bill. They proposed to have the division by certain officials, who are known as commissioners, and I will read a paragraph from the instructions given to those commissioners and those are the instructions that the judges

will no doubt act upon when they are making the division:

The duties of the commission will be the following:—

1. With respect to counties:

In the first place to examine the survey maps of the Ordnance Department and determine from them and other documents in the possession of that department and of the Local Government Board, and from other available information, the boundaries to be assigned to the several divisions of each county to be divided. In forming the divisions, the population of the several divisions excluding that of the parliamentary boroughs, should be equalized so far as praticable, and care must be taken in all those cases where there are populous localities of an urban character to include them in one and the same division, unless this cannot be done without producing grave inconvenience, and involving boundaries of a very irregular and objectionable character.

Subject to this important rule, each division should be as compact as possible with respect to geographical position, and should be based upon well-known existing areas, such as petty sessional divisions, or other areas consisting of an aggregate of parishes. In some instances, however, it may be found necessary to include separate parishes, but a divisional boundary must never be allowed to intercept a parish.

Now these are the instructions given to the commissioners who lay out the electoral district in England. There is no departure whatever from the county boundaries, and in the division of the various counties they particularly desire that even the parishes shall not be divided. I say, therefore, that the proposal made by this government is beyond cavil, beyond challenge. You cannot class it in the category with the legislation of 1882 or 1892, because it is on a fixed principle, and it is fair to both parties. No man can forecast what the division will be. Take the county of Bruce. The whole county is to be divided into three ridings. We have no control over the divisions. It is as fair to the Conservative party as to the Liberal party. The same with the other counties. The judges will endeavour to have the population as nearly equal as possible, but nobody can say this government had anything to gain by passing an Act of this sort and leaving it entirely to a court to say what the boundaries of the various subdivisions shall be. The hon. leader of the opposition argued that the electoral districts might exist in this Act wholly irrespective of the county boundary, and he instanced the subjects of legislation which come before Parliament and pointed out that they were not matters of a local character and therefore it should not matter how the electoral district was formed. That is not the principle which has prevailed in England. We look to follow English precedents. They are grand principles to adopt, and they are not open to question, and yet in England, where the questions certainly are as broad, and a good deal broader than in Canada, they scrupulously determine and adhere to county boundaries as the only fair principle that can guide them. It cannot be said that this government in seeking to obtain this legislation is hoping to gain an advantage over its opponents because they cannot possibly foresee what the result may be. It was not so in 1882, when it was notorious that members of Parliament were consulted as to their particular constituencies. If a member had a township in his county which he did not wish to have included, he simply had to say "Cut that township out and give me a township from another county." That was the principle which governed. We have not consulted anybody in this. There was nothing to consult about. There was a broad well defined principle laid down, and that has not been in any iota departed from, so I challenge anybody to maintain for a moment that we could have gained anything by consulting anybody, because we could not depart from the principle. It was arbitray and positive and very plain, to be read by anybody. Hon. gentlemen know very well that the Liberal party in this country felt that a great wrong had been committed in 1882 and they felt it was incumbent upon them, whenever they obtained office, that they should at all events produce before the Parliament of Canada a bill proposing to obliterate the Act of 1883 as far as its more gross features were concerned, and to submit in lieu thereof one that could not be challenged as far as its fairness goes.

Hon. Mr. McCALLUM—My hon. friend the Secretary of State, asked me for an explanation. It is strange to me why we have this redistribution or gerrymander at all. The people of this country wonder at it. What is the necessity for it? Are these gentlemen afraid of the people? If they have not the fear of the Lord before them, they have the fear of the people. They do not wish to appeal to the same constituencies that returned them to power, and my hon. friend the Secretary of State has admitted here to-night that he did an injustice, for party purposes, in the case of the Tuckersmith Bill. Hon. gentlemen have heard him say so. He is doing an injustice now for party purposes, and yet the govern-

ment tell us there is no gerrymander in this business—that they leave all to the judges. I have every respect for the judiciary of this country, but I say to the government of the day, when they are bringing down the judges from the bench to take part in a political matter they are doing a great injustice to the judges themselves and to the country, because it will destroy the confidence the people have in the judiciary if they are to become political agents to divide the counties. The Minister of Justice tells us there is no community of feeling between the people unless they live inside of one county. What has that to do with it? Have we not all to bear a share of the expenses of governing this country? Have we not all to come under the same tariff, are we not all governed by the same laws? The local legislature governs in local matters. The hon. minister said, when he introduced this bill, that the government had promised the people they would do it. Let us consider for a moment how many of their promises to the people they have carried out. When the hon. the leader of the opposition was speaking, this occurred to me, and he might have taken it for an interruption, when I asked him what were the pledges. They were going to reduce the expenditure of this country. I believe the Minister of Justice said they could reduce the annual expenditure by $2,000,000.

Some hon. GENTLEMEN—$4,000,000.

Hon. Mr. McCALLUM—They were going to reduce the expenses in every way; they were going to reduce the public debt, and their policy was to give all contracts only by public tender and to the lowest bidder. Have they done that? Have they not departed from everything they promised to the people, and in order to use Captain Sullivan and others and the machine to get back into power again, they propose this bill. Hon. gentlemen talk about the population to-day. What can they tell us about the population? It is merely a matter of guess. The latest census is that of 1891, and we do not at present really know what the population of Canada is. Let them wait till another census is taken, and I think from what I see in this House, they will have to wait; let them try to carry out some of the pledges they made to the people of this country before introducing this bill.

Hon. Mr. MILLS—This is one of them.

Hon. Mr. McCALLUM—It is a very small one. The hon. gentlemen did not promise when they were going to do it; they are doing it now for party advantage. They leave it to the judges to divide the counties, but the government lay down the scheme as to how it shall be divided.

Hon. Mr. MILLS—No.

Hon. Mr. SCOTT—No.

Hon. Mr. McDONALD (C.B.)—They do not divide St. John, N.B.

Hon. Mr. McCALLUM—Of course they they do not. Their aim is to get additional strength for their party and I am not here to help them in that. I have faith in the electors to do what is right and in the country if it is properly governed, but I have not very much faith in the gentlemen that are governing the country to-day, and why? The people of this Dominion have no faith in them because they have violated every pledge they made before they attained power. They have violated their pledge to reduce the public expenditure. They have violated their pledge to let contracts only by public tender and to the lowest bidder, and they have violated every other pledge but this one that they made to the country. They advocated free trade and turned round to protection. That was an advantage to the country, but it was a violation of their promise. They have been a spendthrift government, and they are afraid of the wrath of the people and now they want to gerrymander the constituencies in order to retain power. If the people sustain them at the next election they can rearrange the constituencies as they think proper after the next census, but while I am here and have a voice, I shall not support legislation of this kind. Let them wait their time out as they should do. If they are afraid of the people I am not. The people of this country know what they are doing. They will weigh the government in the balance and will find them wanting.

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

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, 19th July, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

THIRD READINGS.

Bill (40) "An Act respecting the Canadian Railway Fire Insurance Company, and to change its name to the Dominion Fire Insurance Company."—(Mr. Power.)

Bill (129) "An Act respecting the General Trust Corporation of Canada, and to change its name to the Canada Trust Company."—(Mr. Power.)

Bill (139) "An Act respecting the Nova Scotia Steel Company, Limited."—(Mr. Power.)

Bill (104) "An Act respecting the Dominion Permanent Loan Company."—(Mr. McMillan.)

SECOND READING.

Bill (162) "An Act to incorporate the Belleville Prince Edward Bridge Company."—(Sir Mackenzie Bowell.)

EDMONTON DISTRICT RAILWAY COMPANY'S BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. BAKER, from the Committee on Railways, Telegraphs and Harbours, reported Bill (158) "An Act respecting the Edmonton District Railway Company, and to change its name to the Edmonton, Yukon and Pacific Railway Company."

Hon. Mr. PERLEY moved that the bill be read a third time to-morrow.

Hon. Mr. POIRIER—However great my respect is for any report that comes from the Railway Committee, of which I am a member, I cannot in justice to myself allow this report to pass without calling the attention of this honourable House to what I consider a serious mistake. The question is as to the want and absolute lack of description of the line of railway. We are dealing here with a company that is obtaining from us privileges to build a railroad starting from where we do not know to different places with which we are not at all acquainted. Their line of railway is described in the bill as follows:—

1. The Edmonton District Railway Company, hereinafter called "the company," may lay out, construct and operate from some point on the line of railway which it is already authorized to construct, a line of railway either to the Yellow Head Pass or to the Peace River Pass, and thence by such route as is found or deemed most practicable to a port in the province of British Columbia, or to connect with the line of railway which the British Pacific Railway Company is authorized to construct, and may also construct and operate a branch line to some point on the navigable waters of the Yukon River.

In this description there is nothing definite. We do absolutely not know where we start from and where we are going to land. It is said that the road is to commence on the line of railway which it is already authorized to construct. Now, the railway which the company is already authorized to construct starts:

From some point within the town of Edmonton in the district of Alberta, North-west Territories of Canada; thence in a southerly direction to a point in South Edmonton on the Calgary and Edmonton Railway, and to connect therewith; also from some point within the said town of Edmonton, thence in a north-westerly direction via the village of St. Albert to a point on the Athabasca River at or near Fort Assiniboine with a branch to Stony Plains; also from some point within the said town of Edmonton, thence in a north-easterly direction to a point at or near Fort Saskatchewan, together with a branch to a point on Sturgeon River.

The new railroad is to start from some point between these two points. I have been looking into this former railroad from which, at any place on it, this new railroad is to commence, and I find it runs from Edmonton some ten degrees of longitude west, and some twenty degrees of latitude north, which, as they are running diagonally, would mean a railway about 1,000 miles in length. This new railroad is to start somewhere between these two lines, but neither the committee nor the House are told at what point it is to commence. The length is probably 1,000 miles, from the best calculation I could make, but I could get no exact data as to the distance. A new road starts from some point on that new line, westerly, either to the Yellow Head Pass or the Peace River Pass. Is there any hon. gentleman here who can tell me the distance between these two passes? You will bear in mind that this company is given authority to build westerly at either of these two passes, holding them in the

meantime. For two years no one is allowed to touch those passes. It does not say which pass it shall go through, but it may take either of them. I find those passes are some three or four degrees apart, meaning that the space is enormous, and this space is held by the company until they begin, if they begin at all, to construct that railway. Their former railway is not as yet begun. They obtained a charter for a privilege they knew nothing about, and now come and tell us that their road was no good and they are starting on a new venture. They enlarge the areas very much. They are authorized exclusively, to build, because it is not likely we will give the privilege to any other company, should another company, in the meantime, come with a bona fide offer to build a railroad through any of those two passes. Having passed the Rockies at either of these passes, which they hold in the meantime, they are authorized to build then by such route as is found or deemed most practicable to a port in the province of British Columbia. No port is specified. They can start from Vancouver up to opposite Mount St. Elias, an immense distance. They can choose any port and even complicate us with the United States, if they wish. They have the whole Pacific Coast of British Columbia wherein to choose their port. They have also been granted by the committee of which I am a member—I am sorry on this occasion to have been a member of it—the right to connect with a line of railway which the British Pacific Railway Company is authorized to construct. What is that line? It is some line likely to the south of that, but it is a line which traverses the whole of British Columbia, and they have the privilege of striking that line within a distance of 1,000 or 1,500 miles at no specified point. They may also construct and operate a branch line to some point on the navigable waters of the Yukon River. They can strike the Yukon River either at the Pelly River or at the boundary, a range of perhaps a thousand miles. While it has been, and rightly so, the custom for the House and committee to know what they are about, to have maps showing the members of the committee what powers are sought for, in this case it is true we had the map, but nothing definite at all, and this company is given an area in extent equal to all Europe if you except Russia. That would not, of itself, be the greatest objection, but the company has shown that it was not prepared, the first time it came before us, to construct the railway—it was not shown they had any intention to construct it, since they have done nothing, and now they have come and admitted that the road was impracticable. They are in a position now to prevent other companies from doing any service in those regions because they have embraced, I may say, the whole of British Columbia. I call the attention of the House to this state of facts, and move that the House refer back this report to the Railway Committee with instructions to have a better definition of the line.

Hon. Mr. PERLEY—If noise were considered an argument, the hon. gentleman would have succeeded very well in making the protest on this occasion. I will only say that this bill is one that passed the House of Commons, where the map of the district was laid before the members. The hon. gentleman from Alberta, in the other House, lives at Edmonton, where the railway starts, and there is no doubt he was paying attention to the matter, and the bill passed with his entire concurrence and satisfaction. The same map was laid before the Senate committee, and examined by them before they passed the bill. This bill simply provides for an amendment to change its name, and it is of no importance. We can all understand that in a great country like the North-west Territories, it is impossible to locate a line of railway within a mile or two. If it comes within a reasonable distance of a certain point, it is doing very well. This railway is intended to develop that western country. My hon. friend has never been there, nor have the persons he refers to ever been in that locality. No company could go in there and make a survey of the ground before they got their charter. It costs thousands of dollars to do it. They know where they want to go, and whether they go by a straight line or a circuitous route, circumstances will determine. I do not see any point in the hon. gentleman's argument, except that he wants to stop the development of that country.

Hon. Mr. POWER—There was no division in the committee. The hon. gentleman stood alone.

Hon. Mr. PERLEY—There was no division in the committee and why should the

hon. gentleman make this fuss now? I think the committee was quite able to deal with all the matters, and I have every faith that the House will adopt the report.

Hon. Mr. POWER—There is a question of order in the motion. My hon. friend moved that the bill be referred back to the committee, with instructions to do something which the committee has the power to do without any instructions from the House. The committee can only be given instructions to do something which it would not have the power to do. Consequently the motion is out of order.

The SPEAKER—Does the hon. gentleman insist upon his motion?

Hon. Mr. POIRIER—Is the point of order raised by the hon. gentleman from Halifax well taken? I fail to see anything in the point of order, because there is nothing in our usages to show that it is well taken. The House has the right to send back a report if it considers the report incomplete, or the House can give the committee any instructions that they deem proper. My hon. friend's argument would go so far as to say that a report can only be referred back to a committee when new powers are given to it. If the committee had not the power originally to deal with the bill, it would not have the power afterwards, when the bill was referred back to it. The committee must have the power originally to deal with the bill. The bill may be sent back with special instructions. I do not understand that my motion is out of order.

The SPEAKER—The question was on the motion for the third reading of the bill for to-morrow. The hon. gentleman moved in amendment that the bill be referred back to the Committee on Railways, Telegraphs and Harbours, not for further consideration but with the instruction to obtain from the company a better definition of its line. An instruction can be given to a committee only to confer on it a power which, without such instruction, it would not have. The committee having been satisfied with the information it had, the House cannot instruct the committee to get a better definition of its line. I consider the point of order well taken. Under the circumstances, I do not think the hon. gentleman can make the motion. The question is now on the motion for third reading to-morrow.

The motion was agreed to.

BUFFALO AND FORT ERIE BRIDGE COMPANY'S BILL.

AMENDMENTS CONCURRED IN.

Hon. Mr. BAKER, from the Committee on Railways, Telegraphs and Harbours, reported Bill (96) "An Act respecting the Buffalo and Fort Erie Bridge Company," with amendments.

Hon. Mr. LOUGHEED moved concurrence in the amendments. He said:—The essential amendment in the bill fixes more definitely the location of the public work dealt with in the bill itself. The other amendments are largely of an immaterial character.

The motion was agreed to.

THE REDISTRIBUTION BILL.

DEBATE CONTINUED.

The order of the day having been called:

Resuming the further adjourned debate on the motion of Hon. Mr. Mills for the second reading (Bill 126) "An Act respecting Representation in the House of Commons," and on the motion in amendment thereto of the Hon. Sir Mackenzie Bowell.

Hon. Mr. FERGUSON said:—I ask the indulgence of hon. gentlemen for a short time while I give my reasons for supporting the amendment offered by my hon. friend the leader of the opposition, as I feel it my duty, before giving my vote upon this very important question, to submit my reasons for doing so to this House. I have heard it alleged that the Senate of Canada has no right to reject a bill of this character, which deals entirely with the organization and the constitution of the House of Commons. On that view I think, on close inquiry, there will not be a serious difference of opinion among the members of this House. I take the ground that we have the most undoubted right to reject this measure if we think proper to do so, and if we come to the conclusion that it is not framed in the public interest. In taking that position it will not be hard to support ourselves by the very best of authority, and I turn to the opinions of eminent English statesmen in the case of the Franchise Act in 1884. It is in the recollection of hon. gentlemen that on that

occasion the House of Lords refused to agree to the Franchise Bill of that year, a bill of very great importance indeed, a bill that proposed to give the franchise to 2,000,000 of Englishmen, a measure, too, the principle of which was universally conceded in the country and in the House of Commons by both political parties, as well as in the House of Lords itself, but for reasons which were made plain at that time the House of Lords rejected the bill. On that occasion, two very eminent men placed themselves on record in this way. The Earl of Kimberly, who had charge of the bill, made use of these words:

> Your Lordships have undoubtedly the most perfect right to reject the bill, and to reject it with the direct view that the result may be a dissolution of Parliament.

Lord Rosebery, another Liberal and supporter of this bill, said:

> Every member of this House who has spoken upon this bill has taken it for granted that this House has a perfectly indefeasible right to reject it.

The declaration is here made as plain as language can make it, both by Earl Kimberley and Lord Roseberry, that the House of Lords had an undoubted and indefeasible right to reject the Franchise Bill, a very much more serious bill in its consequences to Great Britain and Ireland than the measure now before us is in reference to the people of Canada. I may make this statement, before going any further, that this House is called upon to consider this question under very peculiar circumstances. It would be hard to find a parallel for the circumstances under which we are called upon to consider the bill which is now before us. Just at this moment, in another place, there is under consideration, or before another branch of Parliament, a measure aimed directly at the independence and co-ordinate powers and dignity of this honourable House, and yet one of the ministers comes down to us with a bill which my hon. friend the leader of the opposition convinced us yesterday is of the most extraordinary character. We are called upon to legislate under a menace. I think it will be impossible, in constitutionally governed countries, to find an instance where the executive have treated a branch of Parliament as the executive have treated us at this moment, in bringing down a measure so indefensible and so unconstitutional as this, and at the same time with a menace on their lips with regard to the independence and co-ordinate powers of this House. You cannot find an example of the kind in constitutional annals. If you want a parallel for this you will have to go back to the last days of the Roman Republic, when dictators and tyrants placed bands of armed men in the public assemblies and courts of justice to intimidate the tribunes of the people and the defenders of personal liberty. What is most remarkable in connection with this measure is that when it was introduced in another place, and on being recommended to this House by the hon. gentlemen representing the executive on this floor on the present occasion, there was no reason given in support of it except one of party advantage. The hon. gentlemen have been unable to show, and have not claimed for this bill, that it is anything other than in the interests of a party. They say the object of this bill is to correct a wrong which they allege was done to the Liberal party seventeen years ago, and for this purpose they are bringing in a bill which is going to disturb a large number of constituencies of Canada. I take the ground that whatever wrong has been done by Redistribution Bills in the past, time has removed the wrong which they could inflict on any party. If you look at the voters' lists of any constituency in Canada of eighteen years ago, and compare them with those of to-day, you will find the old names have passed away and new ones have taken their places. Not only do men come and go, but there is a change which takes place in the opinion of those who do not come or go. No matter how cunningly—no matter how wisely in the interests of party, a redistribution may be made at the time, it will cease to have any sensible party effect, after the general election held soon after the period of the passage of the bill. If hon. gentlemen will tax their memories and go over the constituencies which have been gerrymandered, as alleged, in years gone by, they will find that the strong party proclivities of those affected by the changes carried out at the time, have long ceased to exist. Therefore, if this measure was, as my hon. friends who have defended it from the other side of the House say it was—if it was a measure intended to remove the effects of the redistribution of years ago, or repeal the redistributions of 1882 and 1892, its only effect to-day would be to produce disturbance which will be in the interest of the party that the hon.

gentlemen represent in this House and before the country. I will take the liberty of quoting a few observations made by Sir Louis Davies in 1892, when he was opposing the Redistribution Bill of that year. I think hon. gentlemen will agree with me that the words then used by that hon. gentleman are almost entitled to rank as a prophecy. His words will be found in *Hansard* of 1892, page 3241. He says:

> Experience has shown to us that if the dominant party for the time being, when legislating on a matter affecting the very foundation of representative government, ignore the existence of their opponents and say we will arbitrarily proceed to decide in this way or that way, the result has been and may be again almost to annihilate one of those parties; and when the party which is excluded for the time being happens by a combination of accidents to be returned to power, that party will be, perforce, driven to adopt the same unjust and unfair system, and will introduce another Redistribution Bill not founded on justice or on the lines of the constitution and intended to give the people a fair means of representation, but intended to promote the interests of the dominant party alone.

The words of the Minister of Marine and Fisheries are as I said entitled to rank as a prophecy. He has described what has happened since the party got into power, and even the way they got in, by accident, and having got in, they were going to pass a Redistribution Bill, not on the line of the constitution, not in the interest of the public generally, but in the interests of their own party. All that is about to happen. So far, it has happened exactly as the hon. gentleman predicted it would, and I have only to point out to the House the remarkable acumen of that hon. gentleman in making so very accurate a prediction of what would happen. One of the objections which I have to offer against this bill is that it is not general in its character. When you introduce a Redistribution Bill, except after a decennial census, if such a bill is introduced and passed—admitting for the sake of argument that it is constitutional to do so at any other time than after the decennial census—the bill should be general in its character. It is possible that a Redistribution Bill passed for the purpose of dealing with a change in the population of the provinces might be justified on the ground that it did not go much further than to provide seats for the new members which one province might get, or to so arrange the constituencies as to locate and readjust the number of seats in the province that would lose members. It is possible there might be some justification for such a measure as that, but when you introduce a bill under other circumstances—supposing it is right to do so—it ought to be general in its character, which this bill is not. This bill only provides for dealing with a part of the province of Ontario, with the province of Prince Edward Island, with the city and county of St. John and a few minor alterations in the province of Quebec with which I am not very familiar. That is the whole extent to which this bill goes; but I hold it is not only not general in its character but that it is unjust in its provisions. One would have thought that the government, whenever it came to deal with this question, would have been prepared to rise to the high plane on which they have been treating such questions as this in the past. One would have expected that the hon. gentlemen from the fact that they laid down very high sounding rules on this subject would have acted in a non-partisan way. I turn to the *Hansard* of 1892, when I find that the leader of the then opposition, Sir Wilfrid Laurier, in the House of Commons moved the following resolution:

> Resolved that the bill be not now read a second time, but that it be referred to a conference or committee to be composed of both political parties to agree upon the lines or principles on which a Redistribution Bill should be drawn.

I should like to ask my hon. friend the Minister of Justice why his government did not pursue that course when they came to deal with redistribution on the present occasion? Why did they not act on the lines they laid down in their resolution of 1892, and confer with the opposition about a bill? Did my hon. friend make any proposition to the opposition party, either in the House of Commons or in this chamber, with regard to the lines on which this redistribution should be made?

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. FERGUSON—I thought my hon. friend was going to rise and say that he had done so, but he has gone back into his seat and has not made any sign whatever. My hon. friend is very fond of talking of English methods and precedents. I wish to point out to the hon. gentleman, what he knows very well, that in 1884 and 1885, when the last redistribution was made in England, it was brought about by a conference and union of both parties.

Hon. Mr. MILLS—I may say to the hon. gentleman, in reply to his inquiry, that we

proposed that on a former occasion when the hon. gentleman beside him and his colleagues were in office, and they declined to confer with us and declined to give us any voice in the matter.

Hon. Mr. FERGUSON—My hon. friend says that when he was in opposition that was proposed. It was proposed by the resolution I have read, and he condemned the government of the day because they did not embrace that proposition and agree with it. But now, when he is clothed with responsibility in the matter, he makes no proposition to the opposition in regard to it. He simply proceeds on the very lines that he condemned the Conservatives for proceeding on in 1892. It is a matter that is well known by hon. gentlemen that in 1884-85, propositions were made to the opposition by Mr. Gladstone and his friends in the English government. Propositions were made to the opposition, and it is a matter of history, and it redounds to the infinite credit of English statesmen, not only to the credit of Mr. Gladstone and the men that were associated with him, but to the credit also of the men in opposition—it is a matter of history to-day that Sir Stafford Northcote and Lord Salisbury actually attended cabinet meetings, and consulted with gentlemen delegated by the government to deliberate with them. Lord Salisbury and Sir Stafford Northcote attended at the place where cabinet meetings were held day after day for the purpose of consulting and conferring with regard to the preparation of the Redistribution Bill of 1885. It is a matter altogether beyond cavil and beyond dispute that the lines on which that bill was drafted were lines agreed upon by leaders of both parties and that the bill, as presented to Parliament, was one which had met with their entire support and concurrence and that they unitedly used their influence in carrying that bill into law, and the result was that they gave so good a measure at that time, by the co-operation of both parties, that there has been very little heard of redistribution from that time forward. It was at that time a most important and pressing question. Two million of men were being enfranchised, and they were people mainly belonging to the rural population. The urban population had a better representation than the rural population, but when 2,000,000 were being enfranchised, it was felt that the rural districts should have a larger voice in Parliament. Up to the time of that bill there was one member of Parliament to every 78,000 people in the boroughs, while in the city the representation was one to 42,000. Earl Kimberly, when he introduced the bill of 1885 in the House of Lords, stated that he was able to announce that, as the result of their labours, they had brought the unit of representation in regard to the boroughs and in regard to the rural districts, exactly on the same basis, giving a member for every 52,800 of population for the boroughs, and a member for every 52,700 population in the rural districts. The result was of such a gratifying character that it met with universal support, and passed both Houses of Parliament with a great deal of ease, and there has been no serious demand for redistribution from that time to the present. If we did not know these hon. gentlemen, we would have expected that they would be prepared to make propositions to the opposition, and when they came to deal with the redistribution of seats they would follow the English models about which they are very fond of talking but which they are very slow to imitate. I asked my hon. friend, the Secretary of State, when he was talking about the principle of this bill, if he would kindly tell us what the principle was, and my hon. friend, notwithstanding his resources in debate and great information and plausibility as a speaker, absolutely stammered and did not tell us what it was. I think he went so far as to say that it was to do away with the gerrymander, to reverse the gerrymander of 1882 and 1892.

Hon. Mr. SCOTT—To go back to the old system.

Hon. Mr. FERGUSON—I take the ground that it does not do so. If the hon. gentleman puts that forth as a principle, that principle is not observed in framing the provisions of this bill. A careful examination of this bill convinces me, to use the memorable words of Macauley, that it represents something not to be found in the heavens above, in the the earth beneath or in the waters under the earth. With reference to the question of representation by population, I have heard it stated, although not exactly in set terms, by the gentlemen on the other side of the House, that representation by population is one of the principles underlying the

bill. Let us look at that for a moment or two. Take the city of St. John, upon which their hands have been laid. We find that in the city and county of St. John, which was formerly one constituency, with the double right of voting, with a larger exercise of the vote on the part of the city than the county, two constituencies are now created with the same right of voting, one having 11,000 population and the other 39,000. This is the handiwork of the hon. gentlemen opposite. They carve the city and county of St. John and make it two constituencies, one part with 11,000 of a population and the other with 39,000. I can remember very well in 1872, when the first Redistribution Bill was brought in under the British North America Act, that the Hon. Alex. Mackenzie condemned Sir John Macdonald because he did not adopt the principle of representation by population within the provinces, and he made a very long speech, which is partially but sufficiently reported but which makes it clear that that was the great objection which he had to the redistribution of 1872. In 1882 an attempt was made to approximate, at all events, to the principle of representation by population.

Hon. Mr. MILLS—Does my hon. friend agree with Alexander Mackenzie's view or Sir John Macdonald's view?

Hon. Mr. FERGUSON—I agree with the view that, as far as possible, there should be a close approximation to representation by population in Canada.

Hon. Mr. MILLS—Then my hon. friend must condemn the state of things at the present moment.

Hon. Mr. FERGUSON—I do condemn it. I say there should be changes, but entertaining that view, I am not prepared to support changes by which we are drifting away further from representation by population than we have been for the last twenty years. That is the effect of this bill, and I think I will be able to convince the House, not only by the case of St. John, but by the case of Prince Edward Island, and many other instances, that this bill is a wide departure from and a retrograde step as far as the principle of representation by population is concerned. In the past, hon. gentlemen have taken a very strong ground on the question that there should be single constituencies. My hon. friend, the Minister of Justice, I think held that view very strongly, not very long ago. He was entirely opposed to the principle of double constituencies. I observe that he makes no sign of dissent. I am always very happy to have the hon. gentleman put me right when I am wrong. I observe that he makes no sign, and I infer that he admits the accuracy of what I say, that he was not very long ago a redoubtable champion of single constituencies. In case that my hon. friend should forget that such was the case, at all events, so as to stir up his pure mind by way of remembrance, I will read a few words which he uttered in 1892 on this question of single and double constituencies, and if my hon. friend will take the trouble to turn to *Hansard* for 1892, he will find these words:

> There is another point which is important, and it is that there should be single constituencies. It is not proper to have two constituencies united into one. In the first place it is extremely inconvenient. In the case of a by-election in this city why should a candidate be called upon to ask the suffrages practically of two constituencies in order to obtain a seat in Parliament? The same may be said of Pictou, Halifax and Hamilton as well as of Ottawa. All these constituencies ought to be divided, and in no case should there be two representatives for the same constituency.

The hon. gentleman was strongly of that opinion in 1892, and he gave very good and substantial reasons for the faith that was in him on that occasion, but that faith appears to have died in the hon. gentleman's heart, and he appears to be of a different opinion now. What does he do? We find him doing away with double constituencies in Toronto and in St. John. It is true it is proposed to do away with two double constituencies, Toronto West and St. John leaving seven other double constituencies. There are two on the Pacific coast, Hamilton and Ottawa in Ontario, and three in the maritime provinces, leaving seven double constituencies, and to be sure of making things even, he restores two double constituencies in Prince Edward Island, so that it makes the same number as we had before the bill was introduced. My hon. friend seemed to think that the principle of single constituencies was one worth making a strong stand for in 1892, but his valour seems to have oozed out at the palms of his hands and he thinks differently now. I will have many other occasions before I resume my seat to show where my hon. friend seems to have changed his views, but he will not find any fault when I say that he has not changed his opinion, I

presume he has only changed his practice. That was the hon. gentleman's explanation when I pointed out to him yesterday that Sir John Macdonald had changed his views with regard to the importance of county boundaries between 1872 and 1882. My hon. friend's retort was "Yes, Sir John Macdonald did change—he changed his practice, not his opinions." That is the hon. gentleman's way of accounting for things of that kind. He surely will not object if we arrive at the same conclusion with regard to himself—that he has simply changed his practice; his opinions remain as they were. There is a subject upon which, I have no doubt, I will find my hon. friend very sensitive indeed, that is with regard to established boundaries, and especially county boundaries. The hon. gentlemen opposite are very fond of saying that this bill respects county boundaries, and is for the purpose of restoring county boundaries wherever they have been departed from in past legislation. With regard to that subject, I have to say that my hon. friend made a very careful selection of the parts of Canada and the constituencies to which to apply his great principle of county or municipal boundaries. My hon. friend spends a good deal of his time in Ottawa, and it could hardly have escaped his attention that at this moment he is leaving New Edinburgh, a part of Ottawa, outside of the city in which it is municipally included. In close proximity to Ottawa, I could point out other constituencies where county boundaries remain broken up, and where other lines are drawn. He is content to leave them as they are, but in his great desire to restore county boundaries, he applies it to western Ontario and Prince Edward Island, and there he stops. My hon. friend is not quite consistent on this question of county boundaries any more than on other questions on which we have examined his record very closely. Sometimes it would almost appear as if the hon. gentleman regards county boundaries as a fetich that he would be inclined to worship. We find him going to Bothwell, Kent and Lambton, and displaying wonderful antiquarian skill in restoring and tracing an old boundary that had been obliterated politically thirty years ago, between the counties of Kent and Lambton. Hon. gentlemen from Ontario know this as a fact. At the time of confederation, in order to find seats for those additional members Ontario was entitled to, three new counties were formed in 1867. Bothwell was one, Monck another, and Cardwell was a third. Bothwell was formed by three townships from the county of Lambton and four townships from the county of Kent, seven in the whole, having the county boundary running right through the centre of the constituency. The result of that was to find a seat for my hon. friend, and I believe he came to Parliament as the representative of that constituency shaped and formed in 1867, and remained as its representative from that time until 1896, when he was defeated by Mr. Clancy. There was only one break during a very short period, when by an irregularity, my hon. friend was kept out of his seat for a little while. He was only kept out of his seat, however, until that irregularity was corrected by the courts, and for the whole of the twenty-nine years my hon. friend continued as representative of the county of Bothwell. But at the last election my hon. friend was defeated. He explained yesterday that his defeat was due to ballot stuffing at the time. I was at a loss to understand why my hon. friend should have shown such animus against Bothwell as to obliterate it from the map of Canada. I was surprised that a gentleman who had enjoyed the confidence of Bothwell for twenty-nine years, and was enabled, on the strength of that confidence, to take an active part in the politics of Canada, should blot the name of Bothwell from the map of Canada; but the explanation that he gives is that stuffed ballots were used to defeat him in 1896. He did not say that was why he proposes to abolish Bothwell, but that it was why he was not elected. The inference is that Bothwell is treated as a rotten borough in England is, when disfranchised for corrupt practices. I am rather inclined to think it was not exactly for this reason. My hon. friend, I fear, has had his pride wounded by his defeat. The vision of James Clancy has been pursuing him ever since, and when he has the opportunity, he is ready to exclaim with Lady Macbeth, in her delirium, when she thought she saw the blood of the king on her hands, "Out, out damned spot!" I know my hon. friend is not profane, only when he is Shakespearean. I have no doubt he would give the quotation, and he will pardon me for quoting it. That is his sentiment, no doubt, with regard

to Bothwell. Bothwell has turned its back on the hon. gentleman, and he has turned his back on Bothwell.

Hon. Mr. MILLS—Since the hon. gentleman is good at drawing inferences, how does it come that while I represented Bothwell in 1882, I proposed the abolition of Bothwell and the restoration of the boundary of Kent?

Hon. Mr. FERGUSON—I am a little too well up in what the hon. gentleman did in 1882 and 1892 to be caught. I think I can convince him that his memory is short as to what he proposed to do in 1882.

Hon. Mr. MILLS—It is not at fault at all, but the hon. gentleman's candour in debate is at fault, that is the trouble.

Hon. Mr. FERGUSON—I did not hear the hon. gentleman's remark. My hon. friend as I was remarking, has been displaying great antiquarian taste. He has been exploring and restoring the old boundary of Kent and Bothwell which had been wiped out thirty years ago, and he determines that he will obliterate Bothwell, and resolve the elements of the county back into their places, some four of these townships going back to Kent, and three of them to the county of Lambton. I wonder, when my hon. friend was in this antiquarian mood, that he did not go a little further back, because I am sure with his skill, which we all recognize, in such matters, if the hon. gentleman had made an inquiry a little more ancient than that, he might have found some boundaries recognized by the Hurons or the Eries in the western peninsula of Ontario, and if he had gone still further back and taken the testimony of the rocks on the coast of Lake Erie, he might have found some marks to assist him in arriving at antideluvian boundaries. He found this boundary, anyway, which had been obliterated by the Parliament of Canada for electoral purposes thirty years ago, and he determined that Bothwell should exist no longer. My hon. friend referred me to what he had done in 1882, showing that he had made an effort in 1882 to do away with Bothwell.

Hon. Mr. MILLS—No, I did not say that

Hon. Mr. FERGUSON—Will the hon. gentleman be kind enough to tell us what he did say?

Hon. Mr. MILLS—I said I was in favour of the restoration of the county boundaries. If the hon. gentleman will look at one of the speeches I delivered on that occasion, I proposed that the boundaries, in every instance, should be restored. Failing that, we said Kent and Lambton were entitled to five members, and that these five members should be elected, that is Kent, Lambton and Bothwell, and I moved a resolution to that effect.

Hon. Mr. FERGUSON—I will read the resolution and the hon. gentleman's explanation will be more intelligent after it is read. I want the resolution given in the *Debates*.

Hon. Mr. MILLS—It will go twice there; I will read it myself.

Hon. Mr. FERGUSON—The hon. gentleman moved the following resolution:

Resolved that the said bill be not now read a third time, but that it be resolved that the municipal counties of Kent and Lambton, comprise the electoral districts of Kent, Lambton and Bothwell, with a population of 106,341, making for five members an average of 21,268 per member. That the electoral district of Lambton comprises 42,616 and may properly be divided into two ridings.

I find, by an examination of the census returns, that this population corresponds with the population given by these returns in 1881, for the county of Lambton, less the three townships which had been placed in Bothwell.

Hon. Mr. MILLS—Certainly.

Hon. Mr. FERGUSON—The resolution continues:

That the electoral district of Kent comprises 36,626 and may, by the restoration from Bothwell of some of the municipalities of Kent, be divided into two ridings of about 21,000 each, leaving Bothwell with 21,000.

The hon. gentleman was going to leave Bothwell with about 21,000.

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. FERGUSON—Will the hon. gentleman tell me how he was going to get this 21,000 for Bothwell without making it up by part of Lambton and part of Kent

Hon. Mr. MILLS—I did not propose to make it anything else except a part of Lambton and Kent. The government had proposed the bill. We favoured county boundaries. We were unable to secure county boundaries, and then the hon. gentleman's leader declared that they were adhering to the principle of representation by population. I denied that, and that was a proposition to establish representation by population in these two counties.

Hon. Mr. FERGUSON—I notice my hon. friend is not so valiant now as he was a few minutes ago on this question. The hon. member actually proposed, by this resolution, to leave the electorial district of Bothwell, consisting of three townships of Lambton and some townships of the county of Kent.

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. FERGUSON—We are exactly in agreement now?

Hon. Mr. MILLS—No.

Hon. Mr. FERGUSON—Notwithstanding my hon. friend's valiant declaration a moment ago, that he had in 1882 proposed to abolish the electoral district of Bothwell, we have here the evidence in the hon. gentleman's resolution, not only that he proposed to retain it, but that he proposed to retain it in violation of the principle of county boundaries.

Hon. Mr. MILLS—Hear, hear. We could not help ourselves.

Hon. Mr. FERGUSON—My hon. friend will be a little more careful, I hope, when he makes an interruption again, because he has enabled me, by his interruption, to bring out the point more clearly than I could otherwise have done. My hon. friend, the Minister of Justice, has now to admit before this House, that he himself in 1882 tried to form a constituency for himself known as the electoral district of Bothwell and in violation of the principle of county boundaries.

Hon. Mr. MILLS—No.

Hon. Mr. FERGUSON—Yes, that was to include part of the counties of Lambton and Kent. I will now leave that part of the subject. This fetich of county boundaries that the hon. gentleman professes to worship so very earnestly, after all is only to be worshiped and to be observed by him just when it suits his purpose. When he wanted to make the county of Bothwell, in 1882, to suit himself, he was ready to violate that principle and he has not changed in that respect to the present moment, for at the present time, when he is dealing with the representation of the province of Ontario, he leaves this principle of county boundaries to be violated in a large number of the counties in Ontario, and he does not propose to touch them. Therefore this bill cannot possibly be proposed in the interest of establishing county boundaries. There is another point upon which my hon. friend and the Secretary of State touched—I am not quite sure which of them dealt with that point or whether they did not both deal with it—and that is the importance of judicial divisions by independent authority. I am trying now to find out what principle there is behind this bill. In order to give my hon. friends some opportunity to show what principle underlies this measure, I am going over these points that might form, if any of them are to be found in it, the principle governing a Redistribution Bill. I am now taking up the division of counties and cities by independent authority. In 1892 I know the leader of the hon. gentleman, as has been shown by the leader of the opposition in this House, speaking in the House of Commons, condemned the policy of delegating powers, which Parliament should exercise itself, to any body of judges or others for the purpose of carrying out the redistribution of seats. The leader of the government, Sir Wilfrid Laurier, took that ground in 1892, but this principle is proposed, to a partial extent, to be introduced in dealing with some of the constituencies affected by the present bill. But while it is proposed to call in judicial authority for the purpose of dividing some constituencies, as I have already explained, and as hon. gentlemen know very well, a large number of constituencies are not proposed to be divided at all, but when hon. gentlemen come to deal with the city and county of St. John, the Hon. Mr. Blair, the minister representing that province, says "I can do that better than the judges and I will do it myself," and he does it by an amendment of the bill in the Commons straight and direct, creating one part of the county,

with 11,000 population, a single constituency, and the other part of the county, with 39,000 of a population, another single constituency, side by side. So this principle of judicial authority in dividing the constituencies so strongly presented by the hon. gentlemen in the government, as a very valuable principle, they have departed from in the case of the county and city of St. John, and not only that, but they create two double constituencies in Prince Edward Island, and determine there that they shall not be divided at all. In dealing with these double constituencies in some parts of Ontario, they say they shall be divided, and divided by judges. In New Brunswick they say "We will divide them ourselves," and in Prince Edward Island they say they shall not be divided at all, and still the hon. gentleman talks to this House about the principle of the bill. I should like the hon. gentleman to show me any one principle that is observed and carried through in the bill before us. I have already touched on another point which hon. gentlemen were anxious to put forward as a principle of the bill, and that was the repeal of the redistribution of 1882 or 1892, or both, and I have already pointed out that it does not do that, that while it deals with some constituencies which were dealt with in 1882, it leaves a great many others untouched, and in such cases, whatever was wrong in the redistribution of 1882 is not remedied or corrected by the bill before us. I take the ground that Parliament has not a right to pass a measure of this kind, except after the taking of the decennial census. I hold that we have not the constitutional right to do it. I feel rather diffident about discussing a question that is, in many respects, a legal one, very closely, but I will take very great care to support the opinions I give on this question by excellent authority —authority which I am sure the Minister of Justice will not dispute. My hon. friend, in introducing the bill the other day, took a long time—I think about an hour —in instructing the House on some of the elementary features of the British constitution. He began away back in the reign of Henry Third, and traced the growth of representative institutions in the mother country up to a comparatively recent period. His speech embraced also a review of the old American colonies and Canada before the date of confederation; and, if I understood the object of this very long and tedious disquisition, if it had any bearing on the subject before the House, it was to prove that this Parliament had an implied power to pass such a bill as this independently of the British North America Act.

Hon. Mr. MILLS—No.

Hon. Mr. FERGUSON—My hon. friend shakes his head. I understand if he has changed his practice, he has not changed his opinions on this subject at all events, and it will be my duty to place before the hon. gentleman some views of his own on that matter which I know he will receive with very great respect. In 1892 another hon. gentleman, a prominent member of this government, Sir Louis Davies, made a statement in Parliament with regard to redistribution. He said:

> Now, sir, it is said by some that there must be an inherent power in Parliament to do this. (That is to pass a Distribution Act) I deny it. This Parliament is the creation of an Imperial statute is bound by the limitations expressed in the statute; it has no power to legislate in defiance of, or beyond, or inconsistent with any of the limitations in that statute.

That was the opinion expressed by Sir Louis Davies, in 1892. I now come to what my hon. friend the Minister of Justice said on the same occasion (Page 3206 *Hansard* of 1892.) He says:

> What does the 40th section say? It says:
> Until the Parliament of Canada otherwise provides Ontario, Quebec, Nova Scotia and New Brunswick shall have," &c., &c.
> Until the Parliament of Canada otherwise provides, provides how? In what way? Arbitrarily? No, sir, provides in the way pointed out in section 51. It is authorized to provide in that way. It is not authorized to provide in any other way? Now there is no rule of constitutional authority better settled than this that you cannot set up an implied power against an expressed one." * * * *
> That is the way (quoted the 51st section) which you are to exercise that power. There is the express provisions. There are the directions given and this Parliament is required to act in consonance with these directions and in conformity with this grant. It has no right to go outside this grant.

These are the words of the hon. gentleman himself, and I may venture an opinion surely when I am supported by a gentleman of such great eminence as a constitutional lawyer as the hon. Minister of Justice. These are the views of two members of the present government on that subject, and if my hon. friend did not mean, by the nature of the disquisition which he gave on the growth of representative institutions in Great Britain and the colonies up to the

time of confederation, if he did not mean to found an argument in favour of Parliament dealing in the way he proposes in this bill—that is, apart from the 51st section of the British North America Act, I fail to understand the meaning of his words. But, according to my hon. friend's own language in 1892, there is no power or provision for dealing with the redistribution except as provided for in section 51 of the British North America Act.

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. FERGUSON—My hon. friend says "hear, hear," and notwithstanding that, he brings in a bill in entire violation of section 51 of the British North America Act. There are four sections in the British North America Act which deals with this question. Section 40 I have already partially read, but in order that we may have them all before us, I will read all the sections:

40. Until the Parliament of Canada otherwise provides, Ontario, Quebec, Nova Scotia and New Brunswick shall, for the purposes of election of members to serve in the House of Commons, be divided into electoral districts, as follows:—

51. On the completion of the census in the year one thousand eight hundred and seventy-one and of each subsequent decennial census, the representation of the four provinces shall be readjusted by such authority, in such manner and from such time, as the Parliament of Canada from time to time provides, subject and according to the following rules:

1. Quebec shall have the fixed number of sixty-five members.

2. There shall be assigned to each of the other provinces such a number of members as will bear the same proportion to the number of its population (ascertained at such census) as the number sixty-five bears to the number of the population of Quebec (so ascertained).

3. In the computation of the number of members for the province, a fractional part not exceeding one-half of the whole number requisite for entitling the province to a member shall be disregarded; but a fractional part exceeding one-half of that number shall be equivalent to the whole number.

4. On any such readjustment the number of members for a province shall not be reduced unless the proportion which the number of the population of the province bore to the number of the aggregate population of Canada at the then last preceding readjustment of the number of members for the province is ascertained at the then latest census, to be diminished by one-twentieth part or upwards.

5. Such readjustment shall not take effect until the termination of the then existing Parliament.

52. The number of the members of the House of Commons may be, from time to time, increased by the Parliament of Canada, provided the proportionate representation of the provinces prescribed by this Act is not thereby disturbed.

91. It shall be lawful for the Queen, by and with the advice and consent of the Senate and House of Commons, to make laws for the order, peace and good government of Canada, in relation to all matters not coming within the classes of subjects by this Act assigned exclusively to the legislatures of the provinces; and for greater certainty but not so as to restrict the generality of the foregoing terms of this section, it is hereby declared that (notwithstanding anything in this Act) the exclusive legislative authority of the Parliament of Canada extends to all matters coming within the classes of subjects next hereinafter enumerated; that is to say:

Then we come to section 92 which says:

92. In each province the legislature may exclusively make laws in relation to matters coming within the classes of subjects next hereinafter enumerated; that is to say:

1. The amendment from time to time (notwithstanding anything in this Act) of the constitution of the province, except as regards the office of Lieutenant Governor.

While it is laid down as the law with regard to provincial legislatures that they can amend their constitutions, in the enumeration of the powers of the Federal Parliament, there is no corresponding power mentioned. There is a general power conferred by section 91 to make laws for the peace, order and good government of the country, which probably would be quite sufficient to give power to pass Redistribution Bills, unless express provision was made in another section of the British North America Act for the same purpose; but I think my hon. friend will be very loath to contradict me when I say that, if, as my hon. friend admitted a few moments ago, and as he said in 1892, section 51 gave express and complete powers with regard to making readjustments involving redistributions—if that is provided in an express provision, then the general provisions like section 91 will not apply. My hon. friend may take another view, but I doubt very much whether he will assume the responsibility of taking any such position as that. Of these four sections, 91 gives a general power; 40 creates an undoubted power; 51 specifies the power created by section 40, and section 52 further specifies the powers granted in section 40. Again, I am supported by the Minister of Justice himself on another point. I think it has a most important bearing on this question. In the original resolution for the union of the provinces, it was provided that the provinces should have the framing and shaping of electoral districts for federal purposes. That was the original plan provided by the resolutions; but during the London conference a different view prevailed, and the advocates of retaining power in the hands of the local legislature were induced to give way and

accept section 51 instead of the resolution giving the powers to the local legislatures. Now, in order that I may put my views here beyond any possibility of controversy, at least by my hon. friend, I will read what he said himself in 1892. The Minister of Justice said on that occasion:

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

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

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

Hon. Mr. MILLS—Hear, hear.

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

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

My hon. friend went on to say:

That is clear. It does not say that there is an additional way or that the Parliament of Canada might do so and so.

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

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

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

Hon. Mr. MILLS—No, no.

Hon. Mr. FERGUSON—I will glance again at these sections. Let us look carefully at the words of section 51. If section 51 makes special provision for redistribution section 91 does not apply. I take that position. My view is that section 51 makes special provision, and ample and entire provision, and therefore section 91, which is simply a general one, does not prevail against a specific section such as section 51 is, and if section 51 involves redistribution within the provinces, section 40 can only create a power to be exercised under section 51. If section 51 provides a means of complete redistribution within the provinces, as well as a readjustment of an interprovincial kind, then section 40 has no bearing further than to create the power which is exercised under section 51. I will ask this question: Has Parliament power, at any other time than on the completion of a census, to pass a Redistribution Act? I take ground that it has not. If section 51 applies to interprovincial readjustment only, all the elaborate provisions of the first clause are unnecessary and a simple arithmetical problem is all that was required. Let us take that clause and read it again. It says:

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

Hon. Mr. MILLS—What does the hon. gentleman understand by "such authority?"

Hon. Mr. FERGUSON—I will come to that in a moment. I have a view of that

subject, whether it will agree with the hon. gentleman's view or not I cannot say. Probably I will be able to quote my hon. friend on that point.

Hon. Sir MACKENZIE BOWELL—He has changed his mind since then.

Hon. Mr. FERGUSON—Section 51 provides for an interprovincial readjustment, as well as for a redistribution within the provinces, and if it did not so provide, and was not intended so to provide, all the rules and regulations it contains would not be necessary. It would be a simple question in arithmetic which a school-boy could work out, and what would be the need of constituting an authority for it and providing for the manner in which it was to be done if it was a simple question in arithmetic, as to the proportion of the population of Quebec to the other provinces of Canada? It is clear to my mind that there was something more than that meant. It was intended that there should be a redistribution, as within the provinces, for without that readjustment could not be carried out. Now, the context does not qualify or cut down this clear contention which I make with regard to section 51, and it is not stated, directly or indirectly, that it is confined to interprovincial readjustment. A readjustment, if it is to be had at all, must be effective, and my hon. friend will, I imagine, claim that section 51 provides for an efficient readjustment. It provides that representation between the provinces shall be readjusted by such authority,and in such manner, and from such time as the Parliament of Canada from time to time provides. If it were not an efficient readjustment, it would put the provinces in this position: it would be found from the census, as it was by the last census, that Ontario was entitled to four members more than she had before, Prince Edward Island to one less, New Brunswick to two less, Nova Scotia to one less, and some other changes in the other provinces. This readjustment, to be affective, must allocate seats for the new members, or fit the constituencies to the reduced representation, and how is that to be done except by a redistribution within the province? How were we to find seats for four new members for Ontario without redistributing the seats in the province of Ontario? How were we to repair the gap made by the loss of one in Prince Edward Island, unless some provision was made as to where that one man came out, and that meant a redistribution in Prince Edward Island. Hon. gentlemen would see that the redistribution would be a nullity, and would result in chaos unless it provided at the same time that there should be a redistribution within the province, and my contention is that the 51st section is complete in these respects. My hon. friend asked me a few minutes ago what meaning I attached to the words "by such authority." I have tried to decide in my own mind, by consulting the best authorities and find what the words meant, and I will try to make my own meaning and conclusion plain to hon. gentlemen, whether they will accept them or not, I cannot say. I find that Clements who is a writer on the constitution of Canada and expounder of the British North America Act says that two of the fathers of confederation alleged that it was the intention of the authors of confederation, at the passage of the Confederation Act, to create an independent authority for the purpose of dividing the constituencies and making these redistributions under the British North America Act. That is the opinion given by Mr. Clements, and I do not know whether it is correct or not. I find that Mr. Joseph Pope, in his confederation papers, speaks of its being intended to name judges in the Imperial Act, that there had been some intention at the time to name judges for this purpose in the Imperial Act. However, we know that no judges were named in the Imperial Act, but we find these words "by such authority," in that Act, and I would ask my hon. friend the Minister of Justice to tell me if he can why these words "by such authority," should be put in that clause if it was only intended to solve a little question in arithmetic, to find out by the census results how many members another province would be entitled to, Quebec being the pivotal province and entitled to 65? If that is all that was involved by section 51, it would be a curious matter of history that the fathers of confederation contemplated a judicial authority for so trivial a purpose. We know that the contention has been seriously held, and that it will be held by my hon. friend, that it was the intention, and I think the words of the Act show that that was the meaning, that an independent authority was to be created,

and I contend that that involves the whole question of a distribution within the province, because you would not have that authority constituted for the purpose of making out this little question in arithmetic. It would be like using the trunk of an elephant to pick up a straw. It was done for the purpose of making a readjustment and distribution within the province, and for no other purpose. The authority mentioned in this clause, and the rules that are there placed for carrying it out, means that there should be a complete and effective readjustment, and that involves a redistribution within the provinces, and all that is provided for in section 51, and if it is provided in section 51 specifically, there can be no authority in any other section of the British North America Act which can set aside a specific authority of that kind. I have my hon. friend's declaration which I have already read. There is another expression here, that it shall be done "in such manner." This is for the guidance of the authorities whoever they would be, that would be constituted by Parliament for the purpose of making this readjustment involving this redistribution within the provinces. If we understand this as I understand it—that this authority was to make this division of the constituencies the way my hon. friend's commission of judges are to divide constituencies under this bill—and I think that was probably what was meant—if such was the case, we can then understand what was meant by the words "in such manner," but surely Parliament would not use such words as these if it was only the matter of a little question in arithmetic to find out how many members Ontario was entitled to, because Ontario had increased in population somewhat greater than the population of Quebec. Hon. gentlemen could well understand that these words, "in such manner," in the sense in which I use them, have an important meaning. In such manner, for instance, as to the difference between urban and rural populations, there should be a direction and instruction to the commissioners. My hon. friend the Secretary of State told us yesterday that instructions were to be issued to these gentlemen, and if they follow the English practice, these would be some of the instructions. I have taken them from the instructions issued to the English commissioners that divided the constituencies in 1885 "in such manner" with regard to urban or rural population, in regard to wealth or industrialism, the number of persons enjoying the franchise, municipal boundaries, county boundaries, about which my hon. friend is so anxious, and the historic traditions of constituencies —all these would be instructions, and "such manner" is set forth in the Act, so that such instructions might go to the commissioners. All this is clearly meant and involved in section 51, and section 51 implies that an authority shall do this thing and describes the manner in which it shall be done. If these words had reference to more than this little problem in arithmetic, and if they meant to go further and deal with the redistribution in the provinces, the whole ground is covered, and there is no reason why this bill should be before us. If that view is right—and I have the complete support of my hon. friend himself—Parliament should not deal with redistribution in any way except under section 51, and I think hon. gentlemen will not disagree very much with me when I say that it is entirely inconsistent with section 51 that Parliament should deal with the redistribution between the provinces at any other time than after a decennial census. The machinery contemplated, and the wording of the Act all point to more than a readjustment between the provinces. It provides for all that would be involved in the redistribution, and that includes allocating the seats that would appertain as a result of the census, either as an increase or a decrease, to the different provinces and involves the whole question of redistribution within the provinces. My view is that Parliament decides the principle. The power is given in section 40. Section 51 decides that the Parliament of Canada should settle the principle of readjustment, and the authority to be constituted under the Act for dividing the constituencies would apply the principle as laid down in the Act under the instructions that they would receive from the government, or from Parliament. The principal clause of this section 51 has two objects. It is the exercise, first, of the power of the adjustment and, second, the manner of readjustment, and the time from which such exercise shall take effect. It can be fairly and clearly divided under these two heads. Firstly, the exercise of the power of readjustment, and secondly, the

manner of and the time from which such exercise shall take effect. Parliament may, provide for the manner of readjustment. Section 51 provides that it shall take effect after each decennial census. It declares that readjustment shall be made after each census, and it follows that the power of readjustment can only be exercised once in a decennial term, and that is immediately after the census. I will again support my opinion on this point by quoting from gentlemen in the government. First I will quote my friend Sir Louis Davies. Turning to page 3246 of *Hansard*, 1892, Sir Louis Davies said :

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

That is the view of Sir Louis Davies, a legal gentleman of high attainments and a member of the government who is sending down this bill. He declares emphatically that Parliament has to do it "once for all" after each decennial census. He continues :

> You shall readjust by such authority and in such manner and from such time as Parliament provides.

I will quote once more from my hon. friend the Minister of Justice. I suppose I have entirely convinced my hon. friend, or he has convinced himself, and therefore he does not find it necessary to follow the argument any further. I presume his own speeches made in 1892 on this question have convinced him, and that he will, after he reads these speeches over once more very attentatively, change his practice. He will not change his opinion; his opinion remains the same, but he will change his practice. At page 3277 of *Hansard* of 1892 he says :

> We are entitled to have a House of Commons; it has to be elected every five years if not sooner dissolved. Then there must be a redistribution of seats. If there were no provision for a redistribution of seats, certainly the power would be here, and be here upon the principle that we have a grant of powers, and this is a necessary incident to carry that grant into effect, but when the constitution itself does prescribe the rule by which that grant is to be exercised, when it prescribes how that power is to be carried into effect, when it tells you that there is to be a redistribution of seats by a tribunal created by you and acting under instructions from you——

He was referring to section 51, but he forgets now that its application is to be only after each decennial census. It does not say it can be done at any other time. He goes on :

> In which you prescribe the manner and the time it must be followed, and all the more because by it we have the protection against the very abuses we complain of in this bill.

And we have the protection in this clause against the abuses in the bill now before us, and the hon. gentleman was good enough to lay that down for our information. He continues :

> There is a special provision in the law for the exercise of this power, and I deny altogether that it is or can be implied in the grant which the hon. gentleman has mentioned. It has been said by a very high authority in the United States, as well as in the United Kingdom, that you cannot claim as an incident of an express grant what is an express grant already in some other way.

Here we have the view of the hon. gentleman, not by quoting a few isolated sentences from a speech of his, but by quoting and reading whole pages of what the hon. gentleman said. We have a most magnificent argument built up against the bill which he has submitted, declaring we have no power or authority except by section 51, and the hon. gentleman will not surely get up now and tell us that under section 51 he can, with any degree of decency, press this bill on the attention of the House, because it says unmistakably that readjustment must be after the decennial census. We are eight years away from the last census, and within two years of another census which will entirely disturb the equilibrium of population. Before I sit down, I want to refer to the way this bill deals with the province of Prince Edward Island. I submit to the House, and I ask hon. gentlemen to note the opinions that I will put before them and the statements I make, and I shall be happy if my hon. friend will correct me if I make any mistake or any statement which he is not prepared to accept. I will accept any interruption he may make on that subject. In 1891 the census showed that Prince Edward Island did not possess a population sufficient to entitle it to continue sending six members to this House. We are only entitled, as a result of that census, to five members. We had three counties in the province, and up to that time the representation had been allotted to these three counties, two to each of them. Speaking roundly, according to the census of 1891, Prince County had 36,-

000 population, Queen's, 45,000, and King's, nearly 27,000. The unit of representation would be 21,900 for Prince Edward Island. It was plain, therefore, that something had to be done. It was not a wanton act of the government to go in and interfere with the allocation of seats in Prince Edward Island. The Parliament of Canada was compelled to go in and make some alteration in such a way as would find five just seats for the five members Prince Edward Island was entitled to send to Parliament. It was found that Queen's County had exactly the right number, for two representatives or so near it that it was not necessary to approach any nearer, Prince County had somewhat less than would entitle it to two, and King's something more than necessary for one. When we look at the voting strength, which is a very serious consideration, we find that the difference between these two counties King's and Prince was only one thousand. The voting strength of King's was 7,120, of Prince 8,128, just 1,000 different in the voting strength of the two counties. It was quite a difficult matter to readjust the province and do it in a way that would be fair and just, and would not give ground for a reasonable or just charge of a gerrymander or a distribution in the interest of one political party. What was done was this: Three townships were taken off the lower end of King's County, that borders on Queen's in a block, and this left King's within a few hundred of the population required; then three townships of Queen's that lay adjacent to Prince County, were put into Prince, and then Prince and Queen's counties each were divided in two. That was done with great fairnesss, and I have watched the political press of the province and attended a good many political meetings, and read the reports of political meetings, and I have yet to learn where any public man in the province, with the full responsibility of his utterances and before the people who knew the facts, challenged the fairness of that redistribution in the province itself. It is true, in the Parliament of Canada, when the bill was going through, some charges were made, but if such statements were made in the province of Prince Edward Island, I should like to see them. They would be on record if they were made. The fact is the lines were drawn fairly; the townships that were most contiguous and convenient to Queen's were the townships taken from King's, and the same thing was done on the other side of the county and the divisions were made so fairly that they were not challenged in the province. What was the result of that? King's was left with 21,694; East Queen's 23,464; West Queen's 22,210; East Prince, 20,723; and West Prince, 20,978. Not one of these constituencies had much more than 1,000 either above or below the unit of representation, and I defy any one who will take the census of Prince Edward Island to go over the province and divide it more fairly as regards population without dividing the townships, than was done under the Act of 1892, or to do it with less friction and with less ground for a charge of unfairness. Hon. gentlemen propose to undo that. My hon. friend, in his worship of this fetich of his, county boundaries, says it must be done. But I ask why should it be done in a province like Prince Edward Island, where there are no municipalities to disturb. I am quite aware that in England a great deal of importance is attached to county boundaries, and properly so. These counties were formerly kingdoms. The people speak different dialects. They are sharply distinguished from each other, and that is continued to the present time. There is this historic difference: there are powerful and great influences in England that have no existence in Canada whatever. Wherein do the people of Carleton differ from the people of Lanark? Wherein do the people of one county of Quebec differ from the people of another county in Quebec? We are the same people. There is not the same historic continuity within our counties that you find in England. In England they carry out the system, but there is no reason why we should do it in Canada, and much less in Prince Edward Island, where you have no municipal life and therefore there was no violence done to any municipal arrangement in that respect. In the case of Prince Edward Island there is no justification whatever for undoing what was done in 1892, it was done on population, done by a fair division. It was done in such a way that it challenged the censure and public condemnation of the opponents of the government in Prince Edward Island, and that censure and condemnation never came. It was done in that way in Prince Edward Island, and done too, by carrying out the principle of representation by population, which we all know is a good principle, as far as it is

practicable to carry it out. It was carried out almost to the letter, and we are asked now to go back to a division which will entirely violate the principle of representation by population. It will give to 8,198 voters in Prince County two members, while it will only give one to 7,120 voters in King's County. Is that representation by population? Is that just or fair? And yet that is the measure the hon. gentlemen are submitting to us as an improvement on the Act of 1892. My hon. friend will also have to answer for this, that while he divides the counties in Ontario, and calls in judicial authority, he insists that the counties in Prince Edward Island shall be kept intact. My hon. friend's argument against double constituencies in 1892 comes in here. It is possible that in the counties of Queen's and Prince, taken as double constituencies, there might be found a majority of Liberals, but if you divide these two counties in any way, by independent authority the chances are largely in favour of the Conservatives carrying a seat in each county. Judicial authority could hardly divide these counties without giving the Conservatives this opportunity. King's would be a still stronger Conservative constituency than before, and if the hon. gentlemen would apply the same principle in Prince Edward Island that they are applying in western Ontario, of dividing the counties by judicial authority, they know they would have a chance of finding themselves in this position, they could not elect more than two men at the most from Prince Edward Island in the next election, while their opponents would get three. It is, if possible, to prevent that that they are passing this Redistribution Bill, and making it apply in such an unjustifiable manner to the province of Prince Edward Island. Here is what Mr. Gladstone said, in introducing his Redistribution Act in 1884, dealing with the city of London. He had discussed the counties where there had been time honoured boundaries, and which he respected. He came now to the city of London and he said:

> The metropolis it is proposed in a great measure to recast. The boroughs in the metropolis are generally well suited for being so dealt with, being parliamentary boroughs only, and not being also established municipalities they have no common historic life attaching to them.

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. FERGUSON—My hon. friend says "hear, hear," and yet in dealing with Prince Edward Island, where there are no municipalities, he violates this principle and does not deal with them as Gladstone did with London. Gladstone said "We find there are no municipal divisions in London and no municipal life," and therefore he felt free——

Hon. Mr. MILLS—There is municipal life all through Ontario.

Hon. Mr. FERGUSON—My hon. friend, when he is beaten on one point, turns to another which has nothing to do with it, I have met my hon. friend in discussing Ontario matters and have found he was dodging there also. My hon. friend finds my position is unassailable with regard to Prince Edward Island and that it entirely knocks the argument from under this bill, and he tries to draw a herring across my path and refers to Ontario. I mentioned a few moments ago that the population of King's County was nearly 27,000, and Prince County 36,000, and that there would be a representative for Prince County for every 18,000, if the counties were fairly divided in two, and that in King's County one man would represent 26,000 or 27,000 population, and I pointed out that a still greater inequality would exist if we took the voting strength into consideration, which is an important consideration; that King's County had 7,120 voters and would have but one member, while Prince County, with two members, had only a little over 8,000 voters. I will turn again to Mr. Gladstone, and show you what he says on this point, showing he recognized the voting strength of a county as a very important feature. He says:

> The city of London I am afraid, all circumstances considered, cannot equitably be exempted from some change. Its population is a population of 50,000. With a population of 50,000 odd its electorate is remarkably large, and its largeness of electorate combined with its history, marks it out for some exemption from the application of the rigid rule of population.

He gave the city that is the borough of London, not the great city which is the capital of the empire, two members, because it had a large electorate in proportion to population, and because there was a continuity in its history.

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. FERGUSON—My hon. friend says "hear, hear," but he ignores the strength of the electorate in dealing with Prince Edward Island, and he

ignores altogether the historical continuity in the case of Bothwell, although he had represented it for twenty-nine years himself. Notwithstanding its historic continuity and his own connection with it, he wipes it from the map of Canada altogether. The county of Bothwell deserves a better fate from the fact that it sent a gentleman of his standing, character and ability to the Parliament of Canada for twenty-eight or twenty-nine years, and I have no hesitation in saying that on that ground, if on that ground alone, Bothwell deserved a little better treatment than it is receiving from the hon. gentleman and his colleagues. I have no hesitation in saying that, for I have great respect for the gentleman's ability, and notwithstanding his inconsistent course with respect to this bill—notwithstanding his change of practice with regard to the matter of redistribution, I have a great respect for the hon. gentleman, and I think that in dealing with this question his colleagues, even if he were too angry to do justice should point out to him that his own history is connected with the history of Bothwell, and he certainly should not blot it from the map of Canada.

Hon. Mr. MILLS—It was blotted before.

Hon. Mr. FERGUSON—It was not. I do not think I would be justified in taking up any more time. However, I have taken the pains to consult the speeches of my hon. friend, I have read them with a great deal of attention, and I find that every time he turned to this question he furnished strong arguments against the bill that he has now in his hands. I have been greatly influenced by his former views and by the views of his colleague, Sir Louis Davies. I shall not sit down without quoting from the views of Sir John Macdonald, a gentleman whose opinions on any constitutional question will be accepted as entitled to greater weight than those of any other Canadian, a man whose services in connection with this country, whose great experience in the bringing about of confederation, and his wonderful career afterwards in the working out of problems connected with it, entitle his views to greater consideration than those of any other man living or dead. In 1882 reference was made to the Tuckersmith Bill, on which I shall say a word or two before I sit down. Speaking of Mr. Blake, who sat opposite him at the time, Sir John said:

> Legal power is right but the expediency of exercising that power is a different affair. The only matter in which the House of Lords cannot interfere is the Supply Bill. We know that when the Senate threw out the Tuckersmith Bill, the hon. gentleman did not deny the constituted right of that House to interfere in that matter, and they interfered rightly and well on that occasion, because they prevented a breach of the British North America Act by so doing.

That shows that Sir John Macdonald regarded the passage of a Redistribution Act, at any time, except after the decennial census, as a breach of the British North America Act. I daresay my hon. friend will be prepared to say, that Sir John Macdonald sat in Parliament and perhaps led Parliament when some minor changes were made to the redistribution of seats. I am aware that such was the case, and it is consistent with the views that I am presenting to the House, that Parliament can only deal once and for all with the question of redistribution after each decennial census, but it must perform all the functions it is called on by the British North America Act to do at that time, and if it only performs its functions in part it will then be its duty, notwithstanding anything to the contrary, to take up and complete that work. For instance, in the Act of 1892, owing to some typographical error, the city of Ottawa was mentioned as only being entitled to return one member, hon. gentlemen know that, according to section 51, Ontario must have its proportionate number of members, and if Ottawa had only one, Ontario would be short of one representative. If Parliament gave Ontario only 91 seats when it was entitled to 92, the work would have been incomplete, and Parliament must complete its work. In the same way some clauses were inserted with regard to the boundary of the district of Nipissing, which I understood were introduced to conform with some decisions which had been rendered with regard to the boundary between Ontario and Quebec. Clearly, in these two cases it was not unconstitutional or inconsistent with the power Parliament should exercise after every decennial census, to repair such omissions and clerical errors as those. If Parliament had done anything more, their doing it would not make it legal. If Parliament has done what it had not legal right to do, it does not weaken or abrogate the law or give us any right to do what is wrong now. I am happy to say that on that point also I shall be able to sustain my view by the words of my hon. friend himself. In discussing this question in 1892 my hon.

friend the Minister of Justice spoke of what had been done in 1872 and 1882, and said :

The question was not made the question of discussion. The particular provisions of section 51 were not considered, and I do not think that we are in the slightest degree bound by the want of attention on the part of Parliament on two previous occasions. In the case of the Queen *vs.* the inhabitants of Houghton, which is reported, I think, in the first volume of Ellis and Blackburn, Lord Campbell said that Parliament may mistake the character of a measure, and that in the preamble of a bill it may recite as law that which is not law at all, and the mere recitation of a mistaken view of the law will not make it law. And, so in this case, Parliament, acting on a mistaken construction of that provision of the Act, will not make that mistaken view of the law a correct view—will not give them a power which they did not possess in 1882.

All through those quotations which I have made from my hon. friend's speeches, he was contending that Parliament was bound strongly by the words of the 51st section of the British North America Act, and that they could not redistribute in any other way than under that section, and that that required them to constitute an authority for the division of constituencies, and that if they were to proceed in any other way, they were wrong. If my hon. friend was right about that, in regard to the authority which should divide the constituencies, then I am right in determining that Parliament could only do it once in ten years as provided by the 51st section of the British North America Act. Reference has been made to the Tuckersmith Bill, and I notice that my hon. friend, interrupting the leader of the opposition on that question, did not altogether state correctly the reasons for which that Tuckersmith Bill was defeated at that time. Sir John Macdonald, it appears, looked at it as having a constitutional effect, and he valued the action of the Senate in defeating the Tuckersmith Bill because they had preserved the constitution of Canada from an infraction, but the popular reason was that the late Mr. M. C. Cameron, after having been elected at the general election of 1874, had his seat protested and he was likely to have to go back to his constituents again. To strengthen himself, he provided by a bill, which his friends passed in the House of Commons, that the township of Tuckersmith, containing a very large Liberal majority, should be taken from another constituency of Huron and added to the constituency he represented, and which he would have to face in a partial election. The electors of Tuckersmith had already exercised their franchise and influence in the formation of that Parliament, and here was an attempt made to put these men into a constituency where they would be able again to exercise all their influence as electors and return another member to Parliament. It was proposed to give this Liberal majority in Tuckersmith a double power in being represented in Parliament. That was the popular argument that was used against the bill, and it was undoubtedly a good one, but Sir John Macdonald evidently did not look upon that as the most important ground ; he took the ground that it was an infraction of the constitution because Parliament had no right to pass a Redistribution Bill, except after the decennial census. I hope I have made my views clear ; whether they will be concurred in by the majority of the House is not for me to say, but from the consideration I have given to this measure, and from the fact that the Senate has been threatened by a resolution aimed at its integrity and independence and its co-ordinate power as a branch of this Parliament, from the fact that almost hand in hand with this, I was going to say disreputable bill, but I will say this obnoxious bill that has been presented to us, there is from the same quarter a threat held over our heads that if we do not pass this bill they will take our lives—I would reject the bill. An organ of Mr. James Greenshields said that if the Senate did not pass this bill they took their lives in their hands. If all the members of the Senate think and feel as I do, that would furnish an excellent ground for showing our independence by recording our votes against this bill. In reference to that subject, I have only to refer to some words which were uttered in 1884 when the Franchise Bill was rejected by the House of Lords. Here are the words Lord Balfour used :

If it was the case they would be met by hostility; they would not in the slightest degree abate that hostility by passing the bill on the present occasion. On the next occasion when their Lordships threatened to throw out a bill these threats and menaces would be renewed and the only result would be that hostility would be changed into contempt.

He warned his friends that if they yielded to the storm raised by the Radicals they would not abate their hostility. If hon. gentlemen agree with me that this bill is an obnoxious one, or even if they should have some leaning towards the measure, as some may have from the fact it may put some of their friends in a better position in some way they should vote against it as an answer to these indecent threats. I am

appealing to men on both sides of the House. I think that the menace held out to interfere with the independence of this House, along with all the other reasons should stiffen and strengthen our opposition to this measure. Here is what Lord Carnarvan said on the same occasion to which I have referred:

> But the House of Lords cannot consent to legislate under a menace, I hold it for certain and I hold it deliberately that it would be better for us to cease to be, in the fulness of our traditions and with our unstained honour than to pretend to exercise functions of which we are the trustees but which we cannot fulfil.

These were the sentiments of a nobleman of the highest character and spirit, and these should be the sentiments of this House on the present occasion, and I shall be deeply grieved if I do not find in the ranks of those who are not politically connected with the opposition some at least, and I hope not a few, who will feel it their duty, on these grounds as well as on the ground of the utterly indefensible provisions of the bill generally, to record their votes against it and in favour of the amendment proposed by the hon. leader of the opposition.

Hon. Mr. POWER—I was somewhat impressed by the argument of the hon. gentleman from Marshfield, and the quotations which he made from speeches made by prominent members of Parliament to sustain the view which he now takes of the British North America Act. It impressed me a good deal, but I think the House ought to be careful about accepting as very high authority quotations taken from former speeches, made either by the gentlemen who are speaking at the time, or by other gentlemen. Naturally, in looking over a volumn of *Hansard*, an hon. gentleman will select those portions which suit his purpose, and he will ignore the portions which do not suit his purpose. That is natural and proper, and is always done. The hon. gentleman from Marshfield has afforded several illustrations of the truth of that. I shall just refer to one circumstance in connection with the debate in 1892 on the Redistribution Bill of that year. The hon. gentleman gave us the arguments used by the Minister of Marine and Fisheries and the Minister of Justice, but he carefully suppressed—I am using that in no offensive sense—it did not suit his purpose to tell this House, made up as to a large majority of good Conservatives, that the hon. gentleman who in 1892 was Minister of Justice, and who is regarded by hon. gentlemen of the opposition as the highest constitutional authority of his time in the country, had taken a totally different view.

Hon. Mr. FERGUSON—I know that would have no effect on hon. gentlemen opposite.

Hon. Mr. POWER—Sir John Thompson, who was then Minister of Justice, pointed out that the theories of the present Minister of Justice and the present Minister of Marine and Fisheries were mistaken.

Hon. Mr. MILLS—The question argued both by Sir Louis Davies and myself was on a point altogether distinct from that which the hon. gentleman has pressed.

Hon. Mr. FERGUSON—It is just as good for this point as for the other.

Hon. Mr. POWER—I am simply calling attention to the fact that this House should exercise care in accepting arguments that are based upon quotations. I am not going to quote Sir John Thompson just now at length; I shall quote him further on, but I shall quote enough to show what he thought of those arguments. I quote from column 3262 of the Commons *Debates* of 1892, and this is the way Sir John brought his argument to a close:

> I repeat very shortly what I have said on the construction of section 51. I contend we had the power before section 51 and outside of it altogether; that we are not to interpret section 51 as taking away from the general power or making any repugnance in the Act and that, above all, the section is not to receive that construction unless that construction is plain and necessary. But if it were intended by the Parliament that passed this statute that although we should have the power to increase the number of members in the House—and that is another point against the hon. gentleman's argument, that there is power given to increase the number of the House from time to time, provided the proportion of representation is not disturbed as laid down by the Act—the question of redistribution is something we are prohibited from doing, there is not in the whole Act from beginning to end a single negative provision as regards the right of this Parliament to do that work.

Sir John Thompson summarizes there what he had been saying.

We should consider the question before us. I do not see that there is any great object to be gained by going back and talking about iniquities of former administrations in the province of Ontario, or the

present Liberal administration in the Dominion of Canada. I do not think there is much object in dealing in detail with the iniquities of former Conservative governments of Canada. Our object should be to deal with the measure before us : to deal with that, and deal with it in a temper and frame of mind suited to a business proposition. Before I deal with the measure I may say that it would not strike any ordinary observer that there was anything out of the way in this bill. The first principle of the measure is that, as a rule, you adopt the boundaries of counties and provide that a portion of one county shall not be taken with a portion of another county to make a constituency. That seems a reasonable proposition. That is the principle of the bill, and, as I say, I think it is a good principle. Then the second principle of the bill, which is a still better one, and a most admirable one, I think, to have introduced into Canada, is the principle that when you come to divide up these counties into constituencies to return members, the division shall not be made at the will of a party majorty in Parliament, but shall be made by an irreproachable and unimpeachable tribunal. That is the proposition. I say that these two principles taken by themselves, both seem to be fair and reasonable, and I do not think, notwithstanding all that has been said, that it has been shown that there is anything unfair or unreasonable about the government measure, which really does not do more than embody those two principles. There may be certain details ; no measure is perfect, there may be one or two details in this bill which are capable of improvement, and if there are, I think the Senate might make the necessary improvements ; but the principles of the bill are sound and good, and I do not think, under the circumstances, that we should hastily decide to reject it. Whether the measure is good or bad, we have, of course, to deal first of all with the question raised, not directly altogether, by the amendment moved by the hon. leader of the opposition. That amendment does not deal with the character of the measure in itself. Speaking broadly, he takes the ground that this House should not pass this measure because the measure is contrary to the spirit of the constitution. As I understand, the amendment moved by the hon. leader of the opposition, it is that. That is the first question to be considered, and I shall briefly refer to the British North America Act on that subject. The constituencies of this country were determined by section 40 of the British North America Act, which says that "Until the Parliament of Canada otherwise provides, Ontario, Quebec, Nova Scotia and New Brunswick, shall, for the purposes of the election of members to the House of Commons, be divided into electoral districts as follows." Hon. gentlemen will notice that there is a general power given to the Parliament of Canada to provide otherwise, and this same expression is used in other cases. Section 41 reads :

> Until the Parliament of Canada otherwise provides, all laws in force in the several provinces at the union relative to various matters enumerated shall continue to be in force.

And there is also a provision of paragraph 47 :

> Until the Parliament of Canada otherwise provides, in case of the absence for any reason of the speaker.

Those were temporary provisions intended to make things work until Parliament had got to business ; and I may say, in the speech of the Right Hon. Sir John Thompson, from which I have quoted, he lays great stress upon that fact, so that I take it that section 40 does not tell at all against the contention that we have a right to pass this measure. What does section 51 say ? I might say hon. gentlemen that I was of the same opinion as the hon. leader of the opposition and the hon gentleman from Marshfield. I had not read the Act carefully and I was under the impression, until some time before Parliament met, when I came to study it a little more carefully, that Parliament had the power to redistribute only after the decennial census, but when I came to read section 51 over carefully, I was forced to the conclusion that I had been mistaken. What does it say ? It is contended by the hon. gentleman from Marshfield that this section 51 gives in detail the various steps that are to be taken in redistributing, and not only in apportioning to the several provinces the number of representatives which they shall each have, but in deciding how the constituencies shall be divided in order to give to a province the additional members which it is entitled to, or to take away from it the members which it loses. One of the things which struck me about section 51 is that it does not do anything of the kind. The section applies solely in its language to the re-

adjustment as between the provinces, and if any hon. gentleman takes the trouble to read it he will observe that. It reads as follows :—

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

Quebec shall have the fixed number of sixty-five members.

There shall be assigned to each of the other provinces such a number of members as will bear the same proportion to the number of its population, ascertained at such census, as the number sixty-five bears to the number of the population of Quebec, so ascertained.

In the computation of the number of members for a province, a fractional part not exceeding one-half of the whole number requisite for entitling the province to a member shall be disregarded, but a factional part exceeding one-half of that number shall be equivalent to the whole number.

On any such readjustment the number of members for a province shall not be reduced unless the proportion which the number of the population of the province bore to the number of the aggregate population of Canada, at the then last preceding readjustment of the number of members for the province, is ascertained at the then latest census to be diminished by one-twentieth part or upwards.

Such readjustment shall not take effect until the termination of the then existing Parliament.

Hon. gentlemen will notice that in every provision dealing with the redistribution of members among the provinces, there is nothing as to any regard being had for the unit of population in the subdivision of the provinces, and nothing said as to what authority is to subdivide the provinces. There is nothing said at all about the subdivision of the provinces ; and it is unreasonable to suppose that, if the Parliament of Great Britain when passing this Act had intended that this section should govern the subdivision of the provinces into constituencies, it would not have said a word about it ; but there is no word in that whole section which refers to anything but the redistribution of members between the various provinces. These paragraphs are simply intended to show how you are to find out how many members each province shall have after the census, and there being no provision in this 51st section for the dividing up of the provinces into constituencies, that power must be given under some other section. As I have said, starting with section 40, it contemplates that after the Parliament of Canada gets to work it may redistribute and alter the electoral districts. Then the 91st section, as the hon. gentleman from Marshfield has said, set forth that the Dominion Parliament can make laws for the peace, order and good government of Canada in relation to all matters not coming within the classes of subjects by this Act assigned exclusively to the legislatures of the provinces.

And Sir John Thompson took the ground that under that section also Parliament had the right to deal with the matter of the subdivision of the provinces into constituencies. I do not propose to argue this constitutional question much further. The 51st section of the British North America Act does not assume to deal with this question of the subdivision of the provinces. There are other sections which give the power to Parliament to do it, and we can assume, I think, that Parliament has the right. If Parliament had not the right, we would naturally suppose that the question would have come up before. Take the Tuckersmith case. I took occasion to-day to look at the debates on the Tuckersmith Bill in this House, and I read the report of it and also the report of the debate in the other House, and all that the hon. gentleman who then led the opposition in this House, the late Sir Alexander Campbell, said about the Tuckersmith Bill was that he thought it was rather hostile to the spirit of the constitution. He did not make that statement in a positive way, but gave it as his opinion that it was hostile to the spirit of the constitution and did not claim it was hostile to the letter of the constitution. When the matter was before the House of Commons, the leader of the opposition there did not take the ground with any positiveness that this measure was unconstitutional. He took the ground that this measure should have been introduced as a government measure, and I want to give the House just what he said on the constitutional question. He said :

By the British North America Act of 1867 there was to be a readjustment of representation once in ten years. That principle should be carried out rigidly, and the time of Parliament ought not to be taken up by bills of individual members whenever the bounds of their constituencies did not happen to suit them. It would be a very unfortunate thing if this practice was going to obtain. All parties were interested in the maintenance of the constitution, and this innovation should be resisted. If ever there was a government which could resist the introduction of measures of this kind, he thought the present government could, because the loss of twenty or twenty-five constituencies would not affect them.

Mr. DORION—We approve of the measure, we do not resist it.

Sir JOHN MACDONALD—Said he was very sorry to hear it, because he thought the principle of readjustment every ten years was one which would commend itself to the majority of members in the House.

Hon. Mr. ALMON—Would the hon. gentleman read what Sir Alexander Campbell said in the Senate?

Hon. Mr. POWER—The remarks of Sir Alexander Campbell in the Senate were not as strong as what I have just read. Sir John Macdonald said that he thought the principle of readjustment every ten years was one which would commend itself to the majority of the members in the House of Commons. He dealt chiefly with the impropriety of a private member introducing this measure, and he objected to the character of the measure because it would enable the gentleman who was about being unseated to go back to a different constituency from that which had elected him, and it would add Liberal votes to the constituency. Sir Alexander Campbell put the matter almost altogether on the ground that it was objectionable because it was intended to secure the return of a member who was about to be unseated. He said:

They knew there was a petition pending against the return of the gentleman who occupies in another place the seat for the south riding. Now, assuming he would be obliged to return for election next month, the effect of this bill would be to give him 200 votes more than he otherwise would have. Was that fair? He had not listened to but had read the debates in another place, and there it was avowed that the object of this bill was to give so many more votes to this gentleman if he should be obliged to run this election over again.

An hon. gentleman made some mention of a machine. It just depends upon whose machine it is. There have been Conservative machines doing reckless things in the province of Ontario, and there is some rumour now to the effect that there is a Liberal machine too.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is not certain of the latter.

Hon. Mr. MILLS—No, not yet. We are of the other.

Hon. Sir MACKENZIE BOWELL—One is a presumption and the other is a fact.

It being six o'clock the Speaker left the Chair.

After Recess.

Hon. Mr. POWER—Before six o'clock I dealt at not very great length with the constitutional aspect of the question, I referred to the sections of the British North America Act, and I think made it reasonably clear that section 51 did not limit the right of Parliament to deal with the distribution of seats within the several provinces to the year after the decennial census, as had been contended by the hon. leader of the opposition and the hon. gentleman from Prince Edward Island. I may say that the view which I take of this constitutional question, and which is taken on this side of the House, has been borne out by the fact that never since 1872 has the position been seriously taken that Parliament had no right to deal with the question of representation as regards the distribution of seats, except under the 51st section. That ground has never been seriously maintained. I have not read the debates which have taken place in the Commons during the present session, but as I understand, it has not been seriously contended by any lawyer that the 51st section of the British North America Act alone governed this question. The hon. gentleman from Marshfield is the only constitutional and legal authority who maintains that view. I said at the beginning, when quoting from Sir John Thompson, that I proposed to read something further from him, and with the permission of the House I shall read something further: at column 3260 of the Commons *Hansard* for 1892, Sir John Thompson says:

Mr. Speaker I agree with the hon. member from Queen's (Mr. Davies), that it is incorrect to speak of the inherent powers of this Parliament, because this Parliament is a creation of statute, but, Sir, we have a clause in our constitution which gives us the equivalent of the inherent powers possessed by other assemblies. When this Parliament was created, unlike other creations of statutes it was not given a limited and narrow authority which had to be drawn from the statute itself but in lieu of the inherent power possessed by other Parliaments, we have section 91 of the Act which says that this Parliament may make laws for the peace, order and good government of Canada in relation to all matters not coming within the classes of subjects assigned exclusively to the legislature of the provinces. I only state this as a reminder for those members of the House who are not versed in legal matters, that this section plainly gives to this Parliament all powers in relation to the government of Canada "for the peace, order and good government of Canada" which are not given expressly to the legislatures and that while, as regards the legislatures, we must look to this Act to find their powers we have all the powers given to us except those given to the other bodies. That clearly includes the power of dealing with the representation of the country in this House, and the corollary as regards the provincial constitutions is the gift of power to provincial legislatures to alter their constitution, under which those legislatures have sometimes abolished one chamber, and some-

times increased, and sometimes decreased the number of members who sat in one chamber or the other.

I shall not trouble the House to read further, except to say that he goes on in that same line and upholds the view which I have expressed already, and he regarded section 51 as providing that notwithstanding that the Parliament has the power to deal with the question of redistribution at any time, it shall be their duty every ten years to readjust the representation as between the provinces. I think that there is nothing in the constitution to prevent Parliament from passing this bill. It is a measure which comes within the purview of Parliament; and, as I said before, that has not been seriously contested in the House of Commons by any lawyer there. It has been referred to, but no stress has been laid upon that argument. Then the question for us is as to the merits of the measure. We have to look at the measure and consider whether, on the whole, it is one that we should pass. But really there is something further than the merits of the measure. The first thing which must strike every hon. gentleman is that this is a measure which affects the House of Commons and does not affect us. It is, to a certain extent, domestic legislation, as regards the House of Commons. I do not mean to say that this House has not the power to reject any measure which comes from the House of Commons, but measures of this character which affect, in a peculiar manner, the House of Commons, and do not affect the Senate, are measures which the Senate should be very slow to meddle with. There is a sort of parliamentary etiquette which provides that a House such as ours is should be slow to meddle with a measure which affects the other House alone. This is a measure somewhat different from the franchise. It does not alter the constitution of the parliamentary constituency as a whole. It may alter or affect the boundaries of certain constituencies, but it does not affect, as a radical change as the franchise does, the whole community; and I think it is our duty to look at this measure, not in the spirit which was indicated by the last speaker, who said that we should bear in mind that the government who were trying to push this measure through had in reserve another measure, with which they threatened us if we did not pass this measure. We should not trouble our heads about other measures. They may or may not come, and if they come, it will be time enough for us to deal with them then. Our first duty is to deal with the measure before us as an independent House of Parliament, and to remember not to deal with it in the spirit in which some gentlemen seem to deal with it—that it is a measure which we are bound to pick flaws in if we can, that if we fancy that we can detect any evil spirit, any spirit unfriendly to the Senate, or to the party to which the majority of the members of the Senate belong, we are forthwith to kick the thing out of doors. That is not the spirit. We should deal with it in a reasonable and fair spirit. We should remember that it is not a measure which affects us. It is a measure which may be regarded as a domestic measure, affecting the domestic affairs of the House of Commons, and that it is prima facie our duty to pass it. If there is anything seriously wrong with it, let us amend it, but let us not reject it, unless we are satisfied that it is a thoroughly objectionable and evil measure. Although the leader of the opposition, and the hon. gentleman from Marshfield did use strong language about the measure, I do not believe that there is any member present, and I am satisfied that there is almost no member of the House of Commons, who believes that it is a measure which deserves strong condemnation. Some members may have thought that in its results it might prejudicially affect themselves, but no one thought this was a highly objectionable or pernicious measure, and consequently it is a measure which this House ought to pass. As I said at the beginning, the impression on the minds of the majority of the members of the House of Commons is that the Redistribution Act of 1882, supplemented by the Redistribution Act of 1892, perpetrated an injustice to one of the great parties in the country. Whether that was altogether true or not, I am not now going to consider at any length. My own impression is that that statement is true, that the measure was intended to give advantage to one party. I do not think it did. I do not think that as a rule measures of that kind have the effect which is contemplated, but that is not really the thing which we have to consider. We have to consider that fact, of course, that the majority of the House of Commons think

that the existing scheme for the subdivision of the constituencies is an unfair one. We are bound to pay some respect to the opinions of the majority of the House of Commons. The government acting on behalf of the majority of that House, and acting on behalf of the country at large, submit a measure, as they have a right to do, and the question is whether, looking at the object and looking at all the circumstances of the case, that measure is one which is very objectionable. Looking at the measure itself, it cannot be considered a very objectionable one. Something has been said about the English Act, and the hon. gentleman from Marshfield seemed to think there was a striking contrast between the manner in which the question of redistribution was dealt with in England in 1884, and the manner in which it is being dealt with here. I fail to see that there is any marked difference. In England certain general principles were laid down by Parliament, as I understand it, and then, these general principles having been agreed upon between the two parties, certain distinguished gentlemen outside of Parliament were selected to make the redistribution in accordance with the principles which had been agreed upon. The following were the commissioners, Sir John Lambert, chairman; Mr. Pelham, barrister at law; Sir Francis Sandford, Mr. Joseph John Henley, Col. Owen Jones, R.E., and Major Hector Tulloch, R.E. The two engineer officers were put on because one of the duties of the commission was to run lines subdividing the constituencies. Some of these gentlemen had been in public life and others had been in the public service as civil servants, and the last two named had been in the army. These gentlemen were given instructions, which were read by the Secretary of State to the House the other evening, telling them how they were to proceed and that they were to have regard for county boundaries and other matters which I am not now going into. The first principle which is laid down in this bill is a principle which was laid down in the instructions to these commissioners, that regard shall be had to county boundaries. As I said before, on the face of it that seems a reasonable principle to adopt. In the province from which I come, we have had county boundaries and nothing else since the union in 1867. Before the union, in the last session of the old legislature held in the spring of 1867, the number of representatives was reduced, and the counties were left as they had been. Each county was given two members, except the counties of Halifax and Pictou, which were given three each, and there has been no change in that respect during all the years that have intervened. I do not mean to say that the fact that the Liberals have been in power in Nova Scotia during all those years except four, has had anything to do with the fact that the constituencies were not interfered with. We have had no ground for complaint in Nova Scotia. In New Brunswick I think the rule has been practically the same—I am not speaking of the local legislature now, but of New Brunswick as it was divided up for the purpose of Dominion elections. It seems to me, notwithstanding the fact that that view did not commend itself to the last speaker, that in this country the preservation of what one may call the individuality of the county is an important thing, even more important than in England. I do not know exactly how it is with the counties of Prince Edward Island, but I know that in Nova Scotia and New Brunswick the counties, as a rule, are municipalities in themselves. The same is the case in Ontario, and I think in Quebec. In England the counties are not municipalities. The counties exist for certain purposes, but in England there was no general municipal government in 1884. There is now under the County Government Act of 1888, but at the time of that redistribution in England they had not county government to the same extent that we have it here, and the individuality, the separate life of the county was not as marked as it is in Canada. Looking at the fact that since the year 1867, the separate individual existence of counties had been recognized in dealing with the representation of the people on the whole, the principle of county representation and of following the county lines is a very satisfactory one, and one which deserves to be adopted. It gets rid of a great deal of difficulty and illfeeling. That was the old principle here in Canada. It is the principle which has prevailed in Nova Scotia and New Brunswick, and no one quarrelled or found fault with it. There is no reason why it should not have been continued. It is gratifying that now, when the existing condition of things comes to be remedied, the government should have decided to go back to that system of

the individuality of counties, and provided that no constituency should be part in one county and part in another. The other principle involved in the bill is that when you come to the place where a difficulty might arise and where a political tribunal, such as a committee of the House of Commons or Parliament itself must fail to do justice, in the subdivision of counties for electoral purposes where counties have to be subdivided. I think it is a fortunate thing that the Minister of Justice, who, I understand, is responsible for the outlining of the bill at any rate, should have introduced this impartial tribunal instead of a parliamentary committee or the Parliament itself. It is a guarantee that if this measure becomes law, hereafter a redistribution of seats will not be a thing to be looked forward to with dread by the party which happens to be in opposition at the time, and shall not be looked forward to by members of the party who are in the majority as an occasion when they will be able to dish their opponents, and provide the means of remaining in power still longer. I am not now making that a matter of accusation against one party more than the other. I say that is the temptation. It is human nature. If a number of men who are going to have an election have in their hands the power of reconstructing the constituencies, as a matter of course, the constituencies will be reconstructed in what the majority believe to be their own interests; and I think it is in the interest of the public at large and the interest of Parliament that that condition of things should cease; and that is one of the admirable features about this measure. I have said enough to show that, as members of the Senate, it is our duty not to reject the measure under the circumstances. Referring to the speech made by the hon. gentleman who immediately preceded me, there were three or four points which struck me as somewhat singular. One of the points was that the gerrymander of 1882 had been ineffective and, apparently, the hon. gentleman felt that, because it had been ineffective, it should be allowed to continue in operation. I gathered from what the hon gentleman said that he admitted it was a gerrymander, and that it was not fair to the opposition of that day, and the conclusion I should naturally draw from that condition of things is that things should be put upon a fair basis. But the hon. gentleman thinks it should be allowed to continue.

Hon. Sir MACKENZIE BOWELL—To whom does the hon. gentleman refer?

Hon. Mr. POWER—I spoke of the hon. gentleman who had immediately preceded me, the hon. gentleman from Marshfield.

Hon. Mr. FERGUSON—I certainly did not say that the redistribution of 1882 was unfair. I said if there was anything unfair time had corrected it.

Hon. Mr. POWER—I got the impression that the hon. gentleman said it was unfair; perhaps I misapprehended him.

Hon. Mr. MILLS—They gave Middlesex four representatives. The Reform majority in the county immediately preceding the election was 1,100, and in the next election three Conservatives and one Liberal were returned, and that is what the hon. gentleman calls fair. It was outrageous.

Hon. Mr. POWER—The hon. gentlemen from Ontario know where the shoe pinches. As I said before, the measure was unfair, particularly in Ontario, and most particularly in western Ontario. The hon. gentleman said that this measure should be more general in its character. There may be some force in what he says. If this bill now before the House has any fault, it is that it does not go far enough as regards the province of Ontario. To have been a complete measure, it should have undone the work of 1882 and 1892 altogether, and put all the counties of Ontario on the same basis. It is not always the wisest and most judicious thing to do that which is logically the best. You must not always follow things to their logical conclusion. The hon. leader of the opposition smiles, but he knows how it is himself, and he knows that one of the reasons why English liberty has survived so long, and why English parliamentary life is what it is, is just because English people have not insisted on being too logical. They have not run things into the ground. They go as far as convenience and practical justice require. It happens that it was in western Ontario the worst deeds of the Acts of 1882 and 1892 were done, and that in eastern Ontario there was not so much done; and, further, eastern Ontario at the present time is probably

somewhat over-represented—that is, according to the census of 1891, and it might involve a good deal of difficulty to rearrange things in eastern Ontario.

The hon. gentleman referred to the province of New Brunswick. Well, the condition of things which exists as to St. John are not satisfactory. An elector in the city of St. John votes for two members, and the elector living outside the city votes for one member only. That that difficulty might have been got over in another way is true; and I suppose if the Senate were to amend that particular part of the bill it would not imperil the existence of the measure, and if it is felt that the county of St. John has not been dealt with in the best and wisest way, then we might amend the measure with respect to St. John. I do not think it is necessary for me to undertake to defend the hon. Minister of Justice against the charge of ingratitude to the electoral district of Bothwell which the hon. gentleman from Marshfield put before the House in such an effective and thrilling manner. But the truth is that, inasmuch as the electoral districts of Cardwell and Monck are treated in the same way as Bothwell, there is not very much force in all the keen things that were said about blotting out Bothwell.

Hon. Mr. MILLS—They blotted half of it out to start with.

Hon. Mr. POWER—The voters of Bothwell would vote in the counties to which they belong under the new measure. A great deal of stress has also been laid upon something which was said by the hon. gentleman who led the opposition in 1892. Hon. gentlemen know that we may take expressions out of speeches made years ago and make any one of us appear inconsistent.

Hon. Sir MACKENZIE BOWELL—It is the misfortune of having a *Hansard*.

Hon. Mr. POWER—As a matter of fact, in that session of 1892 Mr. Laurier voted for a resolution which embodied the principle involved in this bill.

Hon. Sir MACKENZIE BOWELL—No, quite the contrary.

Hon. Mr. POWER—His sober, second thought differed from his first impression when the government measure of that year was introduced.

Hon. Sir MACKENZIE BOWELL—Oh, no; it is the difference between being in and out.

Hon. Mr. POWER—I notice that the hon. gentleman from Marshfield laid a great deal of stress upon the words "such authority" in the 51st section, and he seemed to think that the conclusion to be drawn from the use of these words was that the redistribution should not be made by Parliament but should be made by some other authority. The remarkable thing is that while the hon. gentleman thinks that now, he supported a party which never adopted that ground at all. In 1872 they did not think this work should be done by an authority separate from Parliament. They did it themselves. Parliament did it. They did it in 1882 and they did it in 1892. So that while the hon. gentleman thinks he must hold the government to-day bound by what a gentleman who was not then a member of the government, but who afterwards became a member of the government, stated in 1892, the hon. gentleman is not prepared to be bound himself by what the government which he supported did by solemn legislative act in 1872, 1882 and 1892. I wish to make one observation with respect to the authority of the late Sir John Macdonald as an expounder of the constitution. I have quoted the opinion of Sir John Thompson in connection with this 51st section, and there is no decided opinion of Sir John Macdonald's on record with respect to the matter, but even if there had been, I should suppose that the authority of Sir John Thompson, who was recognized as a constitutional lawyer as well as an able public man, would be worth more than the opinion of the late Sir John Macdonald. The late Sir John Macdonald had on different occasions constitutional questions with Sir Oliver Mowat, when he was Premier of Ontario. I suppose half a dozen of these constitutional questions arose between the two governments, and in every single instance Sir John Macdonald was worsted by the Little Tyrant, as he used to call him, Sir Oliver Mowat; and I do not think that the mere fact that Sir John Macdonald on a certain occasion used an *obiter dictum* to the effect that we should only readjust every ten years, should weigh very much with this Senate when you set against it the wording of the British North America Act and the express and deliberate

opinion of the late Sir John Thompson on the other side, and the consensus of opinion amongst lawyers. If this bill passes what will happen is this: in the first place, certain changes which were made in the province of Quebec and in the province of Ontario—chiefly these two provinces will be undone, and all the counties in Ontario and Quebec will be units for election purposes. Then a commission made up of judges above suspicion and reproach will be appointed; and where a county is entitled to more than one representative they will subdivide that county.

Hon. Mr. McCALLUM—That is to give them an air of respectability.

Hon. Mr. POWER—That will be the course in the present instance.

Hon. M. PROWSE—Is that policy proposed for Prince Edward Island?

Hon. Mr. POWER—There will be two counties returning two members each, and one county returning one member.

Hon. Mr. PROWSE—But no judges to divide the ridings.

Hon. Mr. POWER—No, the counties never were divided; and the same is the case in Nova Scotia, the county of Halifax returns two members, Pictou returns two members and Cape Breton returns two members. In Ontario the practice has been to divide the counties.

Hon. Sir MACKENZIE BOWELL—Not always.

Hon. Mr. POWER—But as a rule.

Hon. Sir MACKENZIE BOWELL—No, quite the contrary.

Hon. Mr. POWER—I think, on the whole, the balance of convenience is in favour of dividing the county. The next point I feel strongly about: I do not really think that, as regards the Liberal or the Conservative party, the passing of this bill is of any material consequence as far as the next election is concerned. I honestly think it is of little consequence.

Hon. Mr. CLEMOW—Then why pass it?

Hon. Mr. POWER—It is desirable that a new and better system than we have had should be adopted for readjusting the representation in this country.

Hon. Mr. McMILLAN—Wait until after the next census.

Hon. Mr. POWER—If we pass this measure now, we make a good start. Then, after the decennial census of 1901, it does not matter which party is in power, after the example set of respecting county boundaries, and of having a judicial, or impartial tribunal established to subdivide the counties, no party will ever attempt to gerrymander constituencies again, and I think that that will be a great gain to this country?

Hon. Mr. FERGUSON—What about St. John?

Hon. Mr. POWER—I have told the hon. gentleman that if the majority of this House think that the measure is unfair with respect to St. John, they may amend it. It is only one constituency in about 200.

Hon. Mr. DEVER—There is no voice against the measure—no fault found with it down there.

Hon. Mr. POWER—I am speaking of the rejection of the measure as a whole; and looking at it and its effect on the next election, I do not think the passing or non-passing of this measure will be of any material consequence; but I think it is going to be of consequence in another way. If it is rejected, then, after the next decennial census, when the Liberal party will, in all probability, be continued in power, the probabilities are that they will have a majority in both Houses—I am not going to anticipate the probabilities—but if the Liberal party have a majority in both Houses, the measures passed by that party may not be as generous and as fair as this one; and if, on the other hand, the Conservative party should be in power, I presume that after that decennial census they will act as badly as they did in 1882. That is a contingency not to be desired, and that is the chief reason why I am anxious to see the measure pass. Another reason is, that I have some respect for the light in which this House is regarded throughout the country; and if this House thinks it its duty always to fly in the face of the majority in the other House, no matter whether the action of that majority be wise or unwise, then it is an unfortunate thing for the Senate. The common sense of the people of this country tells them

that this measure, which was largely the work of the Minister of Justice—a man who is good nature and fair play itself—is, on the whole, a fair and proper measure, and the country will not approve of the action of this House if they reject it.

Hon. Mr. LOUGHEED—There was one portion of the remarks of my hon. friend from Halifax in which I was particularly interested, and that was his appeal to the House that this subject should be treated in a charitable and in a christianlike spirit, so to speak. I can assure my hon. friend that in the very short discussion of this subject upon which I propose to enter I shall give it the most gentle treatment of which I am capable. I was not surprised at the appeal, also, which my hon. friend made to the House, that no short citation of speeches made on former occasions should be read or used in connection with this particular discussion. My hon. friend had doubtless recalled the fact that when he expostulated about the treatment of this bill by this House, he pursued a very hostile course with regard to the Redistribution Bill of 1892, and when my hon. friend furthermore appealed to this House——

Hon. Mr. POWER—I do not know what I did in 1892; I have forgotten.

Hon. Mr. LOUGHEED—My hon. friend is responsible on this occasion for what he did then. But my hon. friend did appeal to-night most feelingly to this House that they should not exercise a function, which is their right, to deal with a measure relating to the readjustment of the constituencies coming from the Commons, inasmuch as that House had entirely to do with the question. In referring to the *Debates* of 1892, when the Redistribution Bill of that date was before us for consideration, my hon. friend not only spoke very strongly against the bill, but my hon. friend recorded a good sturdy robust vote upon the six months' hoist moved by the present hon. Secretary of State, then the leader of the opposition and sitting upon this side of the House. I was also particularly struck by an observation my hon. friend made when he entered upon the discussion of this subject to-night, and that is that he was under the impression, shortly previous to the present session, that Parliament had not power at this time to deal with passing a Readjustment Bill until after the next decennial census had been taken, but that shortly previous to this session of Parliament he suddenly became convinced that Parliament had the necessary power to deal with the subject. If I read correctly the observations of the hon. Minister of Justice, made some years ago upon a similar subject, I cannot fail to arrive at the conclusion that my hon. friend was at one period of a like opinion.

Hon. Mr. MILLS—No.

Hon. Mr. LOUGHEED—That not until after the decennial census could a redistribution be made?

Hon. Mr. MILLS—I always held the contrary opinion, and I do not think the hon. gentleman will find anything in *Hansard* that warrants that view.

Hon. Mr. LOUGHEED—During the discussion of the matter I may find it desirable to read some observations made in the House of Commons by my hon. friend upon the subject. The reason I do not do so now is that my hon. friend's attitude at that time has been fully discussed in this debate, and if one can read the English language aright, surely there can be no misunderstanding as to the opinions he then held. I accept my hon. friend's statement.

Hon. Mr. MILLS—This question was not discussed, and never even referred to in the whole of that debate.

Hon. Sir MACKENZIE BOWELL—What becomes of the quotations of the hon. gentleman behind the Minister of Justice if it was not discussed?

Hon. Mr. LOUGHEED—It seems to me that if any section of the Act of 1892 was discussed it was the 51st section.

Hon. Mr. MILLS—Yes, but not this question. The question that was being discussed at that time was as to the meaning of the words "such authority."

Hon. Mr. FERGUSON—Hear, hear.

Hon. Mr. MILLS—And I was of the opinion, although Sir John Thompson held a different view, that the Act had in view the English practice of appointing a commission, or a body for the purpose of giving

effect to the general policy set out by Parliament, and that was the question that was discussed all through that debate.

Hon. Mr. LOUGHEED—In order that we may have the subject more fully before us, I would refer to what then took place, as one's recollection of what took place seven or eight years ago may be somewhat shadowy. I find on page 3245 of the *Hansard* of that year the present Minister of Marine and Fisheries, who preceded my hon. friend in the discussion which then took place, speaking particularly upon clause 51, said :

The Act does not say that the Parliament shall lay down what for all time shall be the lines and principles to be followed, but that Parliament after every decennial census shall lay down those lines and principles. Let me call the attention of the House to the section on which I base my argument. When the Quebec resolutions were passed this was not in the resolution. The resolutions provided that the legislatures of each province should, after each decennial census readjust its boundaries. Rightly or wrongly, and I think rightly, the Imperial Parliament thought the basis on which redistribution should take place should be left to the Parliament of Canada instead of to the local legislature and they inserted the following paragraph :—

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

So that the Parliament of Canada has to provide three things. They have to provide an authority that shall deal with the readjustment on the principles they have laid down, they have to provide the principles which shall guide the redistribution and they have to decide the time when the readjustment is to go into operation. Parliament is not to do that itself.

I fully appreciate the fact that they were then discussing the authority mentioned in section 51, and the question arose as to whether Parliament could exercise that authority.

Hon. Mr. MILLS—Yes, that is it.

Hon. Mr. LOUGHEED—I did understand my hon. friend to say yesterday that there was an inherent power in Parliament to deal with this subject. I do not think I misunderstood my hon. friend on that occasion. My hon. friend, as well as his friends in the opposition at that time, declaimed very strongly against there being any inherent power which might then be exercised by Parliament in regard to the readjustment of the constituencies. The present Minister of Marine and Fisheries also said :

Now, Sir, it is said by some that there must be an inherent power in Parliament to do this. I deny it. This Parliament is the creation of an Imperial statute, it is bound by the limitations expressed in the statute. It has no power to legislate in defiance of or beyond or inconsistent with any of the limitations in that statute.

Then, coming to the comments of the late Sir John Thompson upon the observations made by the present Minister of Marine and Fisheries, the House at that time, must, have understood that the Hon. Mr. Davies emphatically took the position that a redistribution could not be made of constituencies except after each decennial census. The language of Sir John Thompson, then reviewing the observations made by the Hon. Mr. Davies, is as follows :—

The hon. gentlemen's argument at the out set would present this anomaly in the constitution that while a provincial legislature may deal with that subject, can redistribute, can increase and can diminish this Parliament has not that power, notwithstanding there is express authority given to the provincial legislature and all other authority.

Then coming to the discussion of the subject by the hon. Minister of Justice, we find him expressing himself, and tying himself, as I submit, absolutely to the opinion that the Parliament could not go outside the 51st section in dealing with the subject then under consideration speaking of section 51, he said :

It provides this specific way and I contend and I shall endeavour to establish that this is the only way provided by the constitution for altering the representation in this House. There is power to do what? For this House to readjust by such manner and from such time——

Hon. Mr. MILLS—The way of doing it.

Hon. Mr. LOUGHEED—He continues :

For this House to readjust, by such authority, in such a manner, and from such time as the Parliament of Canada from time to time provides the representation in Parliament.

Then again :

Now, the Minister of Justice referred to the 40th section of this Act. What does the 40th section say? It says :

Until the Parliament of Canada otherwise provides, Ontario, Quebec, Nova Scotia and New Brunswick shall have such and such a number of representatives. "Until the Parliament of Canada otherwise provides" —provides how? In what way? Arbitrarily? No, Sir, provides in the way pointed out in section 51. It is authorized to provide in that way ; it is not authorized to provide in any other way. Now, there is no rule of constitutional authority better settled than this, that you cannot set up an implied power as against an expressed one. You cannot as a matter of inference or implication, maintain that there existed power that will in effect vary, or nullify or render useless an expressed power. An implied power has its origin in necessity, and springs from some power expressed. That is stated over and over again in the authorities. Now, Sir, there is not in this Parliament any inherent power, the minister admits, because

this government and Parliament are wholly the creation of a statute.

My hon. friend, in the discussion of this bill upon this occasion, seems to overlook the fact that this Parliament is the creation of a statute, and he must take into consideration the events which led up to the framing of the British North America Act, and particularly the section now chiefly under consideration. My hon. friend overlooks this fact, and did so in his discussion of the subject yesterday, when he attempted to draw an analogy between the provinces and the Dominion, and contended that the Dominion could exercise the same rights and powers in regard to a readjustment bill as the provinces could do, that immediately previous to confederation, and to consummate the federal union, the provinces were called on to yield up, or sacrifice, certain rights which they then enjoyed. Why, the very storm centre of the discussion, I might say, at the time was as to the maintaining of the equilibrium of the various provinces. The province of Quebec thought, and possibly very properly thought, that the larger and more dominant province of Ontario might possibly exercise a power which would be unjust or tyrannical, so far as the rights and privileges which Quebec had formerly enjoyed. Or there might have been a combination of provinces as against a particular province, and there is no subject in the British North America Act, perhaps, worked out so carefully as the equalizing of representation between the provinces and the manner in which that equalizing shall be maintained. No question could have been more crucial at the time than this particular subject. It must certainly have occasioned no inconsiderable thought as to the representation which should be given to Quebec, and as to that being the pivotal point on which the representation of the other provinces should turn, and will any hon. gentleman at this time say that when the framers of confederation were discussing this particular point of representation, that any one of the fathers of confederation sitting around that historical table, which we are so accustomed to look at in the paintings and engravings of the fathers of confederation, would have ventured to suggest to them that there could be a readjustment of constituencies throughout the Dominion of Canada more frequently than every ten years? Will my hon. friend hazard the expression of the thought that it then existed in the minds of the framers of confederation, that during the interval between two decennial periods there could be a readjustment or a series of readjustments of seats throughout the whole Dominion.

Hon Mr. MILLS—Certainly.

Hon. Mr. LOUGHEED—My hon. friend, it seems to me, makes a very bold suggestion, if he says that that thought could possibly have arisen in the minds of any of the fathers of confederation. Perhaps the only opinion we have on record of what then took place, or what would crystallize into language the opinion held by the framers of the confederation, is to be found in the language of Sir John Macdonald, contained in a speech which he made in the House of Commons in 1887. I might say in this connection, the senior member for Halifax (Mr. Power), has hazarded the assertion that Sir John Macdonald was not on record in regard to his attaching himself to the belief that at no other period than after the decennial census had been taken could a readjustment be made.

I think the principle was set early in our legislation that there should be no readjustment of the constituencies, either in regard to the boundaries or otherwise, except every ten years after the taking of the census, and I think it would really be well that we should adhere to that rule.

Occasionally, by the addition of a rural portion of county to a town there may be a little inconvenience, but it would be much better that that little inconvenience should be borne than that we should have little bills brought in—on every alteration of the bounds of any municipality.

Hon. Mr. POWER—When was that language used?

Hon. Mr. LOUGHEED—That language was used in 1887, and is to be found in *Hansard*, page 840.

Hon. Mr. MILLS—Was that in the discussion on the representation of the North-west Territories Bill?

Hon. Mr LOUGHEED—A bill was brought in to amend the Redistribution Act of 1882, owing to some clerical errors having arisen, and owing to the representation having been provided in the meantime for the North-west, and this language was used in the discussion of the subject on that occasion. In corroboration of what I have said, as to the meaning that must have existed in the minds of those who framed the Act of Confederation at that time, let us test for a moment, if we can, the absur-

dity of the views advanced in favour of this bill——

Hon. Mr. MILLS—You repudiate Sir John Thompson's view?

Hon. Mr. LOUGHEED—No, I will come to that in a moment if my hon. friend desires, but here let me say that Sir John Thompson at that time was not discussing the limitations placed upon Parliament as to the period when a bill for the readjustment of constituencies might be brought down. He was discussing the other phases of the subject dealt with in section 51, and the House at that time was discussing as to whether Parliament could exercise the authority referred to in section 51 without appointing a commission of judges or any other commission, as was then urged by several members of the House. I am safe in saying that in no part of Sir John Thompson's speech made on that occasion will you find any expression falling from his lips that Parliament could more frequently than after each decennial census make a redistribution. Sir John Thompson's argument was this, that apart from section 51, there was power in Parliament under its general powers to deal with this particular subject. He, however, did not repudiate or deny the limitations which were placed upon Parliament, and this I submit was a limitation expressly, and the only limitation placed on Parliament under section 51. There are no two opinions on this point, that Parliament had the right to delegate to an authority the power to perform the acts enumerated in section 51. By way of illustration, let us instance this case: assuming that in 1871 Parliament had appointed a commission such as is contemplated by the Act, for the purpose of readjusting constituencies according to the manner described in section 51, and that commission had reported upon a measure, and that measure had become practically crystallized into law, can it be contended seriously that Parliament the following session could have entirely ignored the acts of that commission and have readjusted the constituencies?

Hon. Mr. MILLS—Certainly.

Hon. Mr. LOUGHEED—Absolutely different?

Hon. Mr. MILLS—Yes.

Hon. Mr. LOUGHEED—And have undone entirely the work of that commission?

Hon. Mr. MILLS—Yes.

Hon. Mr. LOUGHEED—Irrespective of any legislation repealing the work which they had already done? My hon. friend says yes. Then the touch-stone of that contention is this, there would then be two law-enacting bodies in regard to the readjustment of constituencies in the Dominion.

Hon. Mr. MILLS—No. My hon. friend will see that the authority is for the purpose of rearranging them. It is not for the purpose of legislating in respect to them. That legislative work depends entirely on Parliament, and Parliament cannot tie its own hands. Even though it were to declare a measure was perpetual, it could repeal it the next session.

Hon. Mr. LOUGHEED—To that commission is delegated certain work. That commission performs the work. It becomes crystallized into law; practically until something else is done it is the readjustment on which the next election would be carried out.

Hon. Mr. MILLS—If it has been made law.

Hon. Mr. LOUGHEED—I am assuming it has been made law. Then my hon. friend seriously contends, notwithstanding that law, and if Parliament was implemented by a general inherent power it was not necessary to repeal it, that the following session, Parliament might seriously enter upon the consideration of a readjustment of the Act, entirely irrespective of the readjustment which was brought down by the commission, and which was there upon the statute-book.

Hon. Mr. MILLS—The commission do not bring down an Act; they make a report on what the law should be.

Hon. Mr. LOUGHEED—Let us assume they make a report and Parliament does the necessary act to bring that report into operation, and it becomes the plan of redistribution for the next election.

Hon. Mr. MILLS—Then it is the same as any other law.

Hon. Mr. LOUGHEED—My hon. friend says, notwithstanding that, Parliament could entirely ignore it?

Hon. Mr. MILLS—Could repeal it.

Hon. Mr. LOUGHEED—I am not talking about repealing. If Parliament has the power to adjust, in the interim between two decennial periods, then Parliament would have the right to bring in any legislation entirely irrespective of what that commission has done?

Hon. Mr. MILLS—Certainly.

Hon. Mr. LOUGHEED—Parliament would have a right to bring in a Readjustment Bill in no way dependent upon, and in no way connected with the particular adjustment of the commission. That being the case, we find a readjustment prepared by a commission, sanctioned by Parliament, and on the statute-book, of the following session—because we are not now dealing with the repeal, because if they have the power to pass an entirely different Act, it is not necessary to repeal the Act of the commission.

Hon. Mr. MILLS—I do not know what the hon. gentleman means by an independent Act.

Hon. Mr. LOUGHEED—I am very sorry I cannot make it clearer. My hon. friend will see, according to his contention, there are two entirely separate enacting bodies.

Hon. Mr. MILLS—No.

Hon. Mr. LOUGHEED—That has been my hon. friend's contention.

Hon. Mr. MILLS—Certainly not, I am interrupting the hon. gentleman so that he will not argue against what nobody contends for. I held in 1892, as I hold now, that the statute known as the British North America Act, contemplated the redistribution of seats in Canada, the same as the practice which prevails in England, and that is that Parliament does not absolutely pass a law without the aid or assistance of a commission, or some authority appointed for the purpose of making the redistribution under authority which Parliament confers upon them. Parliament may either sanction in advance, as this bill does, what that commission is to do and make it a part of the law, or it may sanction it by a subsequent measure, but after it is sanctioned, whether that sanction is given in anticipation, or whether it is given subsequently, the moment it is a completed Act it is the same as any other Act of Parliament, and is open to repeal. For instance, supposing this bill becomes law, and a commission is appointed under it, and a readjustment takes place, Parliament might take up the matter next session and deal with it. It is not limited by anything in the British North America Act, nor by anything done by the commission. That has no legislative power at all. It is simply a commission acting under the authority of a statute, discharging a specific duty.

Hon. Mr. LOUGHEED—I think I can show that my hon. friend's explanation is the very best refutation of the argument he sought to establish at the introduction of this bill. He started out by saying there is a defined power under section 51 by which Parliament has the power to delegate to an authority the preparation of the Readjustment Bill.

Hon. Mr. MILLS—No.

Hon. Mr. LOUGHEED—We shall read the section:

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

My hon. friend will concede, I presume, that Parliament could not appoint that commission more frequently than every ten years. My hon. friend will concede that.

Hon. Mr. MILLS—No, I do not.

Hon. Mr. LOUGHEED—Will my hon. friend contend that such an authority as provided for in section 51 can be provided for more frequently than every ten years.

Hon. Mr. MILLS—Certainly, as often as Parliament shall think proper.

Hon. Mr. LOUGHEED—They can only do it after each decennial census. Let us read that again:

> On the completion of the census in the year 1871, and of each subsequent decennial census, the representation of the four provinces shall be readjusted by such authority, &c.

Hon. Mr. MILLS—"Shall be readjusted."

Hon. Mr. LOUGHEED—Yes, "after each decennial census" not twice after each decennial census, but only once after each

decennial census. Then my hon. friend says Parliament can step in session after session, irrespective of section 51, because his argumant is based entirely on there being powers outside of section 51 to pass a Readjustment Bill. What I say is this, that entirely irrespective of the commission or of the authority, to urge Parliament has additional powers to pass a readjustment which, with all due deference to what has been said on the other side of the House, I submit would be ridiculous.

Hon. Mr. MILLS—Looking at the specific provision of the section, does my hon. friend think that Parliament can act except through a commission?

Hon. Mr. LOUGHEED—Yes.

Hon. Mr. MILLS—Then he thinks that acting without a commission is a perfectly valid act?

Hon. Mr. LOUGHEED—Yes.

Hon. Mr. MILLS—Whence does that power come?

Hon. Mr. LOUGHEED—Under section 51.

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. LOUGHEED—Parliament can be its own authority for that particular act, but my hon. friend's contention has been that there is a certain specific right given under section 51, and under some other sections—I have not quite satisfied myself yet as to what particular section my hon. friend is nailing his contention to—but in some section Parliament has the authority to pass a Redistribution Bill, entirely irrespective of the Redistribution Bill contemplated in section 51. Do I understand that to be my hon. friend's argument—that outside of section 51, and under some other section of the Act, Parliament has the power to pass a Redistribution Bill?

Hon. Mr. MILLS—My opinion is that section 51 is ample for us.

Hon. Mr. LOUGHEED—If that be the case, my hon. friend must contend that Parliament would have the right, more frequently than each ten years, to authorize a commission to prepare a Redistribution Bill. The first census took place in 1871, and the subsequent decennial census in 1881. Could Parliament, before that period, have changed the readjustment in the schedule to the Confederation Act?

Hon. Mr. MILLS—Certainly. Let me put this case. Supposing in the northern part of Ontario, in consequence of mineral discoveries, in the vicinity say of Hudson's Bay, in two or three years after the readjustment a population of two or three hundred thousand grew up, does the hon. gentleman say that that population must wait for five years, or five years after that, before it could get representation?

Hon. Sir MACKENZIE BOWELL—Why five years additional?

Hon. Mr. MILLS—Because the Act provides that the redistribution of seats shall not come into operation until after the expiry of that Parliament, and that Parliament may have been elected for five years.

Hon. Mr. LOUGHEED—We are now dealing with the four provinces mentioned in the Confederation Act. Does my hon. friend say that, in the interval between 1871 and 1881, he could have granted representation to that rapidly growing population?

Hon. Mr. MILLS—Although Parliament would have no power to alter the number of representatives, it might readjust the representation. It might unite two constituencies into one for the very purpose of giving the new population representation.

Hon. Mr. LOUGHEED—The Act at that time contemplated additional representation for the unorganized portions of the Dominion, hence representation was afterwards given to the Territories entirely irrespective of the representation fixed in the schedule to the Act, and therefore that subject, I submit, had been duly thought out at the time. Then, furthermore, the Act refers to the readjustment. What is it to be a readjustment of? Is it to be a readjustment, say, of the adjustment that took place in 1872, or what is it to be a readjustment of? If my hon. friend is correct in his contention, that session after session a Readjustment Bill could be passed, then the readjustment would not be a readjustment of the distribution which takes place immediately subsequent to the preceding decennial census. It would be a readjustment of a series of readjustments which took place in the interval.

Hon. Mr. MILLS—My hon. friend will see that readjustment is used with reference to the relative representation of the different provinces.

Hon. Mr. LOUGHEED—In conclusion, all I have to say is this: That any one reading the Confederation Act surely cannot seriously come to the conclusion that the framers of that Act, at the time of its passage, ever contemplated that there could be a disturbance and upheaval of the representation of the constituencies in each province every successive session; because, if you can do it at this period, you can do it every session during the interval of the decennial period.

Hon. Mr. MILLS—Certainly.

Hon. Mr. LOUGHEED—Under these circumstances one can very well appreciate the necessity of this House, if it possibly can, laying down a rigid rule, in the language of Sir John Macdonald in 1887, that at no other period than that succeeding the taking of the census should there be a readjustment, or redistribution, or disturbance of constituencies.

Hon. Mr. MILLS—There was a departure from that very case by himself.

Hon. Mr. LOUGHEED—What case?

Hon. Mr. MILLS—The representation to the North-west Territories.

Hon. Mr. LOUGHEED—To what constituency does my hon. friend refer?

Hon. Mr. MILLS—I refer to the North-west Territories Bill.

Hon. Mr. LOUGHEED—A provision was made in the British North America Act for the Territories representation, entirely apart——

Hon. Mr. MILLS—No.

Hon. Mr. LOUGHEED—If my hon. friend will turn up the amendment to the British North America Act, he will find that special legislation was obtained from the Imperial Parliament for the purpose of giving the Territories representation, and it was the exercise of an express authority in the Act by which the Territories were given representation. Under these circumstances I feel it my duty to support the resolution moved by the hon. gentleman from Hastings, that the opinion of this House at any rate should be that it is not in the public interest that there should be a disturbance or readjustment of the constituencies until after the census of 1901 is taken.

Hon. Mr. DANDURAND—I shall try and follow my hon. friend in the discussion of the legal aspect of the measure which is before us, and which the leader of the opposition tries to solve by the amendment which he has presented to this House. There are two or three objections which so far have been adduced against the measure brought down by the hon. Minister of Justice. The first one is directed against the constitutionality of the bill. The amendment does not declare in express terms that the measure is unconstitutional. It does not say that it goes directly against any section of the British North America Act, but it declares that it is against the spirit of our constitution. Now, what are the powers with which we are vested? What is the great principle underlying the whole fabric of our constitution? It is that the powers of this Parliament are plenary. Their sole restriction is in respect to provincial rights, and to any Imperial statutes. Our present constitution is a written one, but article 91 declares, and it has been cited already:

> That it shall be lawful for the Queen, by and with the advice and consent of the Senate and House of Commons, to make laws for the peace, order and good government of Canada, in relation to all matters not coming within the classes of subjects by this Act assigned exclusively to the legislatures of the provinces.

So if it is true that we have a written constitution, and that we must operate under its terms, the terms are very wide. The terms declare that we can make laws for the "peace, order and good government of Canada." It is true that we may find limitations within the bounds of that constitution. Are there limitations preventing us from legislating on the readjustment of county boundaries? What does the constitution say on this matter? It provides for a readjustment every ten years and after each decennial census of representation on the basis agreed upon by the contracting parties and all the enactments found in the Act have no other purpose but the carrying out of the contract entered into

by the various provinces for the purpose of confederation. And if the hon. gentlemen will read clause after clause concerning the readjustment of representation, they will see that there is not an iota in any of those clauses which provides for anything else but the carrying out of the contract entered into by the provinces. The provinces declared that they were willing to enter into a confederation under a certain ratio of representation, and our constitution simply provides for the execution of that agreement. The sections which speak of the representation of the provinces are sections 8, 37 and 51. Section 8 provides:

In the general census of the population of Canada, which is hereby required to be taken in the year one thousand eight hundred and seventy-one, and in every tenth year thereafter, the respective populations of the four provinces shall be distinguished.

And why shall they be distinguished? Clause 37 gives the answer, and it reads as follows:—

37. The House of Commons shall, subject to the provisions of this Act, consist of one hundred and eighty-one members, of whom eighty-two shall be elected for Ontario, sixty-five for Quebec, nineteen for Nova Scotia, and fifteen for New Brunswick.

Then lause 51 goes further into the details and says:

51. On the completion of the census in the year one thousand eight hundred and seventy-one, and of each subsequent decennial census, the representation of the four provinces shall be readjusted by such authority, in such manner, and from such time, as the Parliament of Canada from time to time provides, subject to and according to the following rules.

And the rules are laid down as to the proportion of members for the diverse provinces. As the hon. gentleman will see, these articles concern the proportionate representation of provinces and provide for the machinery for the carrying out of the contract entered into by the provinces which assure to each province a certain ratio of representation in the federal House. Nothing further is mentioned except in article 52, which throws further light upon the subject. It reads:

The number of members of the House of Commons may be from time to time increased by the Parliament of Canada provided the proportionate representation of the provinces prescribed by this Act is not thereby disturbed.

So that, even when the preceding article declares that Quebec will have sixty-five members, the Parliament of Canada can increase even the representation of that province provided the proportion between the provinces is maintained.

Hon. Mr. McMILLAN—That will be after the census. That is immediatly after the census at a particular time, and then again ten years afterwards.

Hon. Mr. DANDURAND—The section I have cited does not say so.

Hon. Mr. McMILLAN—Does the hon. gentleman say they can change the representation of the provinces any other time than after the census?

Hon. Mr. DANDURAND—They can change the representation from time to time provided the same ratio is maintained between the provinces.

Hon. Mr. LOUGHEED—The hon. gentleman is omitting the first line of article 51.

Hon. Sir MACKENZIE BOWELL—Do I understand the hon. gentleman to argue that the Parliament of Canada has power to give to the province of Quebec, say, seventy-five instead of sixty-five members, and then apportion to the other provinces upon the unit of the province of Quebec?

Hon. Mr. DANDURAND—That is my contention.

Hon. Mr. MILLS—That is what the Act says.

Hon. Mr. POWER—Read section 52.

Hon. Mr. DANDURAND—There is nothing in the clauses which I have cited which mention in the slightest degree the county boundaries, or enact anything concerning the county boundaries. No one will contend that, because there is no proviso specially giving us power to change the county boundaries, that we have not the right to do so. It follows that, in order to increase the number of members per province, we have a right to touch county boundaries, but there is nothing in the Act which speaks of the change of county boundaries within the provinces. The hon. gentleman from Hastings (Sir Mackenzie Bowell) in his remarks stated that he found in the powers given to the provinces that such a power was given them and it struck him that no such powers were given to the Federal Parliament. The reason is very easy to

find ; the provinces have nothing but the express rights which are given them and in order to allow them to increase their representation or change their county boundaries, that power had to be given them in the constitution There was no necessity to go into these details with the Federal Parliament, because we naturally have the right, by virtue of section 91, to make all laws for the "peace, order and good government of Canada," and under this general article which I have just cited, we have the right to interfere with county boundaries, provided we do not change the ratio of representation of provinces as settled after each census. According to some hon. gentlemen the Act passed after each census would be a finality ; we would be estopped from legislating upon the subject for the following ten years except under one contingency : if clerical errors appeared in the Act, we could pass laws to correct those errors. Three or four times since 1872 Parliament has enacted laws to correct apparent errors as the hon. member from Hastings has said but if it is such an important act, that our powers are at an end for ten years, I wonder what kind of finality it is if we can, year after year, discuss bills which, on the pretext of correcting clerical errors, will change county boundary lines, will take a municipality from one county and transfer it to another. We had not many years ago, a Finance Minister who transformed a whole tariff reform bill from line to line under the pretext of clerical errors which were in it. Under the pretext of correcting clerical errors, Parliament could tamper with county boundaries from county to county, thus affecting the electoral map of a province in twenty or more constituencies. But this Parliament has done more than correcting county boundaries. This Parliament has passed a law, chapter 10 of 58 and 59 Victoria, by which it deliberately violated the principle laid down by the amendment moved by the hon. member from Hastings. This Parliament has taken two townships from the county of Berthier and placed them in the county of Joliette. There was no pretence of correcting clerical errors. The government brought down an Act declaring that the township of Courcelles and the township of Joliette were taken from one county and placed in another county. What becomes of the principle of the finality of the Act passed three years before in 1892 ? What becomes of the pertension that we have ceased to have any power to legislate upon the readjustment of constituencies from 1892 to 1902 ? Here we have an Act passed by the House of Commons and the Senate changing the boundaries of two counties in the province of Quebec. The hon. gentlemen will see that not long ago they held different views as to the sanctity of the law readjusting the constituencies after every census The opinion of Sir John A. Macdonald has been mentioned, I wonder what Sir John A. Macdonald would have done if, after being returned to power, he had had to face a gerrymander passed two or three years before, which violated every principle of justice and equity, and if he would have simply said : "I will wait five or six years till we reach another census to undo the wrong which, it is true, did not prevent me from reaching power, but which is just as much a wrong nevertheless." I wonder if Sir John A. Macdonald and his party would have countenanced such legislation, and would have felt that the powers of Parliament were exhausted and would have returned to the people with a packed jury, or with a law which packed his partisans or hived his friends into a certain number of constituencies in order to give an undue advantage to the other side ? I have no doubt if a law had been put on the statute-book after a certain census, and if my hon. friends who now oppose this measure had been returned to power, that the very following session they would have remedied the injustice done, the wrong committed upon the people of Canada in order that principles of justice and of morality should prevail in this country.

My hon. friends have a second objection, which is far more serious than the first. They say that it is a bad policy to alter the electoral districts more than once every ten years. I am absolutely in accord with them on this contention ; it is bad policy and it is inopportune to interfere with the electoral districts and to change the representation more than once every ten years, but it is not the fault of this government if it is brought face to face with the necessity of bringing down this measure. The injustice was done in 1882, and it was repeated in 1892, and to-day we are prompted to act by an elementary sentiment of justice, backed as we are by the approbation of the people.

In 1896, the members of the present government went to the people and declared in express terms that they intended to recall the Gerrymander Acts enacted during the eighteen years of the Conservative administration. With that plank in its programme the Liberal party was returned, and now its leaders ask Parliament to pass a measure the principle of which was endorsed by the people. Some hon. gentlemen have said that the laws of 1882 and 1892 were not unjust laws. Without going into the details of the gerrymander of the province of Ontario, I will give hon. gentlemen an illustration of what is a just law and what is an unjust law in the province of Quebec. In 1892 the province of Quebec was threatened with a gerrymander. Some crasy quilt work had been prepared in order to hive the Grits and to benefit the Conservative party. The lines of certain counties were being twisted to suit party ends. It was exposed in the House of Commons in such a thorough manner that it touched the conscience of Sir John Thompson, who rebelled and receded from the stand taken by a certain number of his friends in their efforts to gerrymander the province of Quebec. Yet there remained one injustice, and under that injustice the people of that province have ever since been smarting. One municipality was purposely taken from the county of Bagot to be thrown into the county of Rouville, in order to hive the Grits in that county. The county of Bagot was a close one, where the winning candidate was generally elected with a majority of less than one hundred. The Liberal parish of St. Pie, giving 200 of a majority, was thrown into the Liberal county of Rouville. What was the result? The Conservative candidate in Bagot was elected by acclamation, in 1896, and the Liberal candidate in Rouville was returned by 900 of a majority, the Conservative candidate losing his deposit. I have stated that when the bill of 1892 was brought down the province of Quebec was to get quite a large dose of gerrymander, but what did Sir John Thompson do when the dishonest intention of some of his colleagues were exposed? Instead of twisting Vercheres and Chambly in order to gain party advantage in two or three counties shoving one municipality from Chambly into Rouville, and taking another municipality from Rouville into Chambly, he decided to honestly readjust the representation in the province of Quebec, and what have we on the statute-book? We have the boundaries of Chambly and Vercheres respected. Those two counties were simply united. They were neighbouring counties. We have not heard one complaint in the province of Quebec, because those counties which, it is true, were represented by two Liberals and could subsequently elect but one Liberal, were united. The county boundaries had been respected and no one complained. Sir John Thompson took Napierville and Laprairie, which were neighbouring counties, and united them and no one grumbled. He took St. John and Iberville and united them, respecting the boundary lines, and no one complained. It is true those counties never returned a Conservative. They had elected two Liberals, but now they only return one. The county boundary being respected, no one has raised his voice against the operation of that Act with the same lines as laid down in the present bill. As I have just remarked, the only time when an injustice was done was when St. Pie was taken purposely from Bagot to make secure that county for Mr. Dupont. It was taken and thrown into Rouville. We are simply taking St. Pie and returning it to Bagot. I could have mentioned another injustice that this bill redresses: Lacolle returns to St. Johns and Notre Dame of Stanbridge to Missisquoi; they had been exchanged for party purposes. The same principle prevails all through the bill, throughout the gerrymandered counties of Ontario, and yet hon. gentlemen in 1882, in this chamber, agreed to pass the atrocious, and infamous bill which was denounced from every hustings throughout the province of Ontario and throughout the country, and they passed that bill, I suppose, under the pretext that it came from the House of Commons and affected specially the House of Commons, but they seem now to hesitate to undo a part of the wrong to which they contributed in 1882 and 1892. They think that their responsibility will be unassailable if they can raise the question of constitutionality. They believe that they can go before the country and say that they did simply and purely their duty in preventing Parliament from carrying out the wish of the people, as expressed on the 23rd of June, 1896, if they can only shield themselves behind the constitution. I am convinced that this chamber will not obtain the approbation of the population of Canada in adopting the amendment

which is now before us. The people of Canada know what is right and what is wrong. The people of Canada know when an injustice is being done, and when we bring down a bill which is fair and restores county boundaries, with all the advantages which the two parties can derive from it, it seems to me that this House should pause before declaring that it will consent to pass any kind of gerrymander that the Tory party may introduce, but will not give any small measure of justice to the other party, because of an idea in their minds that that party may derive certain advantages therefrom. I heard an hon. gentleman say here: "But the Liberal party will get an advantage by this bill." There is no doubt, if a wrong was done to the Liberal party, that by undoing that wrong the party will be benefited. As the hon. gentleman from Marshfield has said, populations change, new electors come in, and no one in this House could say that the Liberal party will derive an unjust advantage by the adoption of this bill. This is a fair measure, based upon a fair principle, and I wonder if this House will say, by its vote, that, when gentlemen are appointed to the Senate they retain all the prejudices that animate partisans, and that we can only do things from a party standpoint. As I stated before, this chamber has already annihilated, annulled and set aside the contention of the leader of the opposition by passing that Act of 1895. There was no question there of clerical errors. It was purely and simply a change of county boundaries. This Parliament is supreme, and has as much power as any provincial Parliament, and we all know that provincial legislatures have at all times a right to change county boundaries. We have no right to change the proportion of representation as between the various provinces, but we have the right, by retaining the same number of members, to change the county lines within the provinces. This was done three or four years ago by this very Parliament, and it seems to me, when we come before you with a measure that was submitted to the people at the last election, this chamber should, instead of voting for a six months' hoist, send the bill to committee, and if there are palpable wrongs—if there are such injustices as we can point out in the bills of 1882 and 1892, it will be our duty to try and better the measure, and it seems to me this Senate will simply show that partisanship holds full sway within its walls if it hangs up a measure and refuses to discuss it because it will undo a particular wrong to which the Tory majority in this chamber contributed a few years past.

Hon. Sir MACKENZIE BOWELL—I should like to ask the hon. gentleman a question with reference to the point he raised under the 52nd section of the Confederation Act. Let me suppose that Parliament should decide, eight years after the decennial census had been taken, to increase the representation of the province of Quebec by ten members, upon what basis would he form the unit of population on which the other provinces should be increased proportionately. I am presuming that Parliament took the action which he says they could take under clause 52, to change the number of representatives, providing the unit of population of the province of Quebec be retained. Upon what basis would he constitute the unit of population upon which the other provinces should receive a proportionate increase.

Hon. Mr. DANDURAND—I quite understand the force of the objection as to the mode of raising, from time to time, the representation throughout the whole Dominion. and I do not see very well that it could be done if it was to be based strictly upon the unit of representation and except after the census, but they could raise the representation without regard to the representation proportionately to the number of members given to the province of Quebec. That is a simple question of arithmetic.

Hon. Sir MACKENZIE BOWELL—I do not think the hon. gentleman answered my question. He could not presume a population for the province of Quebec, because it might have decreased or it might have increased. If the unit was 23,000 eight years previously, when the census was taken, and it had been reduced to 20,000 as a unit, or it might be increased to a unit of 25,000 or 30,000, dividing the seventy-five into the total population, that would be the basis on which the increased representation would have to be given to the other provinces. The only way you could do that would be to accept the census taken eight years previously, which would be unfair.

Hon. Mr. MILLS—Quite so.

Hon. Sir MACKENZIE BOWELL—Then that is the best evidence, to my mind, that the only time at which that could be done, under the constitution, equitably at least, would be immediately after, as the hon. gentleman himself admits, the census had been taken, and undoubtedly that was contemplated at the time of confederation.

Hon. Mr. DANDURAND—I have no doubt it would be the opportune time when to increase that proportionate representation, but Parliament, in virtue of section 52 of the Act can increase proportionately the number of representatives throughout the Dominion without regard to the population, provided the same ratio was maintained.

Hon. Sir MACKENZIE BOWELL—No, because you could not tell what the population was.

Hon. Mr. DANDURAND—You would have the number for Quebec, and you could increase in the same ratio the representation of the other provinces which would be tantamount to taking the preceding census as a basis.

Hon. Sir MACKENZIE BOWELL—Supposing you gave Quebec seventy members, you would then have to take the population of the other provinces and divide it in accordance with the unit of representation in Quebec.

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

Hon. Mr. MILLS—I cannot consent to the adjournment at the present time. I have stated to the leader of the opposition why I should like this debate to go on some time longer this evening. I trust my hon. friend will proceed.

Hon. Sir MACKENZIE BOWELL—The reason given by the hon. leader of the House to me a few moments ago was that he desired to have the debate proceed to-night, so as to enable him to move the adjournment and close the debate to-morrow. That is the proposal he made, but I could not vouch for any other gentleman who was to follow him. He gave a good reason for wishing to close the debate to-morrow, because a large number of members wish to attend the funeral of the late Mr. Geoffrion. I could not say whether any one would reply to the hon. gentleman to-morrow.

Hon. Mr. MILLS—It is a general rule, recognized in both Houses in Parliament, that the member who moves a substantive motion has the right to close the debate.

Hon. Sir MACKENZIE BOWELL—The motion of the Minister of Justice is not the one before the House. The question is my amendment, so the hon. gentleman has no right to reply on the original motion until it is disposed of.

Hon. Mr. LANDRY—I have only a few words to say in answer to the speech just delivered by my hon. friend from De Lorimier. At the beginning of his remarks, he told us that there were three objections brought forward by those who oppose the present gerrymandering bill and that he would answer them. He gave two of them, but he entirely forgot to mention the third one, which he fought, and as it was kept in the dark it naturally remained unanswered. We will take the answers to the two objections that he mentioned. The first objection was that the amendment declared that the bill was against the spirit of the constitution, and he combated that contention by showing that in the past the Conservatives had not taken that ground when they brought forward an Act which was passed in 1895, as chapter 10, of 58-59 Victoria. The hon. member stated that such an Act altered the county boundaries of two counties in the province of Quebec, the county of Joliette, and the county of Berthier. This Act of 1895, he contended, was directly opposed to the principle formulated in the amendment of the leader of the opposition. The hon. gentleman from De Lorimier merely repeated what had fallen from the lips of the Secretary of State yesterday. It is a repetition of the same contention. I may be permitted to affirm that the facts are not in accord with that statement. Chapter 10 of the statutes of 58-59 Victoria refers to the Act passed in 1892, and reads as follows:

Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The paragraph lettered *e* of subsection 3 of section 2 of the Act to readjust the representation in the House of Commons, being chapter 11 of the statutes of 1892, is hereby repealed, and the following substituted therefor:

(*e.*) The electoral district of Berthier shall consist of the town of Berthier, the parishes of Berthier, Lanoarie, St. Barthelemi, St. Cuthbert, St. Damien, St. Gabrielle de Brandon, St. Michel des Saints, St. Norbert, and La Visitation de l'Ile du Pads, and the township of Prevost.

This new enactment supersedes the enactment of 1892, but repeats all the words of that section E to which it refers, except the words "Courcelles and Joliette."

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. LANDRY—Why? The Minister of Justice forgot to read the debate that took place in Parliament at that time.

Hon. Mr. MILLS—I read the statute.

Hon. Mr. LANDRY—The hon. gentleman did not appreciate the statute at its value. That bill was brought in on the 20th of June, 1895, and Mr. Ouimet moved for leave to introduce it as bill number 124. "An Act further to amend the Act to readjust the representation in the House of Commons."

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. LANDRY—Will the hon. gentleman keep cool a moment and he will see what is coming. The report of what occurred is as follows :—

Mr. Ouimet moved for leave to introduce Bill 124, further to amend the Act to readjust the representation in the House of Commons. He said : When the Act to readjust the representation in this House was passed two years ago a mistake was made in the description of the newly constituted county of Berthier, and by that mistake the north-east half of the township of Joliette, which used to belong to the county of Joliette, was merged into the new county of Berthier, and as the description of the old county of Joliette was not amended, this half township now belongs both to Joliette and Berthier. That part of the township of Joliette, together with the other part and the township of Courcelles, now formed a parish of St. Emilie de l'Energie. This bill is introduced to declare that the whole parish of St. Emilie de l'Energie shall belong to the county of Joliette. When the electoral list for the counties of Joliette and Berthier were revised last year, the revising officer in the county of Joliette did not make the electoral list in that part of the township of Joliette, but left it to the revising officer of Berthier. My first intention was just to place things in the same place that they were before, but it became very difficult to do that on account of one single list having been made for the whole. Having consulted the parties interested in the matter, and especially the hon. member for Berthier, it was thought that the best way to get out of the difficulty would be to return to the county of Joliette all that part of the township of Joliette which was taken away and also the township of Courcelles, that is the whole of the parish of St. Emile de l'Energie. It is further provided in the bill that the list which has been prepared by the revising officer of Berthier shall serve for the county of Berthier until a new list is made.

The motion was agreed to, and the bill was read the first time.

Does the hon. gentleman say "hear, hear" now? The hon. member for De Lorimier made a great fuss on that case, pretending that the fact of the government bringing in that bill destroyed in advance the whole principle now advocated by the hon. leader of the opposition. The remarks which accompanied the first reading of the bill explain its nature and answer victoriously the contention set forth to-day. The bill went into committee. When it came before the House no objection was made, and no discussion took place. On the third reading, Mr. Beausoleil said :

As I was not in the House when this bill was considered in committee, would the hon. Minister of Public Works be kind enough to give me some explanation about the nature of the amendments which were made?

Hon. Mr. OUIMET (Translation)—The first amendment relates to No. 2 of the bill. This Act as printed reads as follows : –

The township of Courcelles and the north-east part of the township of Joliette are hereby detached from the county of Berthier and annexed to the county of Joliette for the purposes of representation in the House of Commons.

The words "the north-east part of" in the first line are struck off. Section 3 is also amended. The last three lines were struck off.

"As that district is constituted by the Act to readjust the representation in the House of Commons, chapter 11 of the statutes of 1892 as hereby amended."

This gave a false notion of the limits of the county of Joliette. It includes the limits such as they are now, because this county was not mentioned in the bill. It is the old description of the county of Joliette such as defined by the Revised Statutes of Canada of 1860, and as amended by the preceding section. I may say that the bill was drawn up as agreed upon between the hon. gentleman and myself.

Amendments agreed to, and bill read the third time and passed.

There was no opposition at all in the House of Commons. It was understood that the bill was merely presented to correct a clerical error, because the township of Courcelles, being in both constituencies the necessity arose to have that error corrected, and so it was done. This settles the answer brought forward by the hon. gentleman from De Lorimier to the first objection he mentioned. His answer to the second objection was that though he understood it was a bad policy to alter a constituency more than once in ten years, the thing was done at this time through a feeling of justice—moreover, the government was compelled to do it, because in the last general election that question had been brought before the electors, and the electorate had voted that plank of the platform of the party. So they were bound to do justice to the electors as well as to those divisions in bringing up this bill. If such was the case, the bill would have been framed in

another way, and would have simply repealed the law of 1892. There was only one injustice, the hon. member said, done in the province of Quebec. To repair that single injustice we have to-day's legislation. If you read the bill you will find that there are eleven changes made in eleven of the electoral districts of the province of Quebec. Why make eleven changes to undo one injustice?

Hon. Mr. DANDURAND—No one in those counties complains of the changes which are made, and which simply bring parishes back into their proper counties by respecting the principle of county boundaries.

Hon. Mr. LANDRY—If no one complains, why does the hon. gentleman advance, as a strong argument against the amendment, that question of Berthier and Joliette? Who complained there? The government corrected an error; the member for that county acceded to what was done, nevertheless the hon. gentleman says that we have changed and altered the divisions of the counties.

Hon. Mr. DANDURAND—My hon. friend applies a principle to a question of fact. I say that we complained of a parish being taken from one county and added to another. I might have added also that a parish was taken from Richelieu and carried into Bagot in order to add fifty of a Conservative majority to the county of Bagot. I mentioned the principal injustice, and with the present bill we are returning the parish to the county of Richelieu, to which it belongs. There are besides a few parishes in Drummond and Arthabaska which are added to the county to which they properly belong; I said that there is no injustice in this case done to one party or the other, no one complaining, but I mentioned the fact of this bill of 1895 as being a very important one, because if the principle laid down in the amendment of the leader of the opposition is true, this is a violation of the constitution, even if no one complained.

Hon. Mr. LANDRY—I will show a violation of the spirit of the constitution in this bill, and an amendment of the principle just advocated. Take this clause:

(*i.*) The parishes of St. Guillaume d'Upton and St. Bonaventure d'Upton are transferred from the electoral district of Drummond and Arthabaska to the electoral district of Yamaska.

Is that undoing a wrong done by the Conservative party?

Hon. Mr. DANDURAND—No, but I would answer the hon. gentleman that I know this case personally, and it is simply bringing into the county of Bagot parts of two parishes which at present vote nowhere. There is a range in Upton which belongs to Drummond and Arthabaska, for which no electoral lists are made, and which did not vote in June, 1896, nor did they vote in Bagot at the last partial election.

Hon. Mr. LANDRY—The hon. gentleman is not answering the question. I am speaking of one parish and he is speaking of another. I am speaking of the Upton parishes. He is answering to clause *k* and I am speaking of clause *i*.

Hon. Mr. DANDURAND—I beg the hon. gentlemen's pardon I thought he alluded to that.

Hon. Mr. LANDRY—I am speaking of two whole parishes that always vote in Drummond and Arthabaska, and which are detached now by this bill, and put in the county of Yamaska. Since confederation they have always been attached to Drummond and Arthabaska.

Hon. Mr. DANDURAND—They vote in Yamaska in the provincial election.

Hon. Mr. LANDRY—There is no use in trying to dodge the question. I am not speaking of provincial elections. For federal purposes I say these two parishes have always voted in the county of Drummond. Is not that the case since confederation?

Hon. Mr. DANDURAND—I do not believe it. I know that these two parishes belong to the county of Yamaska, belong to its organization and look to Yamaska as their county. But even if the contention of my hon. friend was true, and the principle laid down in this bill was violated, it could be rectified at any time.

Hon. Mr. LANDRY—I do not see why the hon. gentleman speaks so long to tell us what he does not know. He goes on speaking of things he does not know. I know that these two parishes have always voted in the county of Drummond for federal purposes, and the hon. gentleman cannot deny that, even if he does not know.

Hon. Mr. DANDURAND—The only thing I know is that for municipal purposes it belongs to the county of Yamaska.

Hon. Mr. LANDRY—I question the fact that the electorate in our provinces, at any rate, have been consulted on this measure introduced by the government. In the province of Quebec we never heard in the different counties, even where my hon. friend went of such a thing a a gerrymander. We never heard anything of the programme of the government on that question. The sole question that was discussed in the province of Quebec was the school question.

Hon. Mr. DANDURAND—Oh, no.

Hon. Mr. LANDRY—And the Franchise Act.

Hon. Mr. DANDURAND—That is another thing.

Hon. Mr. LANDRY—Those are the only two questions I heard in all the electoral campaign of 1896, and I think my hon. friend, who at that time probably had not engaged Parent, but was on the eve of engaging Parent, did not discuss any other question than those two.

Hon. Mr. FORGET—And the reduction of the number of ministers.

Hon. Mr. LANDRY—They were to reduce the expenses and reduce the number of ministers and introduce free trade. There was no reason in our province to discuss that question of gerrymander, and the hon. gentleman himself stated so just now when he said that there was no injustice done, from his point of view, to the province of Quebec, except the only one of placing the parish of St. Pie, in the county of Bagot. So that there was no reason for the speakers of the party to bring that question before the people, and it was not brought. It is evident that the bill brought by the government to-day is not based on that sentiment of justice to which the hon. gentlemen referred. It was not, on the other hand, asked or demanded by the electorate in general. The hon. senior member from Halifax, in his concluding remarks to-day, said that if the measure now before the House had been complete, it would have repealed altogether the enactments of 1882 and 1892, but that the usage in England was not to be logical and not to ask all that they had a right to obtain, but only for a portion of it. If this measure is not complete, I think that it is an additional reason why we should not accept it. If the government cannot come here with a complete measure of justice to all the suffering people of the community, I think it is our duty not to accept their bill. I do not desire to discuss the legal aspect of the question, and I had really no time to look over those sections cited by the hon. gentleman from De Lorimier, but I conclude by the way he answered the hon. leader of the opposition, when the hon. leader asked him in what way he would proportion the representation in the province, taking for granted that he would increase the representation in the province of Quebec to the number of seventy-five, I say the way he answered proved that he could not meet the objection, and that in his mind that clause did not give, as he pretended at first, to this Parliament, the right at any time to enact the bill before us. I think I have shown the futility of the answers given by the hon. gentleman from De Lorimier. I see no other remark that requires a reply. In answering those remarks I think I have placed squarely before the House the true answer that must be given to the objections made by the hon. gentleman from De Lorimier and the hon. Secretary of State, as regards specially chapter 10 of 58 and 59 Victoria.

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

The motion was agreed to.

BILLS INTRODUCED.

Bill (161) "An Act respecting the bounties on steel and iron made in Canada."—(Mr. Scott.)

Bill (20) "An Act to incorporate the Zenith Mining and Railway Company."—(Mr. Clemow.)

Bill (145) "An Act to amalgamate the Ottawa, Arnprior and Parry Sound Railway Company and the Canada Atlantic Railway Company under the name of the Canada Atlantic Railway Company."—(Mr. Clemow.)

THE HOUR OF MEETING.

Hon. Mr. MILLS—I have asked Mr. Speaker not to take the chair till 3.15 to-morrow. Council holds session until 3

o'clock, and it is impossible to be present until 3.15. I hope the hon. leader of the opposition will not object.

Hon.Sir MACKENZIE BOWELL—I do not think, under the circumstances, any one would object to the proposition; we might return to the old practice.

Hon. Mr. POWER—Perhaps the hon. leader of the opposition does not think the government are past praying for, and therefore should be present during prayers.

Hon. Sir MACKENZIE BOWELL—I think it is absolutely necessary they should be here in order that they should receive the benefit of the prayers. The complaint made by the Minister of Justice to me was that he was unable to be here in time for prayers, and I at once acceded to his request that he should have the fifteen minutes to unable him to get here.

Hon. Mr. MILLS—I hope to see the hon. leader of the opposition present during prayers and hope that they may be affectual on his behalf.

Hon. Mr. DANDURAND—While we are on the question of prayers, I wonder if we could not appoint a committee to consider whether we could not limit our prayers to the same length as the prayers in the House of Commons. I suppose such a change would not affect the constitution of this country?

Hon. Mr. CLEMOW—Oh, no.

Hon. Mr. POWER—This is a religious House.

Hon. Mr. DANDURAND—If I thought the longer prayer would conduce to the welfare of the House, I would not object, but it seems to me the short prayer in the other House has a better effect.

Hon. Mr. PRIMROSE—Hon. gentlemen seem to think that this House is composed of people who need as much prayers as we can get.

Hon. Mr. FERGUSON—The remarks on this occasion remind me of a person who, when asked what were the words thought most of in the burial of Sir John Moore, replied, "Few and short were the prayers he said."

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, 20th July, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

THIRD READINGS.

Bill (141) "An Act to confer on the Commissioner of Patents certain powers for the relief of the Penberthy Injector Company."—(Mr. Casgrain.)

Bill (158) "An Act respecting the Edmonton District Railway Company, and to change its name to the Edmonton, Yukon and Pacific Railway Company."—(Mr. Perley.)

Bill (71) "An Act to incorporate the Algoma Central Railway Company."—(Mr. Dandurand.)

Bill (118) "An Act respecting the Great Northern Railway Company, and to change its name to the Great Northern Railway of Canada," as amended.—(Mr. Landry.)

THE REDISTRIBUTION BILL.

DEBATE RESUMED.

The order of the day being called:

Resuming the further adjourned debate on the motion of Hon. Mr. Mills for the second reading (Bill 126) "An Act respecting Representation in the House of Commons," and on the motion in amendment thereto of the Hon. Sir Mackenzie Bowell.—(Hon. Mr. Mills.)

Hon. Mr. PROWSE said:—There was an understanding last night that the hon. Minister of Justice would close the debate, and as I wish to make a few observations, I should like to know whether he would desire me to make them now or speak after him.

Hon. Mr. PERLEY—I also desire to make a few remarks. It is necessary now, in my own defence, and I think it would be better to make them before the hon. gentleman speaks, so that he will have the right to reply.

Hon. Mr. McCALLUM—I do not know that I understand this question. I want a little light on it. The hon. minister moved the second reading of this bill, and the hon. leader of the opposition moved an amend-

ment. The amendment is before the House now. My hon. friend says the Minister of Justice will close the debate, but I cannot see it that way. I think the hon. leader of the opposition will have the opportunity of closing the debate, according to the practice of this House. The hon. minister shakes his head, but that does not signify very much with me. I want more explanation than that. The Minister of Justice has already spoken, and now he is going to speak to the amendment. If he speaks to the amendment, of course any other hon. gentleman can speak also if he desires, and particularly the hon. leader of the opposition. I understand that the mover of the amendment can close the debate. If I am wrong, I wish some hon. gentleman would put me right.

Hon. Mr. MILLS—As I understand the parliamentary practice, the member who makes a substantive motion has a right to speak in reply. I have made a substantive motion in moving the second reading of the bill, and my hon. friend opposite moved an amendment, and spoke to the amendment, and he would not have the right to reply unless some other member moved another amendment, and then of course every member would have the right to speak again. That is as I understand the position. I moved the adjournment of the debate simply because I understand there are a number of gentlemen who are going away, and some are not coming back, and I was most anxious myself that we should have a division on the bill before we rose at six o'clock. That was why I moved the adjournment last night. I understand now that there are a good many who desire to speak, but I hope hon. gentlemen will not protract the discussion so as to prevent a division before six o'clock.

Hon. Mr. McMILLAN—I may say to the hon. gentleman that I intended to say a few words, but under the circumstances I will not.

Hon. Mr. ALLAN—Hear, hear.

Hon. Mr. McCALLUM—I have no objection to what the hon. Minister of Justice has said.

Hon. Mr. MILLS—Under the circumstances, as I moved the adjournment of the debate, I think it better to speak at present. I shall certainly not extend my remarks any further than is really necessary and hon. gentlemen can have an opportunity of speaking after me.

Hon. Mr. PERLEY—That is quite satisfactory to me.

Hon. Mr. MILLS—When my hon. friend opposite began his speech he said that he approved of the historical and the theoretical part of the address I gave to the House in moving the second reading of this bill, but he thought I was not much at home in the practical portion of my remarks. I dissent from the hon gentleman in that regard, and although it may be regarded as somewhat egotistical to say so, I think I have studied the measure, I think I understand the subject, and I think the bill which I propose to the House is one which is calculated to attain the object that was had in view on its submission if it should become law. I am sorry to say that I cannot compliment the hon. gentleman opposite, either with regard to the spirit in which he addressed himself to the House upon the subject, or the line of argument which he pursued. The hon. gentleman thought it necessary, in the course of his speech, to say that there were two political heelers who were spoken of in some Conservative journals as being guilty of corrupt practices, who had come here, and he had no doubt they had been consulted in the preparation of this bill. That was an insinuation altogether unworthy of the hon. gentleman. The hon. member has also said that he was justified in moving the amendment to this bill, although it was a measure relating to the constitution of the House of Commons, because my hon. friend, the Secretary of State, had, in 1882, taken that course, having in 1882 proposed an amendment to the Redistribution Bill that was then brought up from the House of Commons. The hon. gentleman lost sight of one very important fact, and that is, that there was a radical departure in the bill of 1882 from the principle which had prevailed previously with respect to the constitution of the electoral districts of the Dominion. There had been a doctrine laid down, which I have quoted here in this discussion, by the Prime Minister of the day in 1872, in favour of the preservation of county boundaries. He had pointed out, in the course of that speech, why he thought that the preservation of county boundaries was a matter of great importance both with reference to the securing of proper represen-

tatives, especially young men coming forward for the first time, and the preservation of the organic life of the country. The government, in 1882, the census having been taken in 1881, proposed a bill based upon what may be regarded as revolutionary principles—based upon principles that have been frequently recognized in South American republics, but so far as I know, was never recognized by any British community at any former period. That principle was to so alter and adjust the representation of the country as to pack that representation, no matter what the vote of the electorate might be, in such a way as to secure the return of a majority of the party then in power. There had been an election after 1872. There had been frequent discussions in and out of Parliament by prominent men in the administration, and supporters of the administration, but in no case was there any one who gave the slightest intimation that other principles were to prevail in the readjustment of constituencies under the census of 1881 than those which had prevailed for the readjustment of constituencies in 1872. Hon. gentlemen will remember on that occasion the government had carried through that measure which was condemned, in my opinion, by every unprejudiced political man in the country who was disposed to consider the subject and to decide according to just and fair principles between the two great political parties in the state. That measure, I say, was carried. That change took place. There was no intimation to the electorate of the country, and there was no mandate from the electorate that the views which were embraced in the matter should be crystallized into law. If there ever was a case that would have justified the interference of this body in a measure relating to the constitution of the House of Commons that was one, and so when my hon. friend the Secretary of State then invoked the interposition of this House to preserve the constitution from the violent hands that were being laid upon it, to protect the rights of the people so that the prevailing influence in the country might obtain also a preponderating influence in Parliament, he was not departing from the settled principles of the constitution when a course so revolutionary and inconsistent with the principles of parliamentary government was being adopted by the government of the day. But is there anything under the circumstances of the present bill to warrant the intervention of this House in respect to a measure affecting the constitution of the House of Commons? My hon. friend who represents the opposition in this House said I had referred to cases of Imperial practice and to Imperial precedent, but he reminded me that we were living under a written constitution and that those principles and precedents were not applicable. I deny that. We are living in some measure under a written constitution, but the larger portion of our constitution is not written. It is declared in the British North America Act that we are going to have a government for the Dominion, constituted similar in principle to that of the United Kingdom. That is all it says. That is the statement as to the character of the government that is to be created. Where do you look to see whether this Parliament is similar in principle or not? You look to England's precedents, and the practice which governs it, and the lex parliamenti of England is the lex parliamenti of Canada. You look there to see what principles should govern us. There is nothing in the British North America Act telling us what is the relation between the Crown and its advisers, what is the relation between the Crown and Parliament. The constitution is silent with regard to that. It simply tells you that you are to have a constitution similar in principle, and having made that declaration it leaves you free and puts in your possession the whole constitutional principles of England, in order that you may ascertain what are the constitutional rules and principles that are to govern your conduct here. So that, when the hon. gentleman said that because our constitution was an Imperial statute, these principles and precedents had no applicability, he made a statement that is not warranted by our experience, and not supported by what we do, or what we say in these matters. In what sense, then, have we a written constitution? We have a written constitution so far as the British North America Act is concerned, but a large portion of our constitution is only pointed to by that Act. You are told where to seek it, but it is not found within the Act itself. The hon. gentleman said that I had committed a very gross offence in connection with this bill: that I had written to certain parties who were members of the Reform Association in Vancouver. I do not know that the hon. gentleman mentioned Van-

couver, but he said I had written a letter—that is the only letter I had written, and from that he inferred that I had written to every association and organization in the country to assist in the preparation of the Representation Bill. Well, I did nothing of the sort. I wrote but one letter, and I wrote it for the purpose of getting information with regard to the boundaries of electorial divisions and with regard to the county divisions in British Columbia upon which I had not sufficient information, and upon which the kind of information I desired, especially with regard to the maps and so on, was not available to me here. The hon. gentleman has also referred to divisions which he said were made in West York and in East York and in the city of London. I wish to say a few words with regard to these matters. I find at the time the distribution took place in 1882 there were 66,600 people in the county of York, and that there was 23,312 in East York and 25,402 in North York and 18,004 in West York. With regard to the divisions that were made in the county of York, at that time those divisions the hon. gentleman said were made for the purpose of readjusting the population, that the principle which governed the bill in 1882 was an equitable redistribution in accordance with population. I say that that is not so. I meet that statement with a decided negative, and I shall be able to show, as I did in part show in the speech which I made upon the introduction of this bill, that there is no foundation whatever for that statement. The county of West York, that had the smallest population, had a population less by 3,000 than the unit of population, if you were to divide the province equally into 92 constituencies and it was allowed to remain so. So that whatever alterations and changes were made in the organization of constituencies, in the county of York, were not made for the purpose of equalizing population, but were made for a different purpose, and I shall show that portions of other counties were brought within the county of York in order that it might be manipulated in accordance with the political complexion desired and not with a view to the equality of the population at all. The hon gentleman referred to London. I will refer to London at a later period. My hon. friend opposite said that representation by population was the sole basis of the former bill, and therefore county boundaries were broken down in order to secure that equality. What was it the government had undertaken on that occasion? They had undertaken to put an end to two constituencies that existed, two little towns upon the frontier, Niagara and Cornwall, and to absorb these in the adjoining constituencies. There was no difficulty in that, nor did they appreciably, so far, affect the population as to necessitate any alteration in the boundaries of the counties into which they were incorporated. Then under the census of 1881, four more members were allocated to the province of Ontario. In order to allocate those four, it was only necessary to make alterations in the boundaries of ridings in four counties. It was possible to take the counties that had the largest population in excess of the representation which they had, or take the city of Toronto and three counties and to absorb those three or four members without any disturbance beyond the readjustment of the electoral ridings within the counties that received those additional members. Was that done? No. Let me say that there were fifty-five constituencies in the province of Ontario that were altered, had their boundaries changed, for the purpose of giving places to those four additional members. Any hon. gentleman who will examine the bill, and who will take the map representing the divisions that have been made under that bill, will see that there was no connection whatever between the duties devolving upon government and Parliament in consequence of the taking of the census, and the readjustment that was made on that occasion. The hon. gentleman said that we in this bill have altered the boundaries of London. What have we done? The city of London has grown; three suburbs that were formerly outside of the city have been absorbed into the city. They are part and parcel of the city. They have become a portion of its municipal organization and life, and they are as much to day a part of the city as are those portions which constituted the city of London in the first instance. But if you look at the bill as it was introduced in 1892, you will find that it proposed, on that occasion, to embrace in the city of London what is called West London, which was not incorporated into the city at all at the time. It was a distinct municipality by itself; but that municipality, in the vote in

1891, gave 231 Conservative votes and 78 Reform votes. Now, the city has grown and that is included. Hon. gentlemen will see that there are a good many more than 100 of a majority in favour of the Conservative party in that addition to the city. Then London South has grown up with a population of about 5,000, and it is also embraced in the city. That has about 100 Reform majority. Any hon. gentleman who will look at the election returns for East London, for West London and for South London will see that South London gives a decided Reform majority, West London gives a decided majority the other way, and East London is pretty nearly equally divided between the two parties. So that the relative strength of the parties in the city of London under the present bill, if it should become law, will be just about what the relative strength of the two parties was before. The population is larger, but there will be no political advantage conferred upon the one party or the other under those conditions. My hon. friend opposite referred to a statement made by Mr. Clancy, a member of the House of Commons, in which he said that he defied any one to show where any man on the Reform side had lost his seat in the gerrymandered districts. If any hon. gentleman so far gives his mind a holiday as to be in the slightest degree influenced I should be very sorry indeed, because it is not possible to give to the subject a moment's serious reflection without seeing how utterly preposterous it is. What was the position? From 1875 to 1878 we had an unprecedented depression of trade over the world. A large number of persons failed in business. When the elections came a great deal of discontent prevailed throughout the country because of the cry that Canada had been made a sacrifice market to the United States. The Liberal party were defeated by a very decided majority in that contest. The hon. gentlemen who were opposed to us came back with a majority of fifty or sixty members in the whole Dominion. That was an extreme condition of things. The Conservative party were represented by a number much larger than the ordinary normal condition of the country would warrant, at that time, and the Reform party, by a proportionately diminished number. That was a condition which could not continue. That was a condition which must change as soon as the state of things which led to it also changed. Hon. gentlemen will remember that at that time there was a good deal of feeling on the subject of increased taxation and protection. The people in the east were opposed to protection at that time, and Sir John Macdonald sent a telegram to Mr. Boyd, at St. John, informing him that it was a calumny to say that the intention was to increase taxation. All they intended to do was to readjust the tariff. That was the statement, yet hon gentlemen know right well that there was a very wide departure from that declaration. I am not saying that the declaration was not honestly intended at the time, but it was not adhered to, and what was done during the next three or four years was altogether at variance with that declaration, and with what was then asserted. The policy of extreme protection was not adopted before the elections. What was done with respect to it was not done in the fulfilment of a pledge that had been made. It was done in opposition to that pledge, in defiance of it, for another and wholly different purpose, and when the hon. gentleman came to redistribute the seats, he found that the state of public opinion was not so strongly with him as it had been in 1878. What was done? Did hon. gentlemen rely upon the conscience of the country and the contentment of the population? Not quite. They relied upon this measure, like the old lady returning from church when her horse ran away. She said she put faith in the Lord until the breeching broke, and then all hope was gone. These hon. gentlemen may have put their faith in protection, but they put also this breeching upon the population in the form of a Gerrymander Bill, and they had a good deal more faith, in my opinion, in that measure, than they had in the other. When the hon. gentleman repeats and adopts the arguments of a member of the House of Commons, that we lost no constituencies, it is no answer to our complaint of the gerrymander. We ought to have gained largely. The state of public opinion warranted that gain. The condition of things that existed in 1878, moreover, continued, and the hon. gentleman who led the Conservative party at that time knew that as well as it was possible for any man to know it, and hence we have the measure. The object of the measure then was not to give to the people representation based upon population, but

to give the government a security against the possibility of defeat, no matter what might be the vote given by the population. Let me say further what happend. I shall begin with the county of Bothwell, in which the hon. member from Marshfield has taken the deepest interest and if this measure should carry we would see mourning on his hat for the next twelve months. In Bothwell you have three townships, embracing a population of 10,000 at that time, with a Liberal majority of about 400, the district in which I resided, taken from the county which I represented and put in the county of Elgin. What was that done for? The hon. gentleman claims that it was to secure representation by population, but there was a Reform majority of 400 taken off Bothwell, and other additions were made to it. The townships of Chatham and the town of Wallaceburg were added, and the result of these additions was, according to the vote polled in the previous election, that there was 300 majority against me. Now, if I carried the county, looking at the vote as it stood, in what remained of my own county, and in the additions that were made to it of 300 against me, does it show that the public opinion remained as it did in 1878?

Hon. Mr. McCALLUM—It shows that you were popular there.

Hon. Mr. MILLS—It shows more than that. It shows that the government had calculated to secure Bothwell to a supporter of the administration.

Hon. Mr. McMILLAN—And you are bound they will not return a Conservative now.

Hon. Mr. MILLS—I am bound they shall not by unfair means. Three townships were taken off the county of Bothwell and put on Elgin which was already a Reform county. What was that done for? Elgin did not need them. Elgin had a sufficient population within its own limits for two representatives. It was only necessary that an equal division should be made in order to accomplish that result; but the hon. gentleman went into another county, took people who had no municipal, no judicial, no agricultural connection with the population with whom they were associated, and even now never associate with them except once in four or five years for the purpose of contesting an election.

Hon. Mr. McMILLAN—How could they divide them in any other way? The population of West Elgin is 14,000, whilst the population of East Elgin, with the city of St. Thomas in it, is 28,000.

Hon. Mr. MILLS—Yes.

Hon. Mr. McMILLAN—How could you divide that, because St. Thomas is in the east division.

Hon. Mr. MILLS—There is no trouble at all. The hon. gentleman has an idea that he suggests a difficult problem. I am astonished at that proposition. The town of St. Thomas had less than 8,000 at the time the census was taken. Take 8,000 off 28,000, and put it on to 14,000, and what does it make? It makes one riding of 22,000, and another of 20,000. Is that a difficult problem?

Hon. Mr. McMILLAN—When that division was made, the population of St. Thomas was over 10,000.

Hon. Mr. MILLS—The hon. gentleman is mistaken, because I have the figures, and I know the constituency as well as I know myself. I mention that as to one division. I have heard of organized hypocrisies.

Hon. GENTLEMEN—Hear, hear.

Hon. Mr. MILLS—Disraeli spoke of them when he referred to the Whig party at one time, but this was not only an organized hypocrisy, because it was defended on hypocritical grounds, but an organized conspiracy against a fair opportunity for the people to speak out according to their convictions. Let me take another county—Middlesex. The division of Middlesex was made to give four rural constituencies, by tacking on pieces all about it. Mr. Armstrong, when the bill of 1892 was under consideration, represented South Middlesex. What did he call the attention of the House to on that occasion with regard to the county of Middlesex—that the county of Middlesex gave a Liberal majority within its limits of 1,100, and he was the sole Reformer from that county in the Parliament of Canada. Why were three political opponents returned by the minority and one representative by the majority? Does any hon. gentleman think that he can persuade men out of St. Luke's, or any other lunatic asylum, that that was done merely with a view to the consideration

of the principle of representation by population? There is in this city a map that was drafted on that occasion, which shows that every municipality in the province of Ontario had marked upon it the number of Conservative and Liberal votes, and the problem which these gentlemen presented to their minds for solution was, how can we divide that province to secure a majority of seats? That was the problem submitted and worked out, and the Representation Bill brought down to Parliament was for the very purpose of securing that object and end. In the county of Perth, the township of South Easthope was taken from that county and added to the county of Oxford. Why was South Easthope taken out of the county of South Perth and added to the county of Oxford? The township of South Easthope had given a Liberal majority, at the previous election, of 192. That was added to Oxford, which was hopelessly Liberal. The hon.gentleman and his friends knew they could not make Oxford, no matter how they would organize it, anything else than Liberal, so they took out of the county of Perth the township of South Easthope and added that township, with 192 Liberal majority, into Oxford, where it could do no harm; then they took the township of Osborne from the county of South Huron and added it to Perth, which gave an additional Conservative majority of 100. You take out one township from Perth with 192 Liberal majority, and you add in another township from Huron with 100 Conservative majority, and the hon. gentleman will undertake to persuade the Senate—what does he think of their capacity when he undertook such a task?—that that was not done for political reasons at all, that it was not done to hive the Liberals into the county of Oxford, and secure South Perth for the Conservatives. It is true that they did not carry South Perth—that although they increased the Conservatives' strength by 200 odd, they did not carry it. Mr. Trow carried the constituency, but why? Because public opinion was running against the administration, and he carried it in spite of these arrangements which had been made with a view to securing his defeat. Then there was the case of Brant. Mr. Paterson represented Brant in Parliament. He certainly did no discredit to the county which he represented. Mr. Paterson had a constituency of over 20,000. The township of Oakland was taken out of his constituency, three-fourths of whose electors vote on the Reform side, and put into Oxford where it could do no harm. By this it was hoped that Mr. Paterson's defeat would be secured. Take this case: South Oxford to which Oakland was added, had 25,000 people. Brant, from which it was taken had scarcely 20,000, and so these gentlemen, to equalize the representation of the country, and to carry out honestly the sacred principle of representation by population, took the township of Oakland from the 20,000 and added it to South Oxford with its 25,000! That, the hon. gentleman will seriously argue, was for the purpose of securing representation by population. Then the hon. gentleman has referred to Toronto. Now, what do we propose by the bill, so far as the city of Toronto is concerned? Have we undertaken to gerrymander Toronto? We have simply declared that Toronto shall consist of all those portions of Toronto and people that are embraced within the corporation. We have separated it from the county in accordance with the rule and principle which we have laid down. We have given additional representation to the additional population that is embraced in the city. The hon. gentleman says that is done to defeat Mr. McLean in East York, and to defeat Mr. Wallace in West York. I deny that. It is done to pay respect to county boundaries. The division is not made. It is for the judges to make the division, and if they make it honestly, and the hon. gentlemen suffer by it, then it only goes to show in the clearest possible way, the wrong that was done by establishing the condition of things that exist at this moment. The hon. gentleman has referred to double constituencies, and he says that we are responsible for great wrong and injustice and iniquity because we do not put an end to double constituencies.

Hon. Sir MACKENZIE BOWELL—I said nothing of the kind. Not a sentence that I uttered could lead any one to that conclusion.

Hon. Mr. MILLS—Did not the hon. gentleman complain?

Hon. Sir MACKENZIE BOWELL—I said you were not consistent in the manner in which you were dealing with double constituencies, having abolished them in one case and created them in others.

Hon. Mr. MILLS—The hon. gentleman forgets.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is just as truthful in that statement as he is in the case of the Brants, as I will show.

Hon. Mr. MILLS—The hon. gentleman talks about people being truthful. He should keep those remarks for use at home.

Hon. Sir MACKENZIE BOWELL—I will whenever I have the hon. gentleman opposite me.

Hon. Mr. MILLS—The hon. gentleman spoke of double constituencies. Hamilton was a double constituency. Who made it such? Who made Hamilton, Halifax and West Toronto, double constituencies? Why was West Toronto made a double constituency? I can understand why the whole of Toronto might be left as a single constituency, and give every man four or five votes according to the number of members to be returned, but why should West Toronto be made a double constituency and East Toronto a single constituency? Does the hon. gentleman pretend to say that any honest reason can be given for that? We left Ottawa and Hamilton and we left Halifax, but I very well remember a discussion with Sir John Macdonald on this subject in which he said We have in Halifax and in Ottawa a very large Catholic as well as Protestant population. If you were to separate them you might have an attempt to nominate two Protestants, one in each constituency, to the neglect of the minority, and he thought that the probability was there was less danger of religious friction if Ottawa and Halifax were left single constituencies. So far as we are concerned that is the explanation of why that course is adopted in these two cases. But we were not altering anything that had existed from the period of confederation. For instance, take Pictou: that is a double constituency, and so was every county in Prince Edward Island when it came into the union. The hon. gentleman says it is grossly inconsistent for us to divide some and not divide all. I deny that proposition. Then the hon. gentleman said that we ought not to have referred this question to the judges. To whom should it be referred?

Hon. Sir MACKENZIE BOWELL—I did not say so. I said that the hon. gentleman's leader had denounced the system of referring to judges. I did not say you should not do it. You voted for your leader's motion disapproving of it.

Hon. Mr. MILLS—There was no motion disapproving of it. I have the motion and I will read it in a moment. There was a proposition—I made the proposal to Mr. Kirkpatrick myself, at the instance of my then leader, Mr. Blake—that we should have a conference of leaders of both sides of the House with a view to dealing with the question of redistribution and the question of the franchise. Mr. Kirkpatrick saw Sir John Macdonald; he acted as intermediary, and reported that Sir John would not consent to any interference on the part of the opposition. The hon. gentleman said that he would give his consent to a political commission, so I understood him, to be composed of representatives of the two parties.

Hon. Sir MACKENZIE BOWELL—What I said was this: that I was ready to support any proposition which would remove it from the government of the day, no matter which party was in power, whether it be to the judges, or to a joint commission such as they appointed in England, but I never denounced the reference to judges. I left that to the hon. gentleman's leader.

Hon. Mr. MILLS—If the hon. gentleman's speech is reported as he delivered it, the hon. gentleman will see that he approved of the appointment of commissioners and not of the appointment of judges.

Hon. Sir MACKENZIE BOWELL—No, nothing of the kind.

Hon. Mr. MILLS—I accept the hon. gentleman's denial. I accept his approval of the appointment of judges, and so the hon. gentleman is voting against a proposition at the present time, so far as the principle is concerned, that he declares he is in favour of. The hon. gentleman supported a leader in 1872 who had an opportunity, but did not act upon it, of agreeing to a commission. Did the hon. gentleman suggest a commission to him?

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. MILLS—Did the hon. gentleman ever say that he favoured a commission when he was at the head of a majority? In 1882 the opportunity came again. The hon. gentleman did not in 1882 propose that there should be a commission or that the opposition should have any voice or say or any opportunity or any interference in the distribution of seats. Then in 1892 the hon. gentleman was a member of the administration that dealt with the subject of redistribution on both these occasions, and on neither occasion did he make such a suggestion as he has made now. The proper time to give assent to a proposition and to approve of a proposition is when you have an opportunity of making it effective.

Hon. Sir MACKENZIE BOWELL—The same as the hon. gentleman has now.

Hon. Mr. MILLS—Yes, we are doing so now. The hon. gentleman has referred to Sir Wilfrid Laurier's speech. I care very little for what was said in a speech ten years ago. I will say this, there was nothing in that speech which, in my opinion, was at variance with the present scheme. The members who vote in the House do not vote for a speech, they vote for a motion, and there is nothing in the motion for which I voted, or for which the then leader of the opposition voted, or for which any of his followers voted, inconsistent with the proposition which I find embraced in this bill. What the hon. leader of the opposition on that occasion proposed was that the bill be referred to a conference of both political parties to agree upon the lines on which a Redistribution Bill should be drawn. That is what was proposed, and that is what is practically in this bill. We refer it, not to a commission appointed by both parties, but to judges who are outside of the arena of politics and who have an opportunity of carrying out the redistribution in accordance with the principles laid down in the bill.

Hon. Mr. LANDRY—Is that the only thing proposed? What was the amendment of Mr. Somerville?

Hon. Mr. MILLS—To what time does the hon. gentleman refer?

Hon. Mr. LANDRY—The session of 1892.

Hon. Mr. MILLS—The hon. gentleman can refer to Mr. Somerville's proposition. I do not remember it.

Hon. Mr. LANDRY—The hon. gentleman should know what he votes for.

Hon. Mr. MILLS—Yes, I never vote for anything that is wrong.

Hon. Mr. LANDRY—Mr. Somerville moved an amendment.

Hon. Mr. MILLS—The hon. gentleman can make his speech by and by.

Hon. Mr. LANDRY—I do not want to make a speech; I want an answer to a question.

Hon. Mr. MILLS—I wish to call attention to another subject that has been referred to frequently in this discussion, with regard to the power to deal with this measure at the present time.

Hon. Sir MACKENZIE BOWELL—That will be interesting.

Hon. Mr. MILLS—It is pretty clear that the hon. gentleman, while he was ready to make his motion, was not altogether ready to support it by argument, because he concluded his speech by showing hesitation and doubt as to the validity of the constitutional rule which he was undertaking to lay down. The hon. gentleman told us that it was a very proper thing to observe county boundaries in the case of elections to the legislature, but they had no applicability to the electoral divisions of this Parliament. I do not agree with that proposition. It is wholly at variance with the notion that there is a continuous political organization from the very base of the community up to the highest political bodies that are constituted within it. I hold that the Parliament of Canada, and the Dominion of Canada, and the legislative authority which it exercises, are but a continuance of that political unity which exists in a smaller degree within the more limited area that is immediately below it. If the hon. gentleman will refer again to the extract from Gladstone's speech in the redistribution of 1884-85, read by the hon. gentleman from Marshfield yesterday, it is perfectly clear that he held to the view which I maintain. There is an organic life in the state which begins with the family

and continues up to the highest organization within it, and you cannot separate the one from the other. You cannot divide the one wholly from the other without doing mischief, and it is because there is such an organization that it is of the highest consequence that the political community known as the town, or city, where the population is sufficient to separate it from the rest, should be known as a riding, or electoral division, and that the county, where its population warrants, should be in the same position. The hon. gentleman says that it is of no consequence that here we deal with large and general questions, and because we deal with large and general questions it is no matter where your constituents may reside, so that you may take a parish in the North-west Territories and unite it to one in New Brunswick without the slightest impropriety. I do not admit such a contention. I maintain that there is something more than mere political union with regard to the questions that are for the time being before us. We must have regard, and it always weighs as well as political influence, to the standing of the man, his intelligence, his weight with the community, and all these are best known by those with whom he resides. It is true you may elect a man outside of his constituency. You may elect a man for a distant portion of the Dominion, but who is chosen under such circumstances? It is the man who has already, by his long public service, earned a Dominion reputation. He has acquired it. He is known, in his political capacity, in every portion of the Dominion, and so people where he does not reside may take him up and elect him. But they do not take a weak man, a man yet untried, a thousand miles away from home, and return him to Parliament. He must begin his political life in a community that knows him, and if you break up his constituency, you deny to him the opportunity which it is to the interest of the state that he should possess. The hon. gentleman has also asked, how have we carried out our pledges? Well, I answer, better than most governments have done, better than our predecessors in office did—a good deal better. We promised the adoption of a provincial franchise. We carried it through the other House. We did so because of a mandate received from the people in the election of 1896. The hon. gentleman kicked a little, but he permitted it to go through this House.

Hon. Sir MACKENZIE BOWELL—As amended.

Hon. Mr. MILLS—That pledge has been redeemed. No hon. gentleman will deny that. Then we pledged ourselves to restore county boundaries and to put an end to the gerrymander of 1882 and the gerrymander of 1892, and this measure is before this House, at this moment, in fulfilment of that pledge. We carried that measure through the House of Commons, and we carried it through that House, not only because we were committed to the principle and approved of it, believed it in the interests of the state, and advocated it when in opposition, but because we were returned to Parliament by a majority of the electorate pledged to that, and the Parliament of Canada, not exempting the Senate, have received from the people of this country a mandate to make this bill law, and if the Senate refuses to do that, then the Senate is setting itself up in opposition to the mandate of the people of this country.

Hon. Mr. McCALLUM—What about the rest of the pledges? That is not all.

Hon. Mr. MILLS—That is not all, but my hon. friend said we disregarded them all. I am saying we fulfilled at least two. We have more to keep. There is not the least doubt of that, and I hope we will be loyal to our word and redress the wrongs that we promised the people of this country should be redressed. The hon. gentleman said "You ought never to change a constituency before an election. You ought to appeal to the same constituency that returned you to Parliament." On that theory there never could be a change. That is simply nonsense. There is no such rule or principle recognized anywhere. If you have a grievance it is your business to redress it, and there is undoubtedly a grievance here. Supposing the doctrine were true, as laid down by the hon. gentleman and by the hon. gentleman beside him (Mr. Ferguson), that you can only readjust once in ten years, and if a government came in, backed by a partisan House of Commons, and by an equally partisan Senate, and committed a gross outrage in its legislation, if it gave to a small minority a large majority of the House, the hon. gentleman's contention is, that the Parliament of Canada is absolutely helpless to

redress the grievance. I do not admit any such thing. There is no law to warrant such a view. This Parliament is clothed with plenary powers within the limits of the constitution, and being clothed with those powers, it is capable of redressing any grievance falling within its jurisdiction. The hon. gentleman from Marshfield said that my hon. friend the leader of the opposition, had a right to move this amendment. That depends on what he means by "a right." If he means that he had the legal power to do it, I am not disputing that at all. The hon. gentleman has the power, but why raise the question? Because the hon. gentleman had in his mind an impression, it may be vague, but nevertheless it was clear from his speech that the impression was there, that he was not doing right in the ethical sense of the expression in proposing defeat to this measure. Let me call attention to another matter. The Crown has the power to pardon every offender who is to-day confined in the British Empire. Does the hon. gentleman suppose for a moment because the Crown has the power, that it is at liberty to exercise it, or that it ought to exercise it? What would be the fate of an administration that would undertake a general jail delivery of all the desperate criminals that are confined in the various prisons of the Dominion? There is the power in the Crown, but that power is a power to be exercised, not under the strict law, but under the conventions of the constitution, and this House, as well as the administration, is bound by certain conventions, and it is beside the question to say that we have the power to reject this bill. What is the practice in England, in the House of Lords? If the House of Lords rejects a measure there may be an appeal to the country upon it, and if the measure is sustained by the country it is no longer necessary to create new peers in order to carry it, because the House of Lords bows to the public opinion of the country. What is the position of the Senate on this question? Is there any hon. gentleman here who will deny that it was made a part of the Liberal platform, that it was proposed in Parliament, that it was discussed in the country, that if we succeeded in obtaining a majority in Parliament we should restore county boundaries, that they should be preserved in the constitution of electoral districts? It is upon that declaration of policy that the government was returned with a majority. It was upon that declaration of policy that the government in the House of Commons proposed this measure. It does not require another election. Public opinion has already been expressed upon it.

Hon. Mr. FERGUSON—The hon. gentleman will find what public opinion is on this question when he appeals to it.

Hon. Mr. MILLS—The hon. gentleman has threatened me with public opinion, but the hon. gentleman has had some experience himself in that direction, of which I shall presently speak. The hon. gentleman has quoted the opinion of Lord Rosebery and Lord Kimberley that the House of Lords has the power to reject the bill. Nobody questions that. The question is, under the conventions of our constitution, under the settled usage, whether the House of Lords has the constitutional authority to do so or not, and I say they have not, under circumstances such as exist in this case. Neither has the Senate. The hon. gentleman admits that the present law is an outrage.

Hon. Mr. FERGUSON—To whom is the hon. gentleman referring.

Hon. Mr. MILLS—The hon. gentleman from Marshfield,

Hon. Mr. FERGUSON—The hon. gentleman is drawing purely on his imagination; I never said any such thing.

Hon. Mr. MILLS—If the hon. gentleman's speech is published as spoken he will find it there, and let me say, further, that the hon. gentleman said that time would correct these wrongs.

Hon. Mr. FERGUSON—I said if they were wrongs time would correct them. I never used the word outrage. I have the report before me and I have read the portion referring to this, and it is not in. The word "outrage" does not appear.

Hon. Mr. DANDURAND—The hon. gentleman spoke of the gerrymander of 1882.

Hon. Mr. MILLS—And spoke of the wrongs, and said that time would correct them.

Hon. Mr. FERGUSON—I never said that. The hon. gentleman does not want to misrepresent, but he is doing it in the

most distinct manner. I said if there were any such wrongs time would correct them.

Hon. Mr. MILLS—The hon. gentleman should be the last to speak of misrepresentation. From the beginning to the end of his speech there was nothing else but misrepresentations. So far as I am concerned, the hon. gentleman's speech, from beginning to end, was misrepresentation, and the only excuse I can make for him is that he undertook to discuss a legal question with which, it was clear, he was not familiar, and he quoted opinions and arguments that had been used by me in defence of one proposition, in order to support another of a totally different kind. The hon. gentleman asked why did I want to obliterate Bothwell? That I was vindictive at Bothwell, that I was wrathful because they had not returned me at the last election. The hon. gentleman is mistaken. The hon. gentleman was a member of the party and of the government that disembowelled Bothwell and dismembered it, and put half of it into another constituency and attached to it, as a portion of Bothwell, a territory that was not a portion of Bothwell before, and a territory that had been part of the riding of Kent. In 1882, in discussing this in the House of Commons, I pointed out that Bothwell ought to disappear. Did the hon. gentleman quote those words? Not at all. Then, when we failed to secure the establishment of the county boundaries, and the government pretended to be in favour of representation by population, regardless of county boundaries, I pointed out, and I proposed a resolution, to give to the counties of Lambton and Kent five members, two to each, and one to the portion of the territory along their border, not because I thought it best, but because I thought it a great deal better than what the government were proposing. The hon. gentleman knew that. He had the words before him. He sought to misrepresent me. He suppressed what he knew I had said, and misrepresented the purport of the resolution which I proposed as the lesser of two evils, as though it were the proposition that I specially favoured.

Hon. Mr. FERGUSON—The hon. gentleman accuses me of misrepresenting him?

Hon. Mr. MILLS—Yes, I do.

Hon. Mr. FERGUSON—I have to tell the hon. gentleman that I used and quoted the very words of his resolution, and that he proposed in that resolution to so constitute a constituency to be called Bothwell, to be composed of part of Lambton and part of the county of Kent, and that the hon. gentleman proposed to violate the principle of county boundaries for the purpose of creating a constituency for himself, and he submitted that in a resolution in 1882.

Hon. Mr. MILLS—The hon. gentleman's statement is a misleading statement as to the facts. If he will hand me the volume of *Hansard* for 1892 I will read precisely what took place.

Hon. Mr. FERGUSON—I have the volume here.

Hon. Mr. MILLS—Will the hon. gentleman hand me the resolution?

Hon. Mr. FERGUSON—I have the resolution here. The hon. gentleman knows what he said as well as I do.

Hon. Mr. MILLS—And that was the dishonest portion of the hon. gentleman's conduct.

Hon. Mr. FERGUSON—As an old parliamentarian the hon. gentleman ought to know better than to use such language. If he cannot meet the question with temper and decency, I submit he ought to be compelled to do so.

Hon. Mr. MILLS—Let me say, Mr. Speaker, that I am meeting it with temper and decency. The hon. gentleman is the last member in this House who should refer to what any one has said in that way.

Hon. Mr. FERGUSON—The hon. gentleman should leave other persons to make comparisons.

Hon. Mr. MILLS—This is what I said before I put the resolution:

> If the hon. gentleman wished to deal fairly, why did he not give two members to Kent and two to Lambton?

Hon. Mr. FERGUSON—What page is that?

Hon. Mr. MILLS—Page 1208. I said also:

> Why not do away with the county of Bothwell altogether?

That was my proposition.

The east riding of Kent would not have been more populous than the west riding is at this moment, and if he wishes to adopt the principle of representation by population, why not give to the two counties of Kent and Lambton five members in this House?

The hon. gentleman will see that I proposed the adherence to county boundaries. I never proposed anything else. Every hon. gentleman who sat in Parliament with me knows that that was my proposition. But when we were voted down and when the ministry were pressing the measure of 1882 through Parliament, they were asked, if they were going to adopt representation by population, to begin at some point, and when they had gone far enough to embrace 21,000 people, to make that into a constituency, and go on from there, and I pointed out that that could be done. But the hon. gentleman did neither. He neither adopted representation by population, nor did he take county boundaries. What he undertook to do was to alter and arrange the province of Ontario in such a way as to secure, no matter what might be the vote of the people, a majority to sustain those who were in office.

Hon. Mr. FERGUSON—Will the hon. gentleman read his own resolution now? It will be found on page 1483.

Hon. Mr. MILLS—Certainly. I have not the slightest objection, and if the hon. gentleman is incapable of reconciling that resolution with what I have already read, then I must say he is singularly unfortunate. Hon. gentlemen will remember that this was an attempt, not to substitute our own bill or plan for the government's, but to make the government's plan conform to the rules that they had laid down. The resolution reads:

That the said bill be not now read a third time, but that it be resolved that the municipal counties of Kent and Lambton comprise the electoral districts of Kent, Lambton and Bothwell with a population of 106,344, making for five members an average of 21,268 per member.

That the electoral district of Lambton comprises 42,619 and may be properly divided into two ridings.

That the electoral district of Kent comprises 36,626, and may, by the restoration from Bothwell of some of the municipalities of Kent, be divided into ridings of about 21,000 each, leaving Bothwell with about 21,000.

Hon. Mr. FERGUSON—Hear, hear.

Hon. Mr. MILLS—The hon. gentleman says "hear, hear." Is there anything inconsistent in that?

Hon. Mr. FERGUSON—Bothwell was to be composed of part of the two counties, and in no way else could it be comprised. The hon. gentleman need not attempt to wriggle.

Hon. Mr. MILLS—No, I am not following the example of the hon. gentleman. I say now, and I said before, that I did not propose in this resolution to abolish Bothwell, but I proposed to give to the counties of Kent and Lambton, taken together, five members, and, of course, if you give five instead of four, Bothwell would have in part to be continued. There is no doubt about that.

Hon. Mr. FERGUSON—With a county boundary line running right in the middle of it?

Hon. Mr. POWER—I rise to a question of order.

Hon. Mr. MILLS—If the government agreed to my first proposition, this would not have been presented, but it was a last resort. It was a choice of evils, and it was far better than what the government proposed.

Hon. Mr. FERGUSON—You acknowledge it after all.

Hon. Mr. MILLS—The hon. gentleman has complained about my proposal to obliterate Bothwell. So I did then, so I did in the constituency, so the constituency desired, and to-day the constituency desires that the portion of Lambton should be separated from the portion of Kent. It has always been their wish. It has never been their wish that they should continue to constitute one constituency. I know the constituency as well as any hon. gentleman in this House knows the locality in which he lives, and I say I speak the sentiments of the people of Bothwell, not merely the Liberals of Bothwell, but the Conservatives as well, when I say they favoured the dissolution of the union between a portion of Kent and a portion of Lambton, and desired that each should constitute a separate section of another electoral division within the county to which it belonged. But the hon. gentleman seems to judge me by himself. The hon. gentleman was himself, at a certain time, in a small way, a member for a constituency in Prince Edward Island. The island is not large, neither are the views of the hon.

gentleman, and the petty sort of discussion in which the hon. gentleman has indulged in this debate is, I must say, even as to him, a matter of surprise. Let me also observe that the hon. gentleman ran twice, I understand, or perhaps oftener, in the county of Queen's. The hon. gentleman was trusted and returned to the local legislature. The hon. gentleman was distrusted and he was left at home, and the hon. gentleman did not accept the fortunes of war coolly. He was distrusted again, and defeated, as I understand, by over a thousand in a constituency that is not very large.

Hon. Mr. FERGUSON—The hon. gentleman is just about as correct as he usually is. When I undertook to discuss Bothwell affairs with him, I posted myself, and I have shown the House that I know just as well what I am talking about as the hon. gentleman. I was not distrusted in the local legislature, nor defeated for that body. I resigned my seat in the local legislature.

Hon. Mr. MILLS—I am told it was for the Dominion; so much the worse for the hon. gentleman.

Hon. Mr. FERGUSON—The hon. minister himself was defeated in the Dominion elections.

Hon. Mr. MILLS—The hon. gentleman made a great uproar and a wail, not heard since the days of Jeremiah the Prophet over the wrongs which have been done to his constituency and his province. The hon. gentleman forgets that the province of Prince Edward Island came into the union with the consent of both parties, and the representation given to Prince Edward Island was the representation to which it was entitled. There were three counties in Prince Edward Island, and the population were entitled to six members at that time. What did they propose? Did they propose that they should have six constituenceis when they came into the union? When they came into confederation did they ask that each county should be divided into electorial ridings, and each riding should return a member to Parliament? No, that was not the case.

Hon. Mr. PERLEY—They were economical—did not want to encourage expense.

Hon. Mr. MILLS—They may have been economical, but they returned six members for three counties, two for each county. One of those counties is very much less in population than either of the other two, and when the census of 1891 was taken, Prince Edward Island lost a representative, and it was, upon the basis of that census, entitled to only five members instead of six. What was the fair, the natural and common sense course for the government to take under those circumstances? Why, it was to withdraw that representative from the small county, the least populous county, and to allow the other two to remain as they were. But that was not done. The hon. gentleman wanted to gerrymander the province and to secure a better opportunity of returning his friends and excluding his opponents than he would have if he left the electoral divisions as they were formed on the admission of Prince Edward Island into the union. Now, Prince Edward Island came in. What is the present proposition? That King's shall retain its one member, and that each of the other two counties shall return two members. That is strictly in conformity with the rule that has been adopted elsewhere. The county of Pictou has two members. I think there is another county in the province of Nova Scotia that has two members—Cape Breton—and the city and county of Halifax, and they have never been divided. Why this attempt to divide counties that are not large, that are densely populated, with very irregular boundaries? The hon. gentleman knows the reason, and the hon. gentleman is wrathful at any proposition to restore them to the condition in which they were at an earlier period. The hon. gentleman has talked very learnedly about the law in this case, and quoted my view, not expressed upon this question, but expressed upon the question as to the meaning of the words "such authority." I undertook, in the speeches which I made, from which the hon. gentleman quoted, to show that these words in the 51st section of the British North America Act referred to some body that was to be constituted by Parliament for the purpose of making a division, a division which Parliament was expected to ratify and to make law. The words of the statute are "on the completion of the census in the year 1871, and of each subsequent decennial census, the representation of the four provinces" then in confedera-

tion "shall be readjusted by such authority,"—that is not Parliament—"in such manner and from such time as the Parliament of Canada from time to time provides." That is a declaration clearly that this division is not to be made by a partisan majority. It was intended to be made by some body or authority called into existence for the purpose, and that Parliament was, for its guidance, to make rules or regulations. It was to be done in such manner and from such time as the Parliament of Canada may determine. The duty to adjust between the provinces once in ten years, is mandatory, to distribute the seats within the province is unrestrained. I have no doubt whatever of the authority of Parliament at any time to readjust the representation within the limits of any province. Parliament cannot increase the number or diminish the number except once in ten years. Parliament, in the increase or diminution of the number, is guided by the provisions of section 51 of the British North America Act, but that does not prevent Parliament readjusting, by virtue of its plenary powers, the representation which may be called for from time to time. Supposing within the next five years after the census is taken, you should have 200,000 or 300,000 people going into the northern part of Ontario, settling it, that towns should be built up there, does any hon. gentleman suppose that Parliament has no power to give them representation until the year 1911 and a readjustment based upon that census is made? I do not admit such a condition of things at all. It is possible for Parliament at any time to meet the requirements of any province. If the province is entitled to twenty representatives and its population doubled before the ten years expired, it may readjust its representation. It cannot increase the number, but it may give to those districts into which large populations flowed representation without waiting until the census is taken. This opinion is very clearly expressed by Sir John Thompson in the discussion which took place in 1882. He called attention on that occasion to the plenary power of Parliament and pointed out that Parliament could at any time deal with the subject. A similar view was expressed by Mr. Dickey when he was Minister of Militia, and further than that Mr. Dickey on that occasion very strongly condemned the Act of 1882. He pointed out that he was never an admirer of it nor did he favour it. The words Sir John Thompson used are these:

> We have a clause in our constitution which gives us the equivalent of the inherit powers possessed by other assemblies. When this Parliament was created, unlike other creations of statutes, it was not given a limited and narrow authority which had to be drawn from the statute itself but in lieu of the inherent power possessed by other Parliaments we have section 91 of the Act which says that this Parliament may make laws for the peace, order and good government of Canada in relation to all matters not coming within the classes of subjects assigned exclusively to the legislatures of the provinces.

If section 51 were not broad enough to confer this power on the Parliament of Canada, unquestionably the beginning of section 91, which authorizes the Parliament te legislate for the "peace, order and good government of Canada," without any limitation except that which the granting of powers to the provinces imposed upon it, would confer upon us that power. Just one word with regard to the case to which the hon. leader of the opposition referred, a case that arose, I think, in Queen's County, in the province of New Brunswick, where Judge Tuck threatened to commit a party for contempt if he undertook to go on with a recount in the case of an election. The hon. gentleman said that no lawyer held a different view from the one which Judge Tuck held. The hon. gentleman must have forgotten the discussion which took place in the House of Commons when it was pointed out that Judge Tuck had undoubtedly exceeded his authority. Judge Tuck did so. The officer with whom Judge Tuck undertook to interfere was not a common law or judicial officer connected with the ordinary administration of public affairs. He was a parliamentary officer appointed by an Act of Parliament to discharge a specific duty for which he was responsible to Parliament alone, and the judge had no right whatever, not the most distant right, to interfere with him in any way whatever. In one of the Wellingtons, if I remember rightly, a similar case came up some years ago, and was dealt with by Chief Justice Haggarty, who held that a judge, in making a recount under the statute was a parliamentary officer over whom he had no jurisdiction as judge. He was responsible alone to Parliament, and in the Ontario elections when an attempt was made to enjoin the county judge from proceeding and Mr. McCarthy insisted upon proceeding in that case and was threatened with imprisonment for contempt, he disregarded the

injunction and the case went, if I remember rightly, to the Court of Appeals, and the court unanimously held, as they could not do otherwise, that the judge in the discharge of those duties, imposed by statute, was, in the discharge of his duties as a parliamentary officer, responsible to Parliament alone.

Hon. Sir MACKENZIE BOWELL—That is the case of North Ontario you refer to?

Hon. Mr. MILLS—Yes. The same doctrine was laid down in England in the case of Ashby against White. It became a noted case in consequence of the fight that arose over it between the House of Lords and the House of Commons. There it was clearly pointed out what officers owed their duty to Parliament, and what were amenable to the courts for the manner in which their duties were discharged. The discussion that took place in the two Houses in that case is one of the most instructive discussions in the history of England, and the law in that case was settled, that a parliamentary officer, in the discharge of parliamentary duties, is responsible to Parliament and not to the courts, but that a returning officer was a common law officer acting under the common law, and so his conduct could be inquired into by the courts; but the return was not under the common law but under the law of Parliament, and that rule was a rule which was applicable in the New Brunswick case, and Judge Tuck had no right whatever to interfere in that case as he did with the county judge in the discharge of his duties. I am not going to further trespass on the attention of the House, except to call attention to the fact, that the motion is anything but a courageous one. The hon. gentleman professes to condemn the bill and at the same time to base his action upon the want of authority. I tell the hon. gentleman that if he thinks this House is not competent to pass this measure, why not allow it to go through and let the question as to the validity of the act be decided by the courts? It will not take long to settle that question. It is quite certain that the hon. gentleman distrusts his law and distrusts the doctrine that he has laid down.

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman propose, if the bill is allowed to go through, to send it to the courts to test its validity?

Hon. Mr. MILLS—I have no doubt of it, but it is open to any one to do it.

Hon. Sir MACKENZIE BOWELL—You will not grant a fiat to do it?

Hon. Mr. MILLS—We do not deny a fiat to any one who is entitled to it.

Hon. Sir MACKENZIE BOWELL—We would not have the right to refer it to the courts. An individual would have no right. Perhaps the hon. gentleman would prefer a more courageous motion, the six months' hoist?

Hon. Mr. MILLS—The hon. gentleman, if he wished to oppose the bill, should have moved the six months' hoist.

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. MILLS—The hon. gentleman knows the House of Commons is committed to the question, that the public have pronounced on the question, and he thinks he can protect himself, and protect this House from the consequence of the fact, by declaring, "Well, your bill is ultra vires, and although you may have wanted it you have not the power to pass it." I deny that. We have the power to pass the bill. Should it become law it will be undoubtedly as valid as any law on the statute-book. The hon. gentleman has undertaken to evade the question instead of meeting it by a proper amendment.

Hon. Sir MACKENZIE BOWELL—Before the hon. gentleman completes his speech, I should like to ask if I understood him to say that North Brant, represented by Mr. Paterson, the present Minister of Customs, had a population of some 16,000 or 17,000.

Hon. Mr. MILLS—I said that in 1882 the population of South Brant—I have taken it from the *Hansard* report—was 20,000, and that you took Oakland from that 20,000 and added it to Oxford with 25,000. That was my statement.

Hon. Sir MACKENZIE BOWELL—The population of North Brant was increased by the addition of adjacent townships, the

only way by which it could be given anything like a correct population. North Brant had a population of 11,894, we increased it to 17,705.

Hon. Mr. MILLS—I said nothing about North Brant.

Hon. Sir MACKENZIE BOWELL—I will come to South Brant in a moment. North Brant had a population of 11,894. We increased it to 17,705, and if there had been a possibility of giving it more without cutting the municipality in two, as the Ontario Government did, we would have equalized it a little better. South Brant, which had 21,975 has now 19,281, so that the Brants, instead of being 11,000 and 21,000, are now 17,000 and 19,000. These are the exact positions numerically, of these two ridings before and after the redistribution, and not as stated by the hon. gentleman.

Hon. Mr. MILLS—I said nothing about North Brant. It is just as I stated. The hon. gentleman will see that my point was this: you take from a county that had about 20,000 a whole township and add it to a county with 25,000, in order to make it a Tory county.

Hon. Sir MACKENZIE BOWELL—Your point was that what we had done was not based on representation by population.

Hon. Mr. MILLS—So I do say.

Hon. Sir MACKENZIE BOWELL—If it were not a waste of time, I could give the hon. gentleman the figures of every single constituency that was interfered with, and the reasons why it was done.

Hon. Mr. MILLS—I know the reasons.

Hon. Mr. PROWSE—It is not my intention to reply to or criticise the speech of the Minister of Justice, but I make one or two observations in regard to what he said before proceeding with the other remarks which I propose to make. The hon. gentleman referred to the pledges which his party had given to the country. I presume he refers to the convention which was held in Ottawa in 1893. He refers to some pledges which he claims the government have fulfilled, and one of these is the Franchise Act of last session. It appears to me that that pledge would have been better not to have been kept, because the position of the Franchise Act to-day is ten times worse than it ever was before. He refers to the pledge in reference to the question that is now before the House, but the pledge was of itself so vague in its nature and its wording, that I look upon it as no pledge whatever, and if it was a pledge, certainly they have not half carried it out, and it is attempted to be carried out very partially just previous to the time when the census must be taken. He has very conveniently passed over the pledge of prohibition, which cost the people of this country over a quarter of a million dollars, if you take into consideration the loss of time of the electors on that screaming farce. It was for no other purpose than to deceive and humbug the people of this country, and to give a little money to the political heelers of the party. It accomplished that. I wish to know whether any attempt whatever has been made to reduce the debt of this country. Was not that one of the great pledges given in 1893? How has that pledge been carried out? The debt of the country has been run up by millions, and you have to "wait until you see us next year" to see what it will be. The promised reduction of the taxation of the country, has that pledge been carried out. I do not think it has. The hon. gentleman might have saved himself a sneer about the province from which I come. We have good reason to be proud of some men who come from Prince Edward Island, as has been exhibited in this House within the last twenty-four hours. It is true the province is a very small one, but it appears there are smaller men in other places. It is no fault of the members from the island that the province is small, and it is no guarantee of the genius of a man's mind because he lives in a large house. In Prince Edward Island at confederation, as we have been already told, the island for 100 years had been divided into three counties. As has been already stated, at confederation, these three counties were left as three ridings. I think it was a great mistake. Unfortunately, confederation was brought about by the coalition of parties which generally is an unfortunate circumstance. It would have been much better if matters had been completed by one political party rather than by a combination, but it could not at that time have been effected without a combination of both

political parties in the island. The consequence was, in my opinion, there was too much regard for selfish and family interests rather than for the interests of the island, and instead of our retaining six representatives in Parliament we were cut down after the last census. On the same principle that British Columbia retains their representation, we were cut down because we did not increase in population at the same rate that Quebec had increased. It would have been safer, and I think much better, for Prince Edward Island at confederation if the island had been divided into six ridings; but the old association of county lines did not appear to be effectual at that time, and the counties were left as they were, and each county was given two representatives. But when we lost a representative in the House of Commons, an opportunity offered by which the redistribution of seats became necessary, and I am satisfied that the best course was taken to arrange the seats for Prince Edward Island that could possibly be taken. The island was divided into five constituencies—divided in such a way as to give each constituency as nearly as possible an equal population, keeping in view the boundaries of townships. We had to break over county lines, which is not a material matter at all, so far as the island is concerned, and we made five constituencies, giving to each riding one member. In a small island like that, it is much better than to have only three ridings, because it has happened in Prince Edward Island before now that every man coming from that province was on one side of politics when they came up here, which is not a desirable thing. If you have your party in power, it is all very well, but if you happen to have all the representatives of the province in opposition to the government, it will be cold justice we will get and nothing more. The division made of Prince Edward Island at that time was a fair and honest one, and one that gives universal satisfaction to the people of that province. But to go back now and establish electoral districts on county lines, and to deprive King's County, from which I come, of a member and make it suit that one member, while Queen's County has two members under this present bill and Prince County two members, is a very unfair division of the province. Queen's County has a population something like 45,000; Prince, 36,000, and King's County, some 26,000. Now, the voting power of King's County approaches near to that of Prince, but King's County, under this bill, is to be satisfied with one representative, while Prince County retains the two. Why is this done for Prince Edward Island? In my opinion it is very plain to be seen. For some years past King's County has returned two Conservatives to Parliament, and Queen's County has returned two Liberals and Prince County generally two Liberals. Going back to County lines simply leaves Prince and Queen's with four Liberal representatives, and King's County has to be deprived of one Conservative member. I live in King's County, and in a portion of King's County, which has been lately attached to a portion of Queen's County, making the east riding of Queen's, and I am perfectly satisfied the people there feel their interests are ten times more identified with that portion of Queen's than with the other portions of King's County. When we have the railway, which is partially promised, to be extended to Murray Harbour, our interests will be still more identified with Queen's County than they are now. The hon. gentleman made another statement to this effect. It has been laid down that Parliament is perfectly justified in readjusting the constituencies where the population has increased to a very great extent between the last and the next decennial census. That may be all very true, but the circumstances would be exceptional in Canada. Such an increase is not admitted under the present bill, and why? There is one locality which is an exception at the present time, that is the great Yukon district, which has increased in population very many thousands. Why have not the present government in this bill given that new country a representative in Parliament? Is it because they are afraid of the results of opening a constituency there? Has the management of this government been such as to commend it to he people of the Yukon district? Can we come to any other conclusion than that is the real reason why they have not given Yukon a representative? We are told to-day the circumstances are such as would justify them in giving that district a representative. The object of the bill, we are told, is to restore the county lines. One great want is that it is not a general bill. They only restore the county lines in certain places, and they leave

other sections of the country as they are at present. Where the government are going to disturb the representation of the country, they should make a general law applicable, not only for the present, but for the future. Certain principles ought to be laid down, to be strictly adhered to in the future, and in that regard the bill is a great failure. County lines is not a fundamental principle which should govern in a case of this kind. The fundamental principle of responsible government is representation by population, and that fundamental principle was strictly adhered to when confederation took place, so much so that a certain number of representatives was settled and fixed for Quebec, and just in proportion to the representation for Quebec must the representation for the other provinces be. I take it that that was the fundamental principle laid down at confederation. If it is not so, we do not know where we are. I do not say it is right for Parliament to adhere strictly to population in every instance, but I say it takes precedence of county lines or any other consideration, and where you can keep closely to representation by population it is the safest and best course to adopt. A great deal of stress has been laid on the 51st clause of the British North America Act which has been interpreted to mean that although the principle of representation by population must apply as between the provinces, it does not apply as between counties, cities, towns, villages and electoral districts and individuals in any province. If it is a principle that we should have representation by population as between the provinces, it cannot be wrong to have representation by population within the province. If it is right in the one instance, it must be right in the other. What right have ten men in one locality to have as much voice in the government of the country as twenty men in another electoral district? It is not a sound policy, and it cannot be justified except where it is inconvenient and impossible to adjust the population exactly according to the requirements of the locality. So far as making comparison between county lines in the Dominion and county lines in Great Britain there is no just reason for making such a comparison. The counties of Great Britain, from time immemorial, have been separate institutions, and were separate nations in ancient days. They have been established for a thousand years, but in Canada, and I speak particularly for Prince Edward Island, the county lines have no more to do with the associations of the past than township lines, and any adjustments which have been made of electoral districts in Prince Edward Island have been kept within township lines. We have heard a great deal about judges. They are to be brought in here to give this bill the appearance of justice and fair play. If there was any place where the government were not satisfied with the present redistribution of seats in a province, and where they would be justified in allowing the judges to redistribute the seats, it is Prince Edward Island, but no; there they confine the island to three electoral districts, giving two representatives to two of them and one to the other, and the judges are not asked to make the division, but they are to run in pairs. Why is this? One reason is because the Minister of Marine and Fisheries is a prominent member of the government and controls, to some extent, the treasury and he expects to run in one of these counties and drag another member in with him, whoever he may be. A good deal has been said in reference to the Redistribution Bill which passed in 1892. It has been characterized as a Gerrymander Bill. I do not like that word "gerrymander," I do not want to apply it to this bill, and I do not think it has been applicable to any bill we have passed. We must look at the results. Let us see what the effect has been. Has it been an injury to the present government? This government went to the country in the last election with everything against them. They were returned to power by the electorate under the present adjustment. They have been some years in power and have had an opportunity of fulfilling their pledges. They have had a majority in Parliament and in the provincial legislatures at their disposal and they are making full use of it. They have had at their beck and nod all the officials they appointed and many of those who were appointed before they came into power. Everything is in their favour for the next general election. If they go to the country with the electorate, as at present established, they ought, if they have done right while in power, to come back with a very much larger majority than they had at the last general election. At the last election, although the Redistribution Bill of

1892 is complained of as being a Gerrymander Bill, 191,052 Conservative votes returned forty-three members to the House of Commons, while 166,335 Liberal votes returned forty-four members in the province of Ontario. That is 24,717 fewer Liberals returned one more member than the Conservates.

Hon. Mr. SCOTT—The hon. gentleman's figures are entirely wrong.

Hon. Mr. PROWSE—I have them from very good authority, and I think they are perfectly right. With such a record as that, I do not think the hon. gentlemen are justified in calling the Act of 1892 a gerrymander. If it is a gerrymander, it is a gerrymander against the Conservative party. In the same proportion the 166,335 voters ought to have only 37 members in place of 44, or if 166,335 Liberal voters returned 44 members, then 191,052 Conservative voters ought to have returned 50 members in place of 43. Not only does the same principle hold good in reference to Ontario, but all over the Dominion there was the same result. Through out the Dominion 413,000 Conservative votes were polled and 397,194 Liberal votes, and although the Liberals had a pretty large majority in the House yet they came in with nearly 16,000 of a minority of the total votes cast. That disposes pretty well of the charge of gerrymandering. That charge has been made through the country during the last ten years and has been made to do duty up to the present time. I do not take any stock in it myself, I do not desire to say more on this question further than this: I think it is a great mistake on the part of the government to introduce this measure at the present time. Ere long, whether this bill is passed or not, we shall have the census, which will be in 1901 and then the readjustment of the constituencies must take place in accordance with that census, and if the government of the day, before they go to the next election and before the census is taken would come to an understanding with their political opponents, or appoint a commission of some kind whereby reasonable and fair principles shall be laid down to redistribute the differents seats in the Dominion, and not allow it to be left open to gerrymander by one party or the other, it would be a fairer way in my opinion, and if an arrangement of that kind could be arrived at between the leaders of both political parties, such as would commend itself to the electors on both sides of politics, I think it would be found for the benefit of Canada, and it would remove the obnoxious question out of the arena of politics for many years to come.

Hon. Sir WILLIAM HINGSTON—I hope I shall not be accused of undue temerity if I venture to turn from the living—and I may add the persuasive—voice of the representative of the law in this House to what is written and which cannot and should not be be changed. Perhaps it may not be law, and I have not the boldness to touch on that, but rather a matter of constitutional understanding. Constitutional understandings are admittedly not laws; they are not rules which a court of justice can enforce, or a violation of which a court of justice may forbid, but according to constitutional writers these constitutional understandings are as binding and as little to be tampered with, less so, even, than law itself. It is therefore somewhat relieving for one who is, happily, for his own peace of mind, not a lawyer, to be able to turn from the brain-splitting sophistries of the law, where men "confute, change hands and still confute" to a usage, a custom—a constitutional understanding which even the non-legal mind may grasp. We have had evidence of its many sided legal aspects in the discussion of this question, where men have had to change the views they expressed some years ago. Two or three years hence they will be obliged to change them again. Before going further, I would wish to say that this House should not stand in the way of the other House, wherever it is possible, by any stretch of good will, or without any violation of principle to accommodate itself, as much as possible, to the views of the lower House, and especially should that be the case when the question concerns the composition of that House. But not where principle is to be sacrificed. It is only when there is a violation of principle that this House should step in and endeavour to stop legislation. For serious as that may be, it is more serious to enact measures which, in the very near future, perhaps before and certainly very soon after the next election, may afford an awkward precedent. Our national existence is a matter of a third of a century, but a third of a century in this Dominion is equivalent, I think, to a full century in the old land, where things change but slowly.

A friend has kindly furnished me with a list of the governments we have had during the last thirty years. There have been eight, but five of them have been within the past nine years. Now it has been contended even in this House that it would be competent for any one of those governments, at any time during those nine years, to have brought in a Redistribution Bill. I contend that it is unfair to the country to subject it to that disturbance periodically. If it is competent for the government to do it to-day, the government may do it again next session, and we may have in the life of one government, especially a strong government, a Redistribution Bill every session. I think we should be guarded against anything of that kind. Not being a lawyer, yet anxious to do my duty fairly and honestly, I consulted the Act itself, and I found clause 51 which says :

> On the completion of the census in the year 1871, and of each subsequent decennial census, the representation of the four provinces shall be readjusted, &c.

I am not entirely ignorant of legislation in this country. I have heard a great deal of the bill of 1882, and the bill of 1892 and of their gerrymandering tendencies. I turn to them and what do I find ? I do not require to go any further than the preamble. I do not go into the details of those bills, because it would be a mistake to do so. The preamble of the Act of 1882 reads : " Whereas, by the census of the year 1881," &c. I then go to the Act of 1892, and what do I find ? " Whereas, by the census of the year 1891," &c., both in harmony with clause 51 of the British North America Act. Now, what preamble can be put to this bill ? Where is the census since 1891 ? There was a reason for the preamble in the bill of 1882 and for that of 1892, and there was reason to legislate ; indeed to legislate in 1882, and again in 1892 was an obligation ; but we are asked to legislate here without a reason and if it is competent for one government to do so it is competent for another, and there will be no end to the doing and the undoing of what should be stable. Imagine, five governments, from 1891 to 1896—for Sir John Macdonald was alive in 1891—and since then there have been five leaders, and any one of those leaders might have taken it into his head to introduce a Redistribution Bill. I know nothing, and wish to know nothing, of what is styled the Gerrymander Acts of 1882 and 1892. I am not prepared to go into the details, nor shall I. But it occurs to me that they were in accordance with the spirit of the Confederation Act, an Act which has conferred such incalculable blessings on this country. It was in the spirit of that Act and in its text that there should be a distribution every ten years, but not oftener. The ground which I take is that if this bill is not a violation of the spirit of the constitution it is at any rate a violation of a constitutional understanding which is as binding as any law that any lawyer could make. Even laws are not always binding. O'Connell once said that there was no law passed by the House of Commons in England that he could not drive a coach and four through, and I think it is the same with us. I shall not ask myself if there was anything like party feeling in the preparation of the Acts of 1882 and of 1892. With party lines so clearly defined as they are here, and party exigencies such as they are, and party acerbities being such as they are, I regret to say it is not impossible, looking at the constitution of men, and it is not at all unlikely that the laws of 1882 and of 1892 were not precisely what they might have been or what they should have been, but in the ordinary course of things that evil will be remedied in the near future, and it will be remedied, I hope, within our constitutional requirements and without subjecting the country every few years to a state of unrest, uncertainty and disturbance something like the periodical elections in the United States, which thoughtful and serious men look upon as an unmitigated evil in that country. We want nothing of that kind. We want something more stable. Therefore, I decline going into the details of the bill, as I hold that this is not the time to do it.

Hon. Mr. BERNIER—Before the vote is taken I would like to say a few words in explanation of the stand which I shall take. The objection to this bill has been raised that it is unconstitutional. I must confess that I am doubtful as to the correctness of that view, if the constitution is to be construed in a literal sense. The clauses regarding this matter are incomplete, it seems to me. But, leaving that aside, to my mind it is highly desirable that such redistribution should not take place except upon precise and recognized principles, and not on the mere arbitrary wishes of any government.

An arbitrary act should always be a matter of disregard; it cannot be made the basis of a rule, and out of it may grow any amount of injury. This may be said of parliamentary enactments as much as of any other matter; perhaps more. Because in political matters passion is liable to interfere in a larger degree than is proper for the good government of the country. We cannot deny that partisanship is ruling to an alarming extent in Canada. In saying so I do not intend to impugn the motives of anybody, nor to cast any reflection upon party government. Under our parliamentary institutions, the existence of parties, and the government of the country by parties, is almost an essential feature, if confined within proper lines. But the danger of going beyond those lines is always there, and the general interest of the country seems to suggest that we should guard ourselves, not only against the actual but also against the possible evils of partisanship. Legislation for party advantages is most objectionable. The general welfare of the country must be the only legitimate object of any legislation. It may be that sometimes the interest of the party is identical with the interests of the country. But even then the party must not force itself upon the people by measures of a doubtful character or of such a character as to afford good grounds for believing that the primary object of that legislation is the mere advantages that may result for the party in power. In the present instance, it has been said that this redistribution scheme was for the purpose of ensuring almost a perpetual lease of power to the Liberal party and of wiping out the Conservative party, or something to that effect. The least that can be said, under the circumstances, is that such utterances have cast a cloud upon the measure itself, which should have induced the government not to try their hands at it at present. They are in power and they are sustained by a large and influential majority. That majority has sprung up from the constituencies as at present constituted. If the intention is to dissolve Parliament, they should not be afraid to go back to that electorate, which has given them such a majority. Moreover, it is within the spirit of our parliamentary institutions that they should be judged by the same electorate which has sent them to power. We are on the eve of a census. A new redistribution will then be imperative. Again the country will be subject to a new rearrangement. It is not wisdom to submit the county to what might be termed perpetual disturbance with regard to such matters. I leave aside the details of this measure. I look only at the principle involved in its introduction. That principle is that a redistribution may be effected at any time, when a party is returned to power. This is wrong in itself. That principle carries with itself the perpetual temptation to abuse the power which it is claimed exists in the constitution. Each successive government could undertake every four or five years to redistribute the electoral seats all through the Dominion without any regard for justice towards their opponents, for vested interests, or for the general welfare of the country. If once Parliament opens the door to such an evil, it will become a chronic disease, from which the best interests of the Dominion at large will suffer, merely for the sake of fostering the interests of partyism. Up to the present such a policy has not been acted upon. The instances of some rearrangements which have taken place in the past, and upon which arguments have been based, were of a local nature and rather clerical than substantial in their character. They did not involve the principle which is now propounded, namely: the power to make and the usefulness of a general redistribution at any time. The opposite policy has been the rule and has been propounded by an authority whom noboby can question in such matters. Sir John A. Macdonald, in 1887, laid down the doctrine that no general redistribution should take place outside the time following the decennial census. He said:

> I think the principle was set early in our legislation that there should be no readjustment of the constituencies, either in regard to boundaries or otherwise except every ten years after the taking of the census, and I think it would really be well that we should adhere to that rule.

Later on he says:

> The boundary of a constituency should not be altered except once in ten years.
>
> Mr. MILLS—We had no such rule as that.
>
> Sir JOHN A. MACDONALD—I think we have never deviated from that principle.

We should hold to that rule. You may be able perhaps, to contend that there is nothing in the constitution to prevent the carrying out of such a measure as this,

and at any time that you may choose. The constitution may be said to be silent on this subject. But I venture to say that if there is doubt it would be a wise policy to construe the constitution so as to prevent such legislation at such a time. And even if there is no doubt, Parliament should take the matter in their own hands and, by a determined stand, establish the policy that, although the constitution may allow a redistribution at other times than the session following the census, no such redistribution shall take place. The rule laid down by Sir John A. Macdonald, and then adopted by Parliament, would finally prevail, and as a matter of fact become a part of our constitution. The British constitution has become what it is by the traditions of parliamentary life and action. So our constitution might develop itself wisely by the same process, and alongside with the written part of it, we could rely upon and be guided in the future by such parliamentary traditions of our own, which would be the unwritten part of our political institutions. Holding these views, I regard the introduction of this measure as unwise and as propounding a principle which has not yet been applied since confederation, and which I consider will not secure any good results nor lead to the sound working of our political institutions. I say then that if the constitution, properly construed, admits of that principle, there is nothing to prevent us adopting a parliamentary practice and doctrine which would, as a matter of fact, become the law of the land, a law to which all governments and all parties would submit and abide by. It would become a parliamentary jurisprudence. It would fix that recognized principle to which I referred in my opening remarks and upon which redistribution would in the future be effected, thereby taking away from the mind of the people the suspicion that such redistribution is made only for the purpose of securing party advantages, removing from the political parties, from any government, from leaders and followers alike, the temptation of forcing an alteration of the boundaries of constituencies at improper times and, apparently, at least, for improper motives. In the present instance, I venture to say that it is the function and the duty of the Senate to take action, to nail down the principle involved in the measure which is before us, and to hoist at the top of our political institutions the flag of the opposite policy, namely, that, except as to clerical errors and urgent local necessities, the electoral map of the Dominion should not be touched except after each decennial census. That policy would be quite consistent with the constitution, with the intentions of the fathers of confederation, and with fairness to public men and to our political institutions.

Hon. Mr. MILLS—The amendment, if carried, only negatives the motion for this sitting of the House.

Hon. Sir MACKENZIE BOWELL—Oh, nonsense!

The House divided on the amendment, which was carried on the following division:

CONTENTS:

Hon. Messrs.

Aikins,	Lougheed,
Allan,	Macdonald (P.E.I.),
Almon,	Macdonald (Victoria),
Armand,	MacInnes,
Baird,	McCallum,
Baker,	McDonald (C.B.),
Bernier,	McKay,
Bowell (Sir Mackenzie),	McKindsey,
Carling (Sir John),	McLaren,
Casgrain,	McMillan,
Clemow,	Merner,
Cochrane,	Montplaisir,
Dickey,	Owens,
Dobson,	Perley,
Ferguson,	Primrose,
Forget,	Prowse,
Hingston (Sir William),	Vidal,
Landry,	Villeneuve.—36.

NON-CONTENTS:

Hon. Messrs.

Boucherville, de	Poirier,
Dandurand,	Power,
Dever,	Scott,
Fiset,	Snowball,
Kerr,	Templeman,
King,	Wark,
Mills,	Yeo.—14.

The motion for the second reading of the bill was lost on the same division reversed.

The Senate adjourned.

THE SENATE.

Ottawa, Friday, 21st July, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

THIRD READING.

Bill (162) "An to incorporate the Belleville Prince Edward Bridge Company."—(Sir Mackenzie Bowell.)

A CORRECTION.

Hon. Mr. DEBOUCHERVILLE—Before proceeding with the order paper, I should like to call attention to a personal affair. I observe in the report of the proceedings of yesterday that in the vote on the amendment my name appears as one of the non-contents, which was quite right. But the minutes read "The question of concurrence being put on the main motion, it was, on the same division, reversed, resolved in the negative." The main motion, I understand, was the motion to pass the bill?

The SPEAKER—It was the motion for the second reading.

Hon. Mr. DEBOUCHERVILLE—Then, according to this, I would seem to have voted against the second reading.

Hon. Sir MACKENZIE BOWELL—No, for it.

Hon. Mr. DEBOUCHERVILLE—I do not understand what "resolved in the negative" means.

Hon. Mr. PERLEY—The hon. gentleman was in favour of the bill.

The SPEAKER—I would understand that your vote would be in favour of the second reading.

Hon. Mr. DEBOUCHERVILLE—No. I voted for the amendment because I thought the motion for the second reading was not unconstitutional. But I was not in favour of the bill; I was against the bill.

Hon. Sir MACKENZIE BOWELL—I remember very distinctly when the Speaker made the announcement that I turned round—although my hon. friend did not hear me—and said "that makes the hon. gentleman vote for the second reading, because the vote is reversed without any change." I knew the hon. gentleman was not in favour of the bill, although he was opposed to my motion. Therefore, the hon. gentleman's name should be on the list of non-contents on the motion for the second reading.

The SPEAKER—With the consent of the House the correction can be made.

AGRICULTURAL STATISTICS.

INQUIRY.

Mr. FERGUSON rose to:

Call the attention of the government to the necessity for the annual compilation and distribution of agricultural statistics, and will inquire if the government propose doing anything in the matter?

He said:—In proposing to call the attention of the government and the House for a very short time to the subject of which I gave notice some time ago, I would just say that I was a little surprised in looking over the statistical year book not long ago to find on page 80 the following statement:

The Dominion Government has no agricultural statistics beyond those procured in connection with the decennial census.

It occurred to me, as I think it will to hon. gentlemen, that this is an important branch of work, in connection with the government of the Dominion and the Department of Agriculture, that should receive immediate attention. The importance of agriculture, as compared with the other employments of our people, may be gathered from this fact, that for the last year for which we have figures, the exports from Canada of farm products, agricultural and animal products, reached the wonderful figures of $76,364.755, while the total exports of products of the forests, mines, fisheries and manufactures, taken together, only amount to $62,094,872. We find that we export from Canada, of the products of the farm, a great deal more than we do of all the other main industries of our people put together. If we pursue this inquiry a little further, and refer to our census, it will be found that the products of the farm, including those consumed in our own country, transcend in an immense degree in importance all the other productions of the people,

and that agriculture furnishes employment for not less than fifty per cent, probably more, of the entire population of our country. That being so, I think hon. gentlemen will agree with me that it is very important there should be more attention given to agricultural work, in connection with the Dominion Government than is being given, although there is more done now than in former years, and that this particular branch of work in connection with the interests of agriculture should receive immediate attention. In going over the reports of the Department of Agriculture for years back, I find that this subject from time to time presented itself to the minds of different ministers. The first Minister of Agriculture that Canada had under the Dominion was the late Thomas D'Arcy McGee. I am not sure whether he was the first after confederation or the last under the old province of Canada.

Hon. Mr. MILLS—He was not Minister of Agriculture after confederation.

Hon. Mr. FERGUSON—My own impression was that he was the minister for the old province of Canada before confederation. In his last report, he referred to this work under the new state of things. He said :

The monthly reports of the Agricultural Department of the United States, received by us, furnish abundant evidence of what may be done even in new countries like ours, in collecting agricultural statistics and rendering them serviceable to the public.

In 1872, when the Hon. John Henry Pope was Minister of Agriculture, he made this comment :

This department, though charged with the subject of agriculture, has not hitherto, except incidentally, dealt with it nor completed the necessary organization to make it one of the branches of its administration.

Hon. gentlemen will remember that, at the inception of confederation, although the name of agriculture was given to the department, it really did not deal with the question of agriculture at all, only incidentally in connection with immigration, quarantine, and such matters as that. In the year 1874, the Hon. Mr. Letellier, who was at that time Minister of Agriculture, made these observations in his report :

Intimately connected with this subject is the question of agriculture and agricultural statistics of which a basis for future annual and periodical reports has been established by the returns of the late census.

All these questions are of such importance and their solution to be fitting and acceptable involves such an expenditure as to require time and a great deal of consideration. It is better to delay a little than to rush into a rash organization, the lamentable results of which would be sure to exert an evil influence over many years.

I was very much struck with these words, because the minister in 1872 fully realized the importance of collecting and distributing agricultural statistics, but he also realized the danger of doing anything rashly in the matter, and felt that lamentable results might follow if anything rash were done. It is not necessary to say that anything rash has been done. Mr. Letellier, as far back as 1874, twenty-five years ago, reported upon the necessity for the collection of these statistics, yet up to the present time nothing has been done. In the year 1879 it appeared as if it was the intention of the administration then to take up this question and deal with it effectively, for an Act was passed. In the Act of that year, for the taking of the census, there was a special part relating to vital and health statistics and also agricultural statistics, and complete and full authority was given in that Act for the inauguration, preparing and distributing of statistics throughout the country. But nothing was done. I find that in 1883 a sum was voted in the estimates for the purpose of procuring crop reports of Manitoba and the North-west Territories, and in 1884 the minister of the day reported :

A plan for completing and perfecting the system of crop reporting in Manitoba and the North-west for which appropriation was made in the last session of Parliament, has been put into operation with satisfactory results which promise success. The method adopted for obtaining these statistics is twofold: For the province of Manitoba I have made arrangement with the provincial government to make use of its staff, and in addition to this, the agents of my department make a simultaneous return on the first of each month, to me, and are charged with any special investigation that may from time to time be required, of any facts illustrating the progress of agriculture. The design is, by establishing a system of efficient and prompt collection of current statistics, to be able to present accurately the changes in crop conditions and in the production of agricultural products, and the results of agricultural labour.

I have been unable, from the investigation which I have made in the reports of the Department of Agriculture, to find any reports that at all correspond with what the minister speaks of here as having been the actual result of this work. I find some reports from the agents of the department, from Brandon and other parts of the North-west, but I have not been able to find in the reports of the Department of Agriculture

any regular tabulated statistics of the agriculture of the country. In 1885 the minister again spoke of the subject:

I have initiated in those provinces in which crop statistics are not already taken, a system of obtaining returns of agricultural products, by means of schedules circulated through the postmasters in these provinces, from which I hope to produce satisfactory results. This statistical investigation is intended to show the changing areas in special crops, the harvest output in different districts, and to offer general returns in practical agriculture. The relations of labour to production affecting the prices of lands and products, and the adoption of industries to localities will all appear in clearer light where considered in connection with carefully collected agricultural statistics.

Whatever effort was put forth, as would seem to be indicated from this general statement from the minister of the day, we are not able to find in the reports any tabulated statements or anything to show that any real substantial work was the result. I fear the postmasters were not so impressed with the importance of the work, or that proper organization was not behind it and that therefore little or nothing was done. In 1892 the minister of the day, my hon. friend from London, said:

Special mention may be made of the number of applications for information on agricultural subjects to which no answers could be returned owing to the absence of any system for collecting agricultural statistic for the Dominion. A quantity of information concerning the various systems for collecting these returns in force in different countries has been obtained and if some similar place was adopted in this country the value to the farmers and the commercial community of the information thus obtained can hardly be overestimated.

I read these various references to this subject from time to time to show what different gentlemen, under different governments, who filled the position of Minister of Agriculture during all these years, fully appreciated the importance of this question. Again in 1893, the Hon. Mr. Angers, who was Minister of Agriculture, said:

The statisticians' office has become a sort of general inquiry office from all parts of the world.

Some of these inquiries, especially those relating to agricultural statistics, it has been found necessary in former years to leave unanswered owing to the absence of any system of collecting them co-extensive with the Dominion. If a good plan ensuring accuracy and early publication could be adopted in Canada the value to farmers and business men of this information can hardly be overestimated.

Then the next year, 1894, I think the same gentleman was Minister of Agriculture and he speaks of the subject. It appears to have impressed itself on the attention more keenly than formerly, from a fact which he mentioned in his report. He says:

The minister speaking of the statistician says: His office has been visited by prominent officials of France, Germany and the United Kingdom on the way to or from the Chicago fair. They have in all cases been supplied with information which it is believed will prove of benefit to Canada, since it has been supplied in the best possible way, namely, by oral communication in answer to questions put on the spot.

In the course of the interviews the statistician has been found to confess the fact that Canada lags behind other countries in many branches of statistics.

In no branch has there been so many inquiries as in that relating to agricultural statistics. These inquiries have necessarily been answered in a most unsatisfactory way owing to the absence of any system of collecting agricultural statistics co-extensive with the Dominion.

And in the different years that have intervened, from 1894 when the minister made this report, to the present time, almost these very words have become stereotyped and remain in the annual report of the Minister of Agriculture, and still nothing has been done. I find the present Minister of Agriculture in the last report, after having referred to the subject in somewhat the same way as formerly, speaks of what has been done by co-operation between the Federal and Provincial Governments in the matter of health statistics and vital statistics, and he points out that some of the provinces have passed laws on these subjects and have been dealing with and collecting vital statistics, and the Federal Government and the provincial government co-operate in carrying out these branches of statistics, and that successful results have been obtained in that way, and then he adds:

This plan could be carried out in respect of agricultural statistics so that while each province could have its own statistics for publication, the world at large would have those of the Dominion. The very great attention given to crop statistics in the United States, France, Germany and Australia, and the large monetary operations based upon them, make it almost imperative upon Canada to provide her farmers and business men with these aids to successful effort.

I may say I have found these words in the last report, which has been placed in my hands since I put my notice on the paper, and that I have received a good deal of encouragement from them, but when we glance back and remember all the promising words that have been used by ministers since confederation on the same subject, we have no reason to be assured that early action will be taken, notwithstanding that the present Minister of Agriculture appears

to have hit upon a plan of securing co-operation with the provinces. With regard to the action the provinces are taking, I may say that I am aware that in the province of Ontario a rather efficient system of preparation, compilation and distribution of crop statistics is in operation. I read in the *Farmers' Advocate*, the leading agricultural paper of Canada, in its March issue, the following:—

Methods of collecting information: About fifty years ago in the province of Ontario the Board of Agriculture began to collect and publish through the press and otherwise such information, and the celebrated Royal Agricultural Commission of 1880 recommended the regular collection and publication of agricultural statistics. The government wisely adopted the suggestion and Mr. Archibald Blue mapped out a plan and was made secretary of the "Bureau of Industries," which he conducted with great ability until called to take charge of another department, being succeeded by Mr. C. C. James, the present secretary and Provincial Deputy Minister of Agriculture, whose great executive abilities have further improved the service. We find that: (1). Information is collected on crop, stock and food conditions from regular correspondents three times every year—1st of May, August and November. Occasionally a fourth request is made, if special weather conditions such as frost, too much rain, drought, &c., demand it. (2). These are got from a list of permanent correspondents numbering 800 to 1,000, the list constantly being revised, negligents being dropped, and newly found competents being added; 600 to 800 are counted on replying on all occasions. (3). The statistics are obtained by sending out blank cards or schedules to every farmer whose name and address is secured through the school teachers. Returns are received from 6,000 to 15,000 persons. (4). Correspondents are pretty evenly distributed over the province, from 25 to 30 in each county. (5). To regular correspondents are sent all published reports and special pamphlets no money is paid. (6). In June of each year a large card is sent to every farmer in the province, returnable first week in July, for details as to acreage of farm crops, timber, &c.; orchard, stock, implements and their value.

Then the editor refers to what has been done in Manitoba, and says:

The provincial government there have 250 correspondents, and they carry on their work in some degree as it is done in the province of Ontario.

In looking over the Agricultural Year Books of the United States we find that in that country this subject has, ever since 1863, received a great deal of attention indeed, and these books that are brought out every year as a compendium of the general results, contain only the very slightest indication of the vast work that is being done on this subject. I have here some notes taken from this book, which show that the Department of Agriculture in the United States have 56,000 regular correspondents and 140,000 occasional ones.

Hon. Mr. MILLS—Did the hon. gentleman make a note of the cost of maintaining the staff?

Hon. Mr. FERGUSON—I have no note of that.

Hon. Mr. DEVER—Cost is no object.

Hon. Mr. FERGUSON—There is no doubt the cost will be very considerable. But no matter if the cost is considerable, I hope that it will not influence my hon. friend, because the farmer pays for all, and it is in the interests of our leading and best industry that it should be done. I did not think this was a matter of cost at all. Of course, it may be kept within reasonable bounds, but it is a work which should be regarded as almost beyond all price. In the United States they have 56,000 regular correspondents and 140,000 occasional ones. They distribute 175,000 copies of their monthly reports and 325,000 occasional ones in each year. Probably my hon. friend's inquiry with reference to the cost was rather different from what I thought. On reflection he may possibly mean to inquire how these correspondents are paid in the United States If that is what the hon. gentleman meant, from what I can gather from the reports most of them receive very little remuneration. Some acknowledgments are made and they are furnished with documents and information that they consider of value, enough to induce them to supply the department with information. However, I find in the last report that the United States statistician is of opinion that, in addition to all these correspondents, agents locally situated, a certain number to every state in proportion to its extent, who would be on salary and whose duty it would be to overlook the whole work and furnish regular information, would, in his opinion, be a very desirable thing in the way of securing greater efficiency. However, we have the results in the United States, and what is worthy of very great notice is that not only does the United States department collect this information with regard to the industries of their own country, the farming of the United States itself, with regard to the changing aspects of agriculture and agricultural values; not only that, but they have through their general offices in London, been able to secure the most complete and recent information

from all the other countries in the world. That is distinctly stated in their reports, and that they are enabled, through their agents in London, to put themselves in communication with the statistical departments of foreign countries, and by that means they are enabled to furnish fresh and new the information with regard to the crops and stock, and all these things, not only for the United States but for other countries. It is quite evident, from the fact of our having a high commissioner's office in London—which has proved to be of very great value to Canada in many respects—it is quite evident to my mind that still more valuable work could be done in London in connection with that office, so that the Department of Agriculture here would be regularly supplied with the very latest information with regard to crops and farming products all over the world, and that it should be regularly distributed for the benefit of farmers. I call the attention of the government, and of this House to this question, because, as I have already said, it is of very great importance indeed, and not one unnecessary day's delay should occur before the Department of Agriculture takes the matter up. It would not be necessary, probably, to duplicate whatever is being done, and being done well in the various provinces, as the Minister of Agriculture, in his last report, which I have already read from, says and says very wisely that it would be possible to secure such co-operation, with the provincial governments and their officers as would render it unnecessary to duplicate much of the work that is being done in the provinces. It would be possible to extend the work, and wherever it is not being done or is done inefficiently, to see that it is done efficiently, and in that way secure the compilation and the consequent distribution of the results amongst our farmers and all classes of the country, not only farmers alone, but those who are dealing with farmers' products, and to them it will be equally useful, and incidentally such distribution would benefit the farmers as well. To all who are dealing with farmers' products and to all who are studying our social and industrial questions, it would be of the greatest possible value that the most complete and accurate statistics should be regularly collected and that they should be as regularly and promptly distributed for the benefit of all. My notice has just one word which I should like to correct, that is where I refer to the "annual" compilation and distribution. The word "annual" should not be there. I mean more than the annual distribution. That would be of very little value indeed. What is wanted is a calculation of crop prospects, reports of condition of cattle, competition in other parts of the world, &c. These should be distributed while they are fresh and new, and not by any mere system of annual distribution—not even monthly distribution, but as soon as they can be compiled. I hope the gentlemen in the government will give the subject their earnest attention, and that at an early day this important matter will be treated as it deserves.

Hon. Mr. MILLS—I have been very much engaged in the work of my department and in the proceedings of this House, and consequently have not had an opportunity of discussing this question with the Minister of Agriculture since the hon. gentleman has put this notice on the paper, but I know very well that the subject has been engaging the attention of the Minister of Agriculture for a very considerable period of time, and that from time to time he has been making suggestions with the view of improving the condition of the agricultural population, by distributing information amongst them and by making such experiments, by the establishment of farm stations, as may serve to improve the methods of agriculture and to introduce whatever may be best in the way of seed grain and otherwise for rendering their labours more profitable. The hon. gentleman has referred to a number of subjects, amongst others the work that is done by the department at Washington connected, I think, with the Smithsonian Institute there, for the purpose of diffusing information amongst the population upon the subject of agriculture. The United States have incurred an enormous expenditure every year for this purpose. I cannot at this moment recall the amount, but I know that it runs up into the millions, and although they are a very much larger population than we in Canada, I think the people of this country are not in a position to expend even such an amount, in proportion to their population, as that spent by the government of the United States. In

fact, there have been a great many complaints there within the last few years with respect to this expenditure. A very large amount has been expended in the distribution of seed grain of various sorts for experimental purposes, and this distribution it is said has been the subject of no inconsiderable abuse. I do not know that it would be to the public advantage that the government of Canada should incur a large expenditure for the purpose of obtaining statistical information which might duplicate simply the work that is being done by the various provinces through local agencies which the government control and which give them a facility of coming more directly in contact with the individuals in each portion of the province than any machinery at our disposal would enable us to do without an expenditure proportionately larger than that which the province incurs; but I think it might very well be that the report made from the Department of Agriculture, and the information that is circulated periodically during the continuance of the year, might be collected. An officer in the department, or more than one officer if more than one is necessary—I daresay that more than one would be necessary—might easily, by careful study and investigation of what is being done in each province, give such a summary of it from time to time as might be useful, not merely for circulation amongst farmers in other provinces than the one in which the statistics originate, but also those engaged or interested in agriculture in the United Kingdom who might be disposed to come to this country. Statistics usually grow up—the perfection of them—very slowly in countries. The hon. gentleman has referred to how very little has been done since confederation for the purpose of collecting information upon the subject of agriculture, and for its diffusion amongst the people of the Dominion. The fact that very little has been done in that regard in this country up to the present time, rather tends to show the difficulty of the work in connection with the Dominion, the government not having the same machinery as the provinces for collecting information, being dependent largely upon the voluntary information imparted by those to whom the Minister of Agriculture may, from time to time, write. The information obtained is often uncertain, and necessarily imperfect, because, in many cases, the parties who have been written to fail to respond. I know the present Minister of Agriculture has been giving a good deal of attention to the subject, and I have no doubt that whatever can be done, in the way of collecting information in that regard, will be done. Our statistics that are published from year to year in the annual report that is prepared by the department, have for many years been devoted rather to the consideration of the growth of manufactures and industrial institutions, than to the collection of information connected with agricultural operations. That collection of information, and the systemization of what may be obtained upon the subject, might very well embrace everything relating to agriculture that can be, without unusual expense, collected and diffused amongst the population, in addition to that periodical information which is obtained monthly, and which is scattered broadcast by some of the provinces, at least, amongst the people of the province.

Hon. Mr. ALLAN—Would it not be possible to have the reports from the different provinces compiled together so as to form one volume of statistics, which in that way might be distributed? I desire to say that as far as Ontario is concerned I wish to bear witness of their very excellent system of collecting agricultural statistics and giving the results of their inquiries to the public every month. The gentleman who had charge of that department before, Mr. Blue, discharged that duty very well, and so far as I can learn so does his successor. I have been in the habit, for some years past, of sending these quarterly reports to people in England who are interested in the country. Those reports have been full of information, and the correspondence which they have with different farmers, although some of it is perhaps curious literature, still gives on the whole an idea of what progress is made in the country. I do not see why a compilation of these reports could not be made.

Hon. Mr. MILLS—I suggested that one or more of the officers in the department might collect that information which is given. I know this work was undertaken some years ago by Mr. Blue, a gentleman I have known all his life, and who, having begun life as a farmer, was certainly well adapted to initiate that enterprise, and I believe that the statistics collected in the province of Ontario are

more complete, perhaps, than in any province in the Dominion, and quite as satisfactory as those of any province in the American Union. The Agricultural Department might and probably will act on the suggestion that the hon. senator from Toronto has made.

Hon. Mr. PERLEY—I understood by the first part of the hon. minister's speech that the present Minister of Agriculture is carrying out the principle and policy laid down by his predecessor. I am very glad he is doing so. It is the only means of getting accurate information of the agriculture of the country. The distribution of seeds, was initiated by Sir John Carling when he was Minister of Agriculture and a member of the House of Commons. I remember the hon. gentleman opposite and his colleagues in the House of Commons were very much opposed to the establishment of the experimental farms which have been of such great value to the farmers of Canada. I remember very well that the opposition to the hon. Minister of Agriculture was very strong when he tried to get grants to establish those farms which are of so much benefit now to the whole Dominion. It would be very well to encourage and afford facilities for acquiring and distributing agricultural information for the benefit of the farmers of the country.

GROUNDS SURROUNDING THE PARLIAMENT BUILDINGS.

INQUIRY.

Hon. Mr. ALLAN rose to:

Call the attention of the government to the condition of that part of the grounds surrounding the Parliament Buildings, extending along the face of the cliff overlooking the Ottawa River; and will inquire if it is the intention of the government to protect them from further injury?

He said:—I think I may assume that all Canadians are proud of the capital of the Dominion, and especially so of these buildings, and the very beautiful site which they occupy. There are few scenes in any part of Canada, or on this continent, which can be compared with the view which meets the eye, the broad rushing river, with its background of mountains, as seen either from the terrace at the top of the bank or from the walk which winds around the face of the cliff. It is to this latter part of the grounds and their condition that I desire to call attention for a few minutes. The chief beauty of this walk is undoubtedly the wooded bank both above and below it, and one can easily see that nothing would more impair their effect that the loss or destruction of the trees and shrubs which now clothe the rocks, and without which they would be bare and barren slopes. A certain amount of destruction has been going on for a long time past. I have watched very carefully from year to year the effects of frost and heavy rains. The soil is gradually, in many places, being washed away from the crumbling rocks, leaving the roots of the trees bare and exposed and the consequence is that many of them are either dying or dead. Then, on the lower slope, stretching down to the water, a great many trees have fallen, and yet no attempt has been made to replace them, even to remove the dead timber. I do not suppose that all this would be very perceptible to any one who does not take a great interest in the matter. The destruction is so very gradual, but I cannot put it too strongly that if it is not checked, in a few years the beauty of those cliffs will be very seriously impaired. If I wanted an object lesson to give force to my representations, I do not think I could do better than point to Nepean Point and the destruction which is being wrought there. There are few things which impress visitors to Ottawa more than the view from the Sappers' bridge, looking north towards the river. The wooded bank on the left hand side, with the towers of these buildings rising above the trees, and the cliffs on the opposite side covered with evergreens and clothed with a perfect curtain of creepers in summer, which makes this view down the ravine one of the most beautiful scenes in Ottawa. I presume, as the railroad goes on towards its ultimate destination, the whole of that cliff on the east side with its trees and creepers will be utterly destroyed.

Hon. Mr. MILLS—I hope not.

Hon. Mr. ALLAN—How it was that the good people of Ottawa did not resist such a frightful piece of vandalism is more than I can comprehend. But to return more immediately to the subject of my motion, it may be asked what can be done to check the destruction that is going on. Many of the worst places can easily be redeemed by a little terracing. A dozen years ago I ventured to suggest something of the same kind to the minister who was then

in charge of the public works, and on one side of the slope places where the earth was sliding away and the rock was crumbling, were repaired by being partly terraced and small shrubs and trees planted, the effect of which was to keep the soil from being further washed away. The result is that that part of the walk is in a fair state of preservation, while in other places on the slopes the earth is being washed away from the roots of the trees, and they are gradually dying and many evergreens there in a short time will be dead. It is quite worth our while to endeavour to preserve that walk in all its beauty, and in fact I think we ought to feel that anything which can be done to beautify those grounds and make them a source of pride, not only to the people of Ottawa but to the Dominion, ought to be done as I have already mentioned. At some places on the lower slope, the dead trees and branches have been allowed to accumulate. There is no danger to be apprehended from that just now, but in a dry season the ashes from a pipe or a lighted cigar thrown down the slope and falling on one of those heaps of rubbish, might start a fire which would destroy the whole beauty of the slopes. Then, again, the government have tolerated—I do not know how they could allow it—a frightful dump at the extreme west end of the walk, just behind the Supreme Court buildings. The slope of the bank there is defaced by the enormous amount of rubbish which I think was thrown first of all from the building, and then there is a choice collection of oyster and lobster cans strewed down the slope which has effectually spoiled a very pretty walk that used to run along the foot of the bank. I think then hon. gentlemen it is not asking too much from the government that they should take the necessary steps to preserve these grounds from further injury, and above all, that the work should be done intelligently. In this connection I should like to mention one other thing. When these grounds were first laid out, hon. gentlemen will remember they looked at first very little better than a deserted stone quarry, and it was doubtful whether trees could be got to grow here at all. Whoever laid out the grounds did it judiciously. At either end of the main building on the east and west there was an embankment of earth formed, and planted with trees. These trees, much to some peoples' astonishment, took root and have grown vigorously, but nothing has been done to keep them in order, and if there was a landscape gardner employed, a man who understands his business, these groups could be greatly improved. Any one who takes the trouble to examine them now will see that the trees in the inside of the group are dying from being too much crowded together, a certain number ought to be cut away to give space for the others to spread and form handsome trees. If that is not done, the lower branches will die and drop off, and the trees will lose their beauty of form. To do this work properly and judiciously, somebody should be employed, not an ordinary gardener, who is all well enough to plant out flowers, but a man who understands that sort of work and who knows something about landscape gardening—otherwise "the last estate will be worse than the first." I take great pride, myself, as a Canadian, in these buildings and surroundings. I think we ought to make the capital of the Dominion and everything connected with it as perfect as can be. Whether anything can be done to prevent the destruction of Nepean Point, I do not know. My hon. friend reminds me that if the railway comes, and I think it must come, to the Canada Atlantic terminus, south of Rideau street, it must take the whole of that lovely bank down.

Hon. Mr. MILLS—I hope not.

Hon. Mr. ALLAN—I do not see how it can be avoided. I should think that, so far as the park on Major Hill in concerned, its beauty and the enjoyment of the people who frequent it will certainly not be increased by railway trains sending their smoke all over the place. That, of course, is a minor evil, but it would be an irreparable loss if the whole of that ravine was destroyed by the cutting away of the cliff.

Hon. Mr. ALMON—I think we are all under a debt of gratitude to the hon. gentleman from Toronto for having brought this subject to the notice of the House, but I understand that Wellington street is under the management of Parliament. If I am correct in that, I would call attention to the disgraceful state of the sidewalk on Wellington street. I do not think there is a town in Canada that would permit such a state of things—broken boards and stones, which are dangerous to one's limbs A quantity of

stone has been put in heaps on the street without being properly spread out. No roller has been put over them ; the dirt has been scraped into hillocks, and has not been removed for days—I might say weeks. What would any Washington man say when he saw Wellington street of this " Washington of the north ?"

Hon. Mr. MILLS—I cordially agree with everything that has been said by the hon. senator from Toronto. The government and Parliament must be regarded as trustees of these buildings and grounds, and they should see that nothing is done to mar their beauty. I have not been, myself, over the walk round the bank for two or three years, but it would be a great misfortune if anything should happen that would permit of the destruction of the trees and shrubs which grow both above and below the walk. There can be no doubt of this fact, that if the trees are allowed to die there and are not replaced, the earth, which is kept in its position by the roots of the growing trees, would soon be washed away, and it would be impossible that any other trees could be made grow in their place. Nepean Point has undoubtedly been to some extent disfigured by undertaking to bring a railway across the Ottawa River to that point. I hope, however, that the disfiguration will be, at all events, in its full extent, only temporary, and that no further injury will be done to the bank on the east side of the ravine by the railway coming through there. It seems to me there is room between the canal and the bank for the location of the road without interfering with or in any way injuring the bank. I would regard it as very unfortunate if, by permitting a railway to locate its line there, in order to reach the central station, it should in any way interfere with the present condition of the ravine. I am told that it is possible to level the slope at Nepean Point and cover it with vines at a very early period, so that the unsightly appearance it presents at the present moment can be overcome. I hope that that may be so, and I entirely concur in the observations made by the hon. senator that care should be taken to protect the slope from injury, to preserve the trees that are growing there, and to replant others to replace those that are decayed, and to take necessary steps to preserve those growing at each end of the building. I trust that the appropriation made this year, and to be continued hereafter for beautifying portions of the city in which we have an interest, will be expended satisfactorily, and that the appearance of the city of Ottawa, as the capital of the Dominion, will be greatly improved by what may be done at an early period. I know the notion has gone abroad that this is in compensation to the city for the loss of taxes which otherwise the city might obtain upon the grounds occupied by the government buildings. That, I think, is not the view taken by the government or by Parliament. It is not given in compensation to the city for any loss which they may sustain on that account. I do not think, in fact, that any loss is sustained. The advantage that the city derives from Ottawa being the capital is a compensation far beyond any disadvantage arising from the loss of taxation upon property which is held by the government. Certainly the city would be in a very different position if the capital were located elsewhere. What is proposed, and the jurisdiction for undertaking the expenditure, is that, Ottawa being the capital of the Dominion, the whole country is interested in its condition and its appearance. We have to pay some attention to the aesthetic demands of the country, and some regard to the public opinion of visitors from other portions of Christendom, so it is of consequence that a moderate expenditure shall be made in order that the capital of Canada may not be unworthy of the country of which it is the centre and head.

Hon. Mr. PROWSE—I wish to call attention to another matter closely connected with the question just treated of by the hon. Minister of Justice, that the preservation of the Parliament Buildings from the danger of fire. We know that the western block was, a short time ago, very seriously injured and great loss was sustained by fire in that building. On previous occasions we have been threatened with other fires in the departments. Since that great fire in the western block, I understand an improved system has been introduced into this building and probably into the other departmental buildings for their protection, in the way of hose and matters of that kind. What I would suggest is that a system of drill and say once a forthnight or once a week if necessary should be introduced among the officials in these buildings so that in case of fire every man might know his station and

what to do. We know in case of fire people are very apt to lose their heads, and do the contrary thing to what they should do. A system of drill would not take a great deal of time, and if it were done among the civil servants and employees about the buildings in the case of fire every one would know his duty and do it immediately and perhaps a great conflagration might be prevented by a system of that kind.

Hon. Mr. SCOTT—The hon. gentleman's suggestion has already been acted upon. The police under Mr. Sherwood are instructed in that, and they are from time to time drilled so as to know the position of the different hydrants and hose.

Hon. Mr. PROWSE—Are they here all night?

Hon. Mr. SCOTT—Yes.

Hon. Mr. FERGUSON—The hon. gentleman for York has rendered a very distinct service to the country in bringing up this matter because it must be interesting to every hon. gentleman in this House. I never visit Ottawa but I reflect on the selection of the seat of government by Her Majesty as one of the many instances of the very great wisdom which Her Majesty Queen Victoria has displayed in governing this great realm, for certainly no more happy choice could possibly have been made than that of Ottawa as the seat of government. I cannot say that I altogether agree with my hon. friend, the Minister of Justice, when he says, as I understood him, that the city of Ottawa is not entitled to consideration in regard to the loss of taxation which may arise from this part of the city being set apart for this purpose, inasmuch as very large incidental advantages arise to Ottawa from being the seat of government. There is no question that these incidental advantages do arise, but it was the very fact that Ottawa presented the best advantages for being the capital, that brought the seat of government here, and Ottawa should surely get all credit for what was, in the first instance, due to her own great natural advantage. My hon. friend from York has done very well in bringing this subject of the grounds and the trees under the attention of this honourable House, and when he made his speech I was reminded of Burns' celebrated poem addressed to the Duke of Athol as the "humble petition of Bruar Water." When Burns visited that part of the Highlands, he found the beautiful stream suffering from the depletion of the trees on its banks, and he wrote an humble address of Bruar Water to the Duke of Athol, asking that he might plant the margin of the stream with trees in order to preserve it from droughts, and it is to the credit of the Duke of Athol that he responded to that request. In 1886, when I visited that part of the Highlands, I was pained to find that the trees, which had been planted nearly a hundred years before in response to Burns' poem, had many of them been blown down and destroyed by the storm that wrecked the Tay bridge—that terrific flood and storm which swept over that part of the country, when large trunks of trees had been broken and destroyed. But I learned—in fact, I say from my own observation—that the present Duke of Athol had gone to the trouble of planting new trees to take the place of those which had been destroyed by the storm. I hope my hon. friend will be as successful as the poet was, and that the appeal he has made on the present occasion to the government will not be in vain, that these beautiful grounds will be taken care of, that the life of the trees will be guarded, not only against fire, but against exposure and danger of other kinds, for there is no doubt that there is a great deal of truth in what my hon. friend the Minister of Justice has said, that visitors from all parts of the world who come to our Canadian capital are impressed in favour of our country by the beauty as well as by the commodious character of our Parliament Buildings, and everything that pertains to them.

VACANT JUDGESHIP IN PRINCE EDWARD ISLAND.

INQUIRY.

Hon. Mr. FERGUSON rose to:

Call the attention of the government to the fact that the office of County Judge for Queen's County, P.E.I., has been vacant for a considerable time; and will inquire when an appointment will be made?

He said:—I do not think my hon. friend the Minister of Justice can say that this is the first intimation he has had of this vacancy. I do not think that that will be his answer. The late lamented Judge Alley died on the 6th May last, and from that time this highly important official position has

been vacant. It will soon be three months, and very great inconvenience has resulted from that vacancy. The hon. Minister of Justice knows that when a judge is ill or absent from duty there is a provision in the law by which another judge may take his place and perform his functions. But when a judge dies there is no provision by which another judge can perform his duties. There has been no court since the 6th of May although one is due to be held on the first day of August; but proceedings under the Garnishee Act cannot be taken, and in respect of these proceedings very considerable loss is being incurred, and there is a very strong feeling in the community with regard to the non-appointment of a person to fill that vacancy for so long a period of time. There is no parallel for this delay, in Prince Edward Island at all events, since confederation, in filling an important judicial position where the court has only a single judge. Last year my hon. friend made provision in the estimates for an increase of salary of $400 to the judge of Queen's County on account of the onerous and important character of the duties which he had to perform, and every hon. gentleman who knew anything of the situation agreed with my hon. friend when he made that increase. But now we have this office remaining vacant for about three months, and I may tell my hon. friend frankly that it is believed, in the province of Prince Edward Island, that the failure to appoint a successor to Judge Alley is due to political exigencies. I hope my hon. friend will not stay his hand much longer. A partial election is coming on down there just now, and when I tell the hon. gentleman that it will be held on the 25th of this month I trust that the political exigency will be then over and it will be possible for the Department of Justice to make an appointment to this position which has been left improperly vacant for so long a period.

Hon. Mr. MILLS—I think my hon. friend was a member of the administration at one time when vacancies were allowed to remain for a very much longer period. There has been no complaint made to me as yet in consequence of the vacancy. There are a good many judges in Prince Edward Island and not a very large population, and I may say to the hon. gentleman that this is the long vacation. There is nothing special to do at present. I am giving consideration to the subject, and I trust that before long I shall be able to make to His Excellency a recommendation to the office that is now vacant.

Hon. Sir MACKENZIE BOWELL—There is no judge, as I understand, in that county. The cases to which my hon. friend referred are cases in which there were a number of judges? There might be a vacancy in Ontario or Quebec, but there are a number of deputy judges who, as a rule, perform their duties. The case to which my hon. friend calls attention is one in which there is no deputy.

Hon. Mr. MILLS—There is a very limited jurisdiction and not a very litigous population.

Hon. Sir MACKENZIE BOWELL—That speaks well for the province, if such be the case, but my hon. friend from Marshfield says that very great inconvenience has arisen in consequence of the vacancy.

Hon. Mr. MILLS—It has not been brought to my notice.

Hon. Sir MACKENZIE BOWELL—My hon. friend called the attention of the minister to the fact that no action could be taken to put into force the provisions of the Garnishee Act, and I do not think the case is at all analogous, when you consider the limited area of the district, and the fact that one judge has to perform the duties of a particular county.

Hon. Mr. FERGUSON—Last year the hon. gentleman provided $400 additional as salary for this very judgship, which he regards as unimportant, and says, is very little litigation.

Hon. Mr. MILLS—I hope the additional salary did not contribute to shorten his days.

BUFFALO AND FORT ERIE BRIDGE COMPANY'S BILL.

THIRD READING.

Hon. Mr. FERGUSON moved the third reading of Bill (96) "An Act respecting the Buffalo and Fort Erie Bridge Company," as amended. He said:—The hon. gentleman who has charge of this bill intimated to the House yesterday, when moving for the discharge of this order, that some objection had been made to the name of this

bridge company. There is another company in existence of exactly the same name. My hon. friend communicated with the promoters of the bill, and they have consented to change the name, and they propose that instead of the name of the Buffalo and Fort Erie Bridge Company, they will adopt the name of the "Welland and Grand Island Bridge Company." I therefore move that the Bill (96) be not now read the third time, but that it be amended by striking out "The Ontario and New York Bridge Company" where it occurs in the said amended bill, and that the words "The Welland and Grand Island Bridge Company," be substituted therefor.

Hon. Sir MACKENZIE BOWELL—I think there must be some error, because the bill as it stands upon the order paper is called the Buffalo and Fort Erie Bridge Company.

Hon. Mr. SCOTT—They changed the name in the committee from the Buffalo and Fort Erie Bridge Company to the Ontario and New York Bridge Company.

Hon. Mr. McCALLUM—It was an error giving it that name, and they found another company with the same name, and in order to avoid confusion, they have consented to change it.

Hon. Sir MACKENZIE BOWELL—The order paper contains the name of the old company, the Buffalo and Fort Erie Bridge Company, instead of being in accordance with the amendment made in the committee.

Hon. Mr. POWER—I suppose the resolution will do its work, but this is really an amendment to an amendment which was reported by the committee. The committee reported in favour of adding a clause to the bill to change the name of the company, and this amendment is to that clause. It is not an amendment that should go to the House of Commons. It is simply putting an amendment which this House has already made to the bill in a different shape.

Hon. Mr. FERGUSON—I think the resolution is all right. It is an amendment to the motion on the paper.

The motion was agreed to, and the bill as amended was then read the third time and passed.

DOMINION ELECTIONS ACT AMENDMENT BILL.

SECOND READING POSTPONED.

The order of the day being called:

Second reading (Bill V) "An Act further to amend the Dominion Elections Act as respects the Province of Prince Edward Island."—(Hon. Mr. Ferguson.)

Hon. Mr. SCOTT—Will the hon. gentleman allow this bill to stand.

Hon. Mr. FERGUSON—I am sorry that I cannot comply with the request. This bill was distributed two days ago.

Hon. Mr. POWER—I call attention to the fact that it is not printed in French.

Hon. Mr. FERGUSON—And the hon. gentleman will not be able to understand it on that account. Can my hon. friend, the Secretary of State, tell me, as the objection has in the first instance come from him, why it is that so long a time has been taken to get this bill printed? It was sent down to the Printing Bureau at 9.35 p.m. of this day week, from the hands of the law clerk of this House. I find other bills here, which were sent later, have been advanced a stage and appear to be printed both in English and French. I would like an explanation of why this bill has been detained so long. It only contains three pages and yet an extraordinary length of time has been consumed in getting it printed in English and the inference is that it will take another week to get it printed in French.

Hon. Mr. SCOTT—I do not know anything about the printing of the bill. All I know is that the French copy has to be furnished by the translators, and those bills are printed a short time after they are sent down. The printing has been unusually prompt this session, but at the end of the session there is a good deal more than at any other time, so many bills have been altered and changed, and the printers have been kept at work at night. The French copy of the bill could not have been sent down. They are slow in the translators office, and the proofs do not go down very rapidly.

Hon. Mr. FERGUSON—It was distributed two days ago.

Hon. Mr. CLEMOW—The hon. Secretary of State tells us that the printing has been

unusually prompt this year. We have not had a copy of the *Debates* for ten days, and that has been the state of affairs during the session. It is an utter absurdity to continue the printing at the Printing Bureau if we cannot get it done. For ten days we have not received copies of the *Debates* in this chamber, and the *Debates* are perfectly useless to members of the House if they want to consult them on any subject that is being discussed. It passes my comprehension what expedition means.

Hon. Mr. SCOTT—I can give an easy explanation. Hon. gentlemen might have the *Debates* here the following day, but, unfortunately, the proofs are sent round to the members and they keep them from day to day, and, of course, they cannot get on with the printing till the proofs are all in. If the copy is all allowed to go down from the reporter to the Bureau direct, hon. gentlemen can have the reports the very next day, if they like. That would be the only satisfactory rule that could be made. Senators are appealed to, and so are members of Parliament, to send in their proofs at once and not detain the printing, but they do not do so, and that stops the whole report.

Hon. Mr. CLEMOW—Then let them go without the proofs. If they are not returned in twenty-four hours, let them be returned without revision. I think there is a rule to that effect. I appeal to my hon. friend the senior member for Halifax, and he can tell the House, that what I am saying is true. The *Debates* have not been in the hands of the senators for from six to ten days.

Hon. Mr. SCOTT—It is the fault of the senators.

Hon. Mr. CLEMOW—It should be corrected.

Hon. Mr. VIDAL—As chairman of the Debates Committee, I may mention to the House that it is a positive order of that committee that, unless the reports are returned within twenty-four hours, they shall go to the printer uncorrected.

Hon. Sir MACKENZIE BOWELL—I hope the hon. senator fron Halifax will withdraw his objection, as none of the French gentlemen of the House have entered any protest, the bill is of some importance and unless it is determined to delay it so that it will be impossible to get the amendments through the lower House this session it is necessary that it should have a second reading now. I confess I am not acquainted with the facts, but the hon. gentleman from Marshfield says that the bill only proposes to correct errors in the Franchise Act which will interfere materially with any election which might take place until they are amended. If that be the case, it might as well be done now. Under all the circumstances, as the rule has scarcely ever been invoked unless there is some good reason, I hope the hon. gentleman will withdraw his objection.

Hon. Mr. POWER—I think that courtesy, like reciprocity, should not be jug-handled, and the hon. gentleman on the other side has been very fond of denouncing jug-handled reciprocity. The hon. Secretary of State asked the hon. gentleman from Marshfield to allow the bill to stand until Monday. That was not a very serious request, and did not involve very much delay. The hon. gentleman from Marshfield declined to grant the request, and it was then that I thought proper to invoke the rule of the House. I never thought of invoking the rule before. I am not going to stand on technicalities, and I shall withdraw the objection.

Hon. Mr. FERGUSON—If the hon. Secretary of State presses the request, I shall comply with it, but I hope he will not do that. It is a small amendment but it is of very great importance. It is some four or five weeks since I called the attention of the House to it, and I have done my very best to have the amendment made in the election law, as my hon. friend the Minister of Justice knows. I went to the pains of preparing a bill and put it in his hands. He had it a week or ten days in his possession and I was trying to get the government to move in the matter. Nothing has been done. If my hon. friend persists in his request, and wishes the bill to stand till Monday, I must comply, but if the bill should not become law this session, the responsibility will rest upon my hon. friend the Secretary of State. It is a matter that could be explained and put through in a very few minutes, and if the bill should, unfortunately, not become law this session, I must not be held responsible.

Hon. Mr. SCOTT—Neither the Minister of Justice nor myself has looked at the bill.

Hon. Mr. FERGUSON—The Minister of Justice had it in his possession a week.

Hon. Mr. SCOTT—It certainly will not facilitate the bill. I have no objection, personally, to going on with it. My object was to enable me to consult the minister from Prince Edward Island, who was familiar with the subject and to get his opinion about the bill. Then it might be facilitated, but of course it will not make faster progress by being taken up to-day.

Hon. Mr. FERGUSON—If my hon. friend the Minister of Justice is not satisfied that the Minister of Marine and Fisheries has had ample time to consider the bill with him, I will grant the request at once and let it stand until Monday.

Hon. Mr. MILLS—I called the attention of the Minister of Marine and Fisheries to the bill and asked him to take it into consideration, because it seems to me a bill relating to the franchise ought to originate in the other House and not in the Senate, and for that reason the bill of last year, although prepared in the department, was not introduced by me, but was left to a minister in the House of Commons to introduce it. I have not had an opportunity of seeing this bill myself. I think it has been put on the file to-day for the first time.

Hon. Mr. FERGUSON—The day before yesterday.

Hon. Mr. MILLS—I have not had a moment to look at it, and I would rather do that before coming to the discussion of the bill than to look at it later. The bill stands for second reading, and if it is read to-day I am not committing myself to the principle. I will not object to the bill being read the second time, only the hon. gentleman will understand that we are not committing ourselves to the provisions of the bill at all. What I have to say on the subject I may say when we go into committee.

Hon. Mr. FERGUSON—I will move the second reading of the bill. There is but one important feature in it, and that is the central point. There are two or three other amendments leading up to and to implement that one. Our law clerk, whose services I obtained for the purpose of preparing this bill, was of the opinion that this amendment could not be effectively brought in except by consolidating two sections of the Election Act, and although the printing is quite large, about a dozen or twenty lines is all the change that is in the law in consequence of this bill. The point that the bill aims at is this. The House will remember that last year the Franchise Bill was made to contain, by amendment in this House and concurred in by the House of Commons, some provisions which dealt specially with the difficulties of the Prince Edward Island law. There were no voters' lists in Prince Edward Island. The system of open voting prevailed, and in dovetailing the Franchise Act on the Prince Edward Island system, a difficulty presented itself.

Hon. Mr. MILLS—Does the hon. gentleman provide in his bill for a scrutiny on recount?

Hon. Mr. FERGUSON—The amendments of last year provided for that, they provided that as there was no voters' list in the province, there could be objections offered to votes, tendered on polling day, and the ballot could be marked, as is done in Ontario, and the corresponding mark put on the back of the ballot and, such ballots put in an envelope and they could be counted at the close of the poll for the candidate for whom they were marked, but in the event of a scrutiny, all those votes could be questioned before the County Court judge who was to go into the merits of the votes.

Hon. Mr. MILLS—Without filing a petition?

Hon. Mr. FERGUSON—Yes, without filing a petition. It would all come up in the way of a recount on the usual affidavit for a recount. It was found, however, while all that machinery was provided by this Parliament last year, one thing was left unprovided for. It appears so; I am not quite sure, but it is a matter open to question as to whether the County Court judge was given the necessary jurisdiction to try those votes and examine witnesses and decide whether they were good or bad. The hon. gentleman will see at once that this lay at the foundation of this part of the bill, as far as it relates to

the province of Prince Edward Island. The amendment is to be found in subsection 2 of section 64, which is as follows:

[2. In the province of Prince Edward Island the judge shall decide the objections made in each case where a ballot paper has been cast by a person whose right to vote has been objected to on the ground of want of qualification, For the purpose of such decision he shall hear any parties then appearing before him in support of or against such objection. The said parties may be represented by counsel, and the judge shall examine the said parties upon oath and shall ascertain the facts and may take such other evidence as he thinks necessary and is able to obtain and may require the attendance of witnesses and the production of documentary evidence and shall, for all purposes of such decision, have all the powers of a County Court in Prince Edward Island exercising his ordinary jurisdiction in civil cases.]

That is the gravamen of the amendment, in fact, it is the whole amendment itself. My hon. friend, when the bill was read the first time, called my attention to the fact that, in his opinion, the amount of the deposit provided in the bill was not sufficient for such an inquiry as the County Court judge might be called upon to make on a recount of votes, on account of those disputed ballots to be looked over. I think my hon. friend's objection was well taken, and when we go into committee on the bill I shall be prepared to accept an amendment on that point which I hope will make it satisfactory.

Hon. Mr. ALMON—Did the hon. gentleman say that there was open voting in the island?

Hon. Mr. FERGUSON—We have open voting in the provincial election, but we were incorporating a ballot system on election laws which——

Hon. Mr. ALMON—Considering the use made of ballots in Ontario, would it not be well to make provision for open voting generally?

Hon. Mr. FERGUSON—That question is not at all reached by this bill. The system of marking ballots is provided in the Franchise Act, but that principle is not affected at all by the amendments proposed in this bill.

Hon. Mr. MILLS—I am not going to oppose the formal passage of the second reading of the bill. I was opposed last year, and I have seen no reason to change my views, to the scrutiny upon the counting of votes. Hitherto the duty discharged, and it is so in every other province of the Dominion, by the county judge upon a recount, is simply an arithmetical duty. He counts the ballots. He sums up the result, and those ballots that are properly marked are counted for the one candidate or the other. My hon. friend asked last year, and he asks by this bill, that in addition to the mere work of adding up the ballots and ascertaining the result, the returning officer may go into a scrutiny and ascertain whether some parties who voted in the election were entitled to vote or not. That, in my opinion, is even more serious in its expense to the candidates than the trial of an election petition; and if a party upon an election petition chooses to inquire into the validity of a vote, if exception has been taken at the time, the vote is recorded so that it may be done on the trial of an election petition. If this provision is carried and made operative—the hon. gentleman did not succeed in making it operative by his amendments last year—the result will be that you will have a scrutiny which will involve all the delay and all the expense of an election petition, and then the unsuccessful candidate in the scrutiny may file a petition and the whole proceeding may be taken over again upon the election petition. That is, in my opinion, an objectionable proceeding, and I call the attention of the House to it so that they will see the responsibility they are assuming with regard to a matter which affects the other branch of the legislature. I have not examined the bill, and that is my reason for reserving to myself the right to fully discuss this subject on going into committee. Under the bill as it is drawn, and as the hon. gentleman has introduced it into the House, this scrutiny can only take place with respect to ballots which have been recorded against the candidate who is asking for the scrutiny. Supposing a man was elected by a majority of 25, that there are 25 or 26 ballots which have been objected to on his behalf—that a scrutiny takes place, and that all these ballots are disallowed; there may be as many more objected to on the other side, and under the proposed amendment it would only be the ballots recorded against the petitioner that can be inquired into, and he might be seated notwithstanding the majority.

Hon. Mr. FERGUSON—The hon. gentleman is wrong.

Hon. Mr. MILLS—We will see when we come to examine the bill. I mention now what has been stated to me with regard to it. But even were it a proceeding that provided for inquiring into all the objected votes, is it a proper proceeding to take on a recount, which in every other portion of the Dominion is a mere arithmetical proceeding and which here would put the candidate to a double expense, for a petition could subsequently be filed in the contest. I am calling the attention of the House to these points in order that they may see just what is involved in the bill.

Hon. Mr. ALMON—May I ask the hon. gentleman if the bill has the effect, which its friends say it has, of marking ballots so that it may be known how a person votes? Who is to object to an elector's ballot? Neither of the candidates know whom he voted for, and therefore a man whose vote is not a good one will not be objected to because nobody knows how he is voting. That is one of the great objections to the ballot. Open voting ought never to have been departed from. The huge frauds which are now being exposed in Ontario I am afraid are extending to other places in Canada besides Ontario.

Hon. Mr. MILLS—In so far as you have a scrutiny, you have practically no secrecy in the vote. The policy of the Dominion law is absolute secrecy, but where you mark a number of ballots so as to make a scrutiny in regard to them subsequently to determine the question of validity, you practically depart from that provision, because you could not strike off a vote except by knowing how the party voted. If you put it in a marked envelope and seal it up, and count it subsequently, after its being determined whether the party had a right to vote or not, of course everybody must know how he voted.

Hon. Mr. FERGUSON—I can explain that, but perhaps it would be more convenient to do it when we go into committee.

The bill was read the second time.

YUKON TERRITORY BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (U) "An Act to amend the Yukon Territory Act."

(In the Committee.)

Hon. Mr. MILLS—I propose to substitute another clause for the one that stands in the bill as printed. I propose to confer power, after making regulations for shop, tavern and other licenses, to charge a fee for the issuing of the same. That may well be done without departing from the principle of no taxation without representation.

Hon. Sir MACKENZIE BOWELL—Does that include licenses for butcher shops and all sorts of licenses?

Hon. Mr. MILLS—Yes, if they think proper to license them. There may be localities in which every one is a foreigner, and it might be thought necessary to make some provision for the public health in such a place, and it might be necessary also to make improvements. They may have no elective institutions. The settlement may be of a character in which you could not well organize a council, and so this bill provides that if a majority petition for improvements for the protection of health, &c., legislation for that purpose may be had.

Hon. Mr. POWER—With respect to the composition of this commission which now governs the Yukon Territory, I understand that there is a commissioner and that six other persons are associated with him? How is the present commission composed? Who are the gentlemen associated with the commissioner?

Hon. Mr. MILLS—Under the Act as it stands, the judges are ex-officio commissioners. I propose to repeal that clause, for this reason: that in some instances the judge may assist in making ordinances and adopting regulations as a commissioner, on the validity of which he may subsequently be called to pass judgment. On that account, it is thought better that the judge should disappear from the commission.

Hon. Mr. POWER—Who are the other five?

Hon. Mr. MILLS—There is the chief commissioner himself, the legal officer to the commission and, if I remember rightly, the commandant of the Mounted Police.

Hon. Mr. POWER—It may be remembered that when this Yukon Territory Act was before the House last year, in the shape

of a bill, there was something said about the composition of the governing body in the Yukon Territory, and a suggestion was made in this House to the effect that it would be wise on the part of the government, looking at the circumstances of the case, to appoint as a member of that governing body at least one person who might be considered as representing the people living in the Yukon country. No particular person was indicated, but some one who might be regarded as representing the interests of the people who are living and doing business there. Things which have happened during the past year go to show that it is to be regretted that the suggestion, which was endorsed I think by almost every member present had not been adopted. A good many complaints which have been made would not have been heard if one or two members of the governing body had been men whose interests were identified with the population resident in the Yukon country. The minister intimates now that he proposes to make some change in the composition of the governing body there, and I trust that the government will take occasion, when they make that change, to put on the governing body somebody who may be fairly and reasonably regarded as representing the people who are being governed. This principle of governing without the consent of the governed is not a good one at this period of the nineteenth century, and there are a sufficient number of intelligent and respectable Canadians in the Yukon country now to enable the government to select some reputable and capable man to assist the gentlemen who are sent by the government from outside into that country. Everybody who knows anything about popular feeling knows what the feeling in any community is as to the persons who are sent from the seat of government to govern that region. There seems to be a feeling of jealousy, and more or less a feeling of hostility. There is always a disposition to regard them as, in a certain sense, the satraps of the central power, and to regard what they do with suspicion, and to think that they are hostile to the resident population. I trust that the Minister of Justice will see, when the government come to fill the vacancy which will be caused in this governing body by the withdrawal of the judge, that some person, who may be fairly regarded as representing the people who live and do business in the Yukon country, shall be substituted for the judge.

Hon. Mr. ALMON—The objection made by my hon. colleague is met already. We all know that all the government officials there are doing business in the country. They are getting claims there. The judge says he got two or three, which he bought as he would buy a house. Almost every official I have heard of there is supposed to be doing business in the way of securing locations.

Hon. Mr. SCOTT—The point raised by the senior member from Halifax (Mr. Power) is well taken if you could make a selection, but certainly at the time that Act was drawn, in 1898, and perhaps even now, it would be impossible to find any one who admitted he was intending to stay in the Yukon. The people only propose to stay there while it is profitable for themselves. We know now that they are going out by hundreds—people who spent last winter mining and were at the wash-up, are leaving.

Hon. Mr. CLEMOW—There are many who are there permantly.

Hon. Mr. SCOTT—Up to now there were not any you could regard as permanent.

Hon. Mr. McDONALD (C.B.)—There is the King of the Klondike.

Hon. Mr. SCOTT—His interests are too great. You could not put on a person directly interested in the mines. You have now to take some professional person, a doctor or a lawyer.

Hon. Mr. CLEMOW—There are some business men there, are there not?

Hon. Mr. SCOTT—It is only very recently. The two or three transportation companies have been doing all the business. They have control of the transportation lines in there. I think now it is probable we could get some one; there must be some one there who has been there two or three years.

Hon. Mr. POWER—I could indicate one gentleman, the Klondike King.

Hon. Mr. SCOTT—He would not do.

Hon. Mr. POWER—He is just the man; and there is the further recommendation that he comes from Nova Scotia.

Hon. Mr. PRIMROSE—The parties to whom the Secretary of State refers are transient population, but surely at this date, and hereafter there will be found permanent residents who could be named.

Hon. Mr. MILLS—It would be a great mistake, when we are several thousand miles away from the people who are resident in that country, to take to ourselves the power to name some person who is a resident before an appointment is made. The parties who are there are new comers, just as much as the officials who are appointed, and there is this difference, that the officials you appoint you know before they go, but the men who are there may be men whom no member of the administration has ever seen, and whose fitness for the position the government would be obliged to take at second hand, and we might find that instead of being fit, they were unfit. What I have thought we should do, if we do anything in the matter, would be to take power to authorize British subjects residing in the Territory to elect two members to the council themselves.

Hon. Mr. POWER—Hear, hear.

Hon. Mr. MILLS—And let the government retain the power of appointing the present number, but to give to the population there that number. I have discussed this subject with some of the officials from that country, and this is the objection that has been made: that you have 25,000 people there, and 25,000 perhaps are foreigners.

Hon. Mr. CLEMOW—Have they votes?

Hon. Mr. MILLS—No, they have not as yet, but once you elect a council and give power of taxation, these people will have to bear their proportion of the taxes. That certainly could not make them eligible as representatives, but whether you would give them the right to vote or not might be a source of a good deal of difficulty just at the present moment. Supposing you were to elect two members, and you gave to the citizens of the United States who are in that country, and perhaps are five times as numerous as all the others put together, the right to vote, you would have at once an agitation raised to do away with the royalty. Now, the revenue from the royalty is very considerable. It goes a long way to sustain the government of that country, and as long as you have an appointed body, with whom everybody is contented, it would be perhaps safer, for the time being, to allow the government to remain in the hands of that body. Supposing we retain the power of appointing six members, and you give to the population the power of electing two, the elected members must of necessity be British subjects. You have to decide whether the voters shall be British subjects or not. If you give to the three or four or five thousand British subjects there the right to vote, and exclude all the others, you would be raising your Uitlander question as they have it among the miners of Johannesburg. That is a condition of things that makes one hesitate as to what is best to do under the circumstances. Personally, my own view would be in favour of giving to the British population the right to elect one or two members to the council, and to leave the process of proceeding in elections just as simple as possible. But I would not bring that into operation, except by a proclamation, and unless the necessity arises. Most of the people who have gone into that country have gone there for the purpose of making money and coming out as soon as they have accumulated the amount they require, and their minds are not taken up with the consideration of political rights and liberties which belong to British subjects in their political capacity. Their minds are preoccupied with the subject of how they are going to make money, and they leave it to the parties who are sent there to carry on the government to do just as they please and are not particular so long as they do not impose vexatious burdens upon them.

Hon. Mr. POWER—I cannot quite agree with the hon. Minister of Justice. He says that the people out there do not care much about the way in which they are governed. We have had a good many complaints, most of which I believe have been unreasonable, during the past year; and the ground I have taken is that we should not have had so many of these complaints if the people who were doing business and earning their money in that region had a representative in the government. They would have felt they were not unrepresented and that they had some one who could speak for them in the government. That is one reason why I think there should be some one in the government who could be assumed to fairly represent the views of the people in Dawson City and the neighbourhood.

Hon. Mr. MILLS—Section 8 is being repealed, and I want to repeal a portion of subsection 3 of section 5.

Hon. Sir MACKENZIE BOWELL—The clause refers to the "regulation of shop, tavern and other licenses." Would that include licenses for the selling of liquor?

Hon. Mr. SCOTT—No power was taken away from them by special Order in Council.

Hon. Sir MACKENZIE BOWELL—Then the Order in Council should be repealed. If it is proposed to take the right from them by law, that is another thing.

Hon Mr. SCOTT—The authority to issue liquor licenses required the approval of the authorities at Ottawa. When we found they were issuing licenses to the extent they were, the commissioner was notified that no licenses could be issued without authority from Ottawa. Of course they manage to get liquor in there in some way.

Hon. Mr. MILLS—I propose to add a further provision to clause 8 which I have handed to the chairman of the committee.

Hon. Sir MACKENZIE BOWELL—What does the expression "Commissioner in Council" mean?

Hon. Mr. POWER—That is the man who acts as governor.

Hon. Sir MACKENZIE BOWELL—That is the Commissioner in Council of the Yukon Territory.

Hon. Mr. MILLS—Yes.

Hon. Sir MACKENZIE BOWELL—The changes are so important and numerous in the bill that I suppose the hon. minister will have no objection to having it reprinted before the third reading.

Hon. Mr. FERGUSON—Would it not be better to put the amendments in the minutes so that we can see them?

Hon. Mr. MILLS—They will be printed before the third reading, and if the House desires to go into committee on the third reading to consider any of the provisions there will be no objection.

The clause was adopted.

Hon. Mr. POWER—I should like to say a word before the committee report. The objection to the proposition made by the hon. Minister of Justice, which was that there should be two elected members, was that there have been no persons in that Territory who could be made members of the governing body. One reads every day in the newspapers of so and so, a prominent lawyer, going out to the Yukon and proposing to settle in Dawson City, and in another paper you read of some doctor having settled there, and then you hear of a man who has made half a million dollars coming east to see his friends, and going back to Dawson. So that I do not think there will be any difficulty in finding men who will, on the whole, be good members of a governing body. I do not think United States citizens should be allowed to vote in a British colony unless they become naturalized, and the terms under which a United States citizen can become naturalized in this country are not unreasonably hard. They are not like those imposed upon the Uitlanders in South Africa, and the Minister of Justice is ingenious enough to frame two or three clauses to this bill which will secure an effectual method of having those commissioners elected by the British subjects in that country; and then we shall not have those statements which are made in the *Klondike Nugget* and other papers edited by United States citizens, or at least we shall not have those things believed in and endorsed even by members of Parliament, who ought to know better.

Hon. Mr. MILLS—I am entirely in sympathy with the election of two members. I would propose that, upon the issue of a proclamation, not more than two members may be elected as members of council, that those having the right of franchise in the township shall be British subjects, and that the council—that is the Commissioner in Council—may pass an ordinance for the purpose of providing a method of recording the vote. I ask that the committee rise and I will prepare an amendment. We can go into committee again on the third reading if necessary.

Hon. Sir MACKENZIE BOWELL—That will meet the suggestion of the hon. gentleman from Halifax. I was surprised at the statement with reference to aliens voting. Surely there is no provision for aliens voting in that country.

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. MILLS—I should like to say a word with regard to that. Formerly, in the municipal elections in Ontario, everybody voted.

Hon. Sir MACKENZIE BOWELL—That was a long time ago.

Hon. Mr. MILLS—But it was a proper regulation, as I shall show when we go into committee again.

Hon. Mr. MACDONALD (P.E.I.), from the committee, reported the bill with several amendments, which were concurred in.

DELAYED RETURNS.

INQUIRY.

Hon. Sir MACKENZIE BOWELL—I should like to call the attention of the hon. Secretary of State to a motion I made in April last, in reference to certain returns as to commissions issued, and the number of persons who had been dismissed from office or removed for any cause. We have only received the returns from the Departments of Justice, Inland Revenue, Interior, and part of the Post Office. There still remain the Militia Department and the department of the hon. Secretary of State. I am inclined to think there are very few in the last mentioned department.

Hon. Mr. SCOTT—I can answer for that department now.

Hon. Sir MACKENZIE BOWELL—I was going to pay the hon. gentleman a compliment, and say there is sufficient old Toryism in him still remaining to adhere to the good old English practice of not turning people out of office unless there is good reason for it. There are a lot of returns to come yet from the Public Works Department and the Railway and Canals. There are also the Departments of Agriculture, Trade and Commerce, Finance, Customs and Marine and Fisheries. This return I desire to have, so that it can be printed with the other and make the return complete. The Printing Committee have delayed printing the returns in order that they may all be embodied in one. I have not yet received the complete return in reference to the Manitoba School Funds. Perhaps that is not of so much of importance just now if we are not to have another raid upon that fund.

Hon. Mr. SCOTT—I think I brought that down.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman brought down a part of it.

Hon. Mr. SCOTT—I brought in one return to-day.

Hon. Sir MACKENZIE BOWELL—I have not seen it, hence I call the attention of the hon. gentleman to these facts. I should like to have these returns complete so that we will know what really has been done. The hon. gentleman will remember that he laid an elaborate statement before the House in reply to a motion made by the hon. gentleman from St. Boniface, and I then indicated that if they would complete that return up to the present time, it would answer all my purposes.

Hon. Mr. SCOTT—I fancy that this return does complete it.

Hon. Sir MACKENZIE BOWELL—No, it does not. That statement gave the quantities of land sold, the amounts received from it, the amount received in interest, the amounts due, &c. It was a very good return. All it required was to be completed up to the present time. I wish the hon. gentleman would call attention to the matter.

The Senate adjourned.

THE SENATE.

Ottawa, Monday, 24th July, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

SECOND READINGS.

Bill (20) "An Act to incorporate the Zenith Mining and Railway Company."—(Mr. Clemow.)

Bill (145) "An Act to amalgamate the Ottawa, Arnprior and Parry Sound Railway Company and the Canada Atlantic Railway Company under the name of the Canada Atlantic Railway."—(Mr. Clemow.)

INSURANCE ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (86) "An Act further to amend the Insurance Act."

On clause 5.

Hon. Sir MACKENZIE BOWELL—This clause has met the objection of the old life companies.

Hon. Mr. SCOTT—Yes, until 1910 the interest is reduced to four and a half per cent on all policies now in existence and all policies issued up to the 1st January next. They are on old basis of calculation.

Hon. Mr. BERNIER—Would the hon. gentleman explain what this clause means?

Hon. Mr. SCOTT—At the present time the assets of all insurance companies are assumed to produce an annual return of 4½ per cent. In consequence of the fall in the rate of interest, it has been found necessary to reorganize that arrangement, and under this clause, as far as existing companies are concerned, on all policies issued up to the 1st of January next the rate of interest at which the assets of the company will be valued up to 1910 will be 4½ per cent. From 1910 to 1915 the valuation will be 4 per cent. After 1915 it will be 3½ per cent. Three and a half will then be the rate for all policies issued after the 1st of January next. The assets relating to those particular policies will be valued on a basis yielding 3½ per cent.

Hon. Mr. BERNIER—Existing policies are not affected?

Hon. Mr. SCOTT—The existing policies will not be affected till 1910 and then a reduction of one-half per cent will be made.

Hon. Sir MACKENZIE BOWELL—That is a concession made to the old companies for the purpose of not impairing their capital. If the rate of interest continues to go down, as it has in the last ten years, it is very questionable whether all the companies will not have to come to the 3½ per cent. The Canada Life, with its age and large capital, has already placed its reserves upon a basis of 3½ per cent.

Hon. Mr. MILLS—It is three and a half and four with many companies.

Hon. Sir MACKENZIE BOWELL—Yes; the Imperial was started on that basis, so that it does not affect that company in any way. The hon. gentleman will readily understand that a company must have a larger capital to represent three and a half than four and a half, and unless they can get four and a half per cent upon all their investments an impairment of capital must follow. I question very much whether in the future they will be able to do that. However, it is a very liberal provision.

Hon. Mr. BERNIER—At the same time, in all this legislation we must consider existing rights—what we call the vested rights of the old policyholders, and there is a question whether these policyholders are not, in fact, very much affected by this.

Hon. Sir MACKENZIE BOWELL—Oh, no.

Hon. Mr. MILLS—Except to give them additional security.

Hon. Sir MACKENZIE BOWELL—It gives them additional security.

Hon. Mr. BERNIER—That may be, but it gives them less profits than what they were led to expect.

Hon. Sir MACKENZIE BOWELL—That is quite true, but the hon. gentleman will understand that if they cannot realize 4½ per cent, they cannot have the profits. Formerly they could loan their money and buy debentures bearing 5, 6, 7 and some 8 per cent, and that accounts for the wealth of the Canada Life, because it has been in existence long enough to invest its money at the rates to which I have referred, but to-day if any company can secure a 4½ per cent loan, they will lend their money; and if the old companies cannot continue to secure that amount, they cannot pay any bonuses to the policyholders, for the simple reason that they will not have it.

Hon. Mr. MILLS—Then they must put up with the consequence, a larger reserve in order to give adequate security.

Hon. Mr. OGILVIE—Still the hon. gentleman from Manitoba is quite right in what he states.

Hon. Sir MACKENZIE BOWELL—He is right to a certain extent.

Hon. Mr. OGILVIE—Because one of the presidents of those companies, when he was asked what he was going to do with those people who had policies with profits, instead of without profits, stated "We will just have to cut off the profits and they will not have them." And I heard it stated in the House of Commons half a dozen times, or rather one hundred and fifty times, that they had no contract with those people for the profits.

Hon. Sir MACKENZIE BOWELL—That is true.

Hon. Mr. OGILVIE—No, I beg pardon, it is not true. It is just as much a contract as it is with the man who has his policy without profits, and it is just as much a swindle to do away with the profits, because he has to pay more for the policy with profits than without profits.

Hon. Sir MACKENZIE BOWELL—Supposing he takes less profits?

Hon. Mr. OGILVIE—Then he pays less for it.

Hon. Sir MACKENZIE BOWELL—Then you do not swindle.

Hon. Mr. OGILVIE—You do if you take away the profits from the man, or compel him to pay more for them. This question was discussed pro and con, and I think this is the best arrangement that can be arrived at. The hon. leader of the opposition said that the Canada Life derived its wealth from the larger interest that they have been obtaining for so long. The Canada Life is just the same as every other well managed company. The wealth it possesses is not from that at all; it is from its age. It is a question of age whether they have wealth or not.

Hon. Sir MACKENZIE BOWELL—The Sun Life is in pretty nearly as good a position.

Hon. Mr. OGILVIE—But not half the age. The only thing the Sun Life found fault with was the retroactive character of this legislation. But we fought it out as long as we could, and when we could not fight it any longer, we gave in and accepted what we could get, and this is a good deal better than it would have been if the Sun Life had not fought the way it did, because it was first proposed to make this cut down to 3½ per cent in five years. If that had been done I know some first class companies in Canada that would have been bankrupt in theory, although they are perfectly good. This will give them plenty of time to come round, and save them from what would have been ruin under any other arrangement.

The clause was adopted.

On clause eight, relating to the investment of funds of life insurance companies.

Hon. Mr. SCOTT explained that this new section was intended to apply to all insurance companies, except four, the Canada Life, the Sun Life, the Western and one other.

Hon. Sir MACKENZIE BOWELL—If it was considered necessary to protect the interest of the policyholders, the investments should be limited to the securities.

Hon. Mr. SCOTT—The older companies have a wider power, and we could not very well take it from them.

Hon. Sir MACKENZIE BOWELL—If it were considered not safe to give the same powers that are enjoyed by the four companies to which the hon. gentleman has referred, then why, should they be allowed to retain it? If it is safe for these four companies why should it not be safe for the others? Why should any of them be restricted, while you permit these four to enjoy the privilege they already possess? The only reason I can give to account for it is that you do not wish to interfere with rights conceeded to those companies in the past.

Hon. Mr. OGILVIE—They had the rights and the government did not wish to take them away.

Hon. Sir MACKENZIE BOWELL—But if those rights are safe for the policyholders of these four companies, why would they not be equally safe for the policyholders of the other companies.

Hon. Mr. SCOTT—The Treasury Board thought that Parliament had, in some instances, given too great latitude in allowing these four companies to invest in the securities defined under their special charters, and

in laying down an absolute rule hereafter to prevail, it was thought wise not to go so far. You could not well take away the power after having given it to them. These four companies are so well managed that it is presumed they will not invest their money in securities that are risky.

Hon. Mr. FORGET—Why do you not give them a limited time, say to 1910 or 1915, when they must come in under the same law as the others?

Hon. Mr. SCOTT—As the hon. gentleman from Montreal has said, this matter has been pretty thoroughly threshed out by the insurance companies, and it has been difficult to get a basis, and this was accepted finally as a compromise in order to bring all the companies under the general law.

Hon. Mr. FORGET—Do you not think this is more in the interest of the companies than of the policyholders?

Hon. Mr. SCOTT—The management of these companies stands high. You cannot call in question the securities of the Canada Life, the Sun Life or the Western.

Hon. Mr. FORGET—These companies may get into the hands of men who are not so able or careful as the present management and then the policyholders would suffer.

Hon. Mr. MILLS—The managers will have that to consider. Parliament has, by what is being done in this case, indicated what sort of securities it thinks are not acceptable, and the companies that have that privilege have that opinion of Parliament before them, and that of itself will do a great deal towards exercising an influence to bring those companies, without interference on the part of Parliament, within the rules laid down for newer organizations.

Hon. Mr. FORGET—This is a very liberal clause indeed. May I ask what the other four companies' privileges are?

Hon. Mr. SCOTT—The Canada Life has been incorporated fifty-two years, and has come before Parliament several times in that period, and got larger powers and privileges for investment.

Hon. Mr. MACINNES—They had these large privileges in their original charter.

Hon. Mr. SCOTT—They have been getting privileges from time to time, but they had the great part of them when they were incorporated in 1845 or 1846. I think you can trust the old established companies. The very fact as the Minister of Justice has observed, that we have laid a certain rule for newer companies will induce them to be more guarded in their investments.

The clause was adopted.

On subsection 4 of the 8th clause.

Hon. Mr. FORGET—Does this mean that companies will be able to lend on stock of companies not already paid up?

Hon. Mr. SCOTT—This is an additional security to those prescribed by the Act. Of course that gives them a wide margin.

Hon. Mr. FORGET—It is a very dangerous clause.

Hon. Mr. ALMON—In case the silver dollar becomes the recognized coin in the United States, and interest may be paid in silver instead of on a gold basis, the silver dollar may not be worth more than fifty cents, and the security would be worth only half what it is supposed to be.

Hon. Mr. SCOTT—We are not likely to depart from the gold basis in this country.

Hon. Mr. ALMON—I am talking about the possibility in the United States. The securities may be perfectly sound now, but if they adopt the silver dollar the interest may be payable in silver, worth only half its value on a gold basis.

Hon. Mr. SCOTT—I think you can trust the managers of the insurance companies. They take only a limited amount of the stock of United States companies, not more than ten per cent.

Hon. Mr. FORGET—They are able to lend on some stocks now. A company is started on a capital of one million dollars, and twenty per cent is paid up. Then a stockholder can borrow from another company ten cents on the dollar on that twenty per cent paid up. This clause provides that the company may have further securities. That does not go far enough, because you may prove to the company that ten per cent more security will be enough. He had better not borrow any money. If there is

a large fire, and the company lost half a million dollars, they would be obliged to call in another forty per cent. There is the danger.

Hon. Mr. OGILVIE—That is rather an extreme case.

Hon. Mr. FORGET—But it happened a few years ago in Montreal as my hon. friend knows very well. When St. John and Chicago were burned, some of the companies in Montreal went under, and some of the banks had to pay up some of the calls of the Stadacona Company and another company.

Hon. Mr. POWER—I do not think any difficulty can arise under this subsection of clause 8, because if the company have already taken the security which they are obliged by this section to take, and wish for further security from the borrower, they can take that security. They might take, as a sort of collateral security, endorsed notes or mortgages. It is in addition. The company does not lend anything further. They take these securities in addition to the securities which they are authorized to take by the preceding part of the clause.

Hon. Mr. FORGET—I understand that quite well. But supposing you have $50,000 of stock and you have paid $10,000 and you go to the company and borrow $5,000 and then the company is suspicious, the company will tell you, "give us more security." I may be called to pay the on-call balance. I want you to give me $5,000 security. Well, if he gives a mortgage he might better borrow $5,000 on it and keep his stock in his name. If he gives a bond, he had better go and borrow on his bond and keep the stock in his name.

Hon. Mr. POWER—That is at his discretion.

Hon. Mr. CLEMOW—He can do that if he likes.

Hon. Mr. FORGET—If you lend money on stock that is not all paid up, the company will have the privilege of calling for more security. I want to show that in calling for more securities, the man may just as well borrow on the very securities he would be called upon to give, and retain the stock. By asking more security it is in case the company is afraid that some more calls are going to be made.

Hon. Mr. SCOTT—The company can take all the security they desire. If they take a certain amount of security, they may say, "We won't continue that; we want additional security." You cannot restrain them.

Hon. Sir MACKENZIE BOWELL—Is this clause not intended to cover additional securities by way of chattel mortgages? Insurance companies are placed about in the same position as loan companies. They have securities on lands, and when there is default in the payment of interest, they ask for additional securities, and the additional security is often a chattel mortgage on the property the mortgagors have on the farm. It seems to me that is the intention of it. Paragraph *c* says:

> May lend its said funds or any portion thereof on bonds, stocks, debentures or any other securities mentioned in the subsection, except those mentioned in paragraph c of the subsection.

Then the next clause provides for the seeking and obtaining additional security on the money they have already lent for the purpose of securing unpaid interest. That is often done in loan companies when borrowers become defaulters in the payment of interest. I think that was the intention.

Hon. Mr. OGILVIE—There is no objection to that clause.

Hon. Sir MACKENZIE BOWELL—I was not present at the discussion, but I know it was discussed for some time on the Loan Companies Bill, and it seemed to me to be the same principle. As to the silver dollar, the government has already provided for cases of that kind. If the invoice is purchased in any currency, that is below the standard value, it is at once reduced to the standard value.

The clause was adopted.

On clause 9.

Hon. Mr. LOUGHEED—What is the object of having the security taken in the name of any officer in the company?

Hon. Mr. OGILVIE—I can explain. It is often a very great convenience and saves trouble, especially across the line, if you could do it with an officer of the company. We have to transfer bonds and stocks in the United States and it would not only save a great deal of inconvenience, but

would cost a good deal less money if it could be done as provided for in this bill.

The clause was adopted.

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

The bill was then read the third time and passed.

CRIMINAL CODE AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (40) "An Act to amend the Criminal Code, 1892, with respect to Combinations in Restraint of Trade."

Hon. Mr. CASGRAIN, from the committee, reported the bill without amendments.

PROTECTION OF NAVIGABLE WATERS ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (137) "An Act further to amend the Act respecting the protection of Navigable Waters."

Hon. Mr. SCOTT—I propose to make an amendment in this bill, and change the depth of water into which ashes and refuse may be thrown from twelve fathoms to seven fathoms.

Hon. Mr. FORGET—That is just as bad.

Hon. Mr. SCOTT—The necessity of the bill has been apparent. Many of our rivers are filling up and we are spending hundreds of thousands annually to dredge them out. As an illustration of it, in taking away Nepean Point to carry the interprovincial bridge across, they deliberately dumped the rocks into the river. They were remonstrated with and the steamboat company made a complaint. It was not sawdust or we might have got at them, but being rocks, we were powerless to prevent it, and those rocks will now have to be taken out at the public expense. Complaints have come from all parts of Canada that the rivers are being destroyed. The depth of twelve fathoms seemed too great to hon. gentlemen, and it has been reduced to seven fathoms.

Hon. Mr. LOUGHEED—Why does the hon. gentleman include ashes and cinders in this provision? It is not an unreasonable thing that a steamboat should dump its ashes at any place where there cannot be an accumulation of ashes and cinders.

Hon. Mr. SCOTT—Oh, yes, there is.

Hon. Mr. LOUGHEED—Supposing the steamship selects a particular spot to dump their ashes, would there be any objection?

Hon. Mr. SCOTT—The steamboats running from Quebec to Montreal have to be watched. One steamship has emptied sixty tons between Quebec and Montreal, and we have been spending large sums of money to clear that channel, and the steamers are now very carefully watched by the Marine Department, in order to prevent the ashes being deposited. There are particular points where the person in charge of the river point out to the steamboat man where the ashes can be deposited.

Hon. Mr. FORGET—If the hon. gentleman makes it seagoing ships, I have no objection.

Hon. Mr. SCOTT—All vessels.

Hon. Mr. FORGET—Take the fresh water vessels, they do not deposit any such amount of ashes, yet they would come under this law, which is most unreasonable. Then, again, Canada does not own the whole of the St. Lawrence River; they cannot control the United States side of the river.

Hon. Mr. SCOTT—No vessel can deposit ashes on our side.

Hon. Mr. FORGET—Take the St. Lawrence River down as far as Quebec, you will not find 42 feet at any point.

Hon. Mr. SCOTT—There is three times that depth in Lake Ontario. The harbour masters in Quebec and Montreal look after deposits of rubbish in those ports, and there are officers between Montreal and Quebec who are constantly watching the steamers to prevent them dumping their ashes at various points. There are some places where the channel is narrow, and there are some steamers that come up the St. Lawrence between Quebec and Montreal who have dumped as high as sixty tons.

Hon. Mr. FORGET—If the Richelieu and Ontario Navigation Company's steamers coming down the rapids deposit their ashes they will be fined?

Hon. Mr. SCOTT—Yes.

Hon. Mr. FORGET—There are very few places between Kingston and Montreal where there is 48 feet of water.

Hon. Mr. SCOTT—I think there are many places.

Hon. Mr. FORGET—It is well known that the ashes which steam yachts throw out do not amount to anything, and why should they come under this law? I think it is very unfair.

Hon. Mr SCOTT—It is very unfair to fill up the highways. We had at one time 20 feet of water in the Ottawa River where we now have only 6 feet.

Hon. Sir MACKENZIE BOWELL—Why did the government not carry out the law to prevent the obstruction of the river?

Hon. Mr. OGILVIE—Why did not the former government carry out the law when they were in power?

Hon. Mr. CLEMOW—I am glad the government rises to the necessity of keeping the channels clear. Why do they not do it with the Ottawa River at the present time? We have a law on the statute-book forbidding the millowners depositing mill refuse in the Ottawa, but our river is now worse than it was. The government say they have no power and cannot enforce that law. Then, how can we expect them to enforce this law, which is supposed to be general, applying all over the Dominion? I hope they will take this matter in hand immediately and protect our rivers. I have been at this subject for fifteen years and I am glad the government are taking the initiative and are going to do what they should have done years ago. They have destroyed the Ottawa River. It will take years to put the river in its primitive state, if it ever can be done. I do not believe it can. When the contractors were constructing piers for the interprovincial bridge, they had 60 feet of sawdust to excavate and a very serious accident happened from an explosion of sawdust near McKay's Mill which almost resulted in loss of life. There was also a serious accident at Thurso from a similar cause. The government bring in this bill, which is objected to by some gentlemen because it is too stringent. I do not know whether it is too stringent or not, but I want our rivers kept as free as possible from injury. They have been injured in the past. We have lost our fish and the damage in every way has been incalculable. Every person connected with the Ottawa River can tell us that, and I have no doubt it is the same in other places. The depth of seven fathoms may be too much; I do not know as to that. The steamboat men should make some arrangement to get rid of their cinders and ashes. In the long run they will benefit by a rigid enforcement of the law, because it will keep the channels open and avoid the necessity of dredging and thereby save a great deal of expense. I think the government are entitled to credit for introducing this bill. They were a little tardy with it, but it is better late than never. I hope they will set to work immediately and prevent the further destruction of the Ottawa River with sawdust. The matter was brought up this session by the hon. member from British Columbia. I mentioned here that they told me the Act was then on the statute-book and could be enforced. I think there should be some one appointed to keep our rivers clear of this nuisance. No man can imagine what a nuisance it has been. I hope the government will set to work and enforce the law, no matter who suffers. They certainly have the power and they are responsible for the good government of the country.

Hon. Mr. ALMON—I think the hon. gentleman from Rideau is very unfair. Does he consider that every one of these mills has nearly 500 votes connected with it, and a steamboat has only five or ten? And does he think that because the government have not exercised the law against the mill with 500 voters they will not come down on the smaller fry and punish them?

Hon. Mr. POWER—I rather agree with the hon. gentleman from Rideau, and I think it would be a good idea to appoint some officer whose duty it would be to see that the law with respect to the protection of rivers is carried out. I do not know that there is any one in Canada who would fill that position better than the hon. gentleman himself, and I shall be prepared—although his politics are not of the right

stripe—to use my influence to get him the appointment. I do not look at this question from the same point of view as the hon. gentleman from Sorel. It occurs to me, particularly when we consider that this law is to apply to the River St. Lawrence between Montreal and Quebec, that instead of going too far it does not go far enough. A depth of 42 feet is not sufficient. There are steamers plying on the Atlantic which draw about 30 feet of water, and if a ship is allowed to deposit stone ballast on the bottom of the river where it is not more than 42 deep, and if half a dozen ships in succession deposit their ballast in the same place, you would not have the 30 feet. The depth should be not less than 8 fathoms. We have been called upon to spend money to keep the channel clear, and we will be called upon to spend more for the same purpose in the future, and I do not think that any one should be allowed to do anything which would interfere whith the channel. I would suggest that we make it eight fathoms instead of seven. The hon. gentleman seems to think that it is a cruel thing that the owner of a steamboat should not be allowed to dump ashes and cinders into the river almost anywhere. A river is simply a marine highway, and how would it be if we were to allow people passing along the road to dump their ashes along the highway. It comes to just the same thing, only you see the obstruction on the road, and you cannot see it under water.

Hon. Mr. FORGET—There is no law against that.

Hon. Mr. SCOTT—Oh, yes, there is.

Hon. Mr. FORGET—I would go further than that; I would not allow anybody to dump ballast, no matter how deep the water is; but to apply the law to cinders and ashes and rubblish—I think that is going too far. It is opening the door to blackmail. If by accident somebody drops rubbish overboard he may be fined $300.

Hon. Mr. MACDONALD (P.E.I.)—I should like to know whether this bill repeals the Act passed some time ago for the protection of navigable waters and reduces the depth of water within which ballast or any rubbish can be thrown from 12 fathoms to 42 feet? If that is so, it is an unwise measure, indeed, so far as it applies to tidal water harbours. It would be injurious to every harbour in the maritimes provinces, to allow ballast, ashes or refuse of any kind to be deposited where the depth is only seven fathoms. At the present you cannot deposit anything of that kind in a harbour where there is less than 12 fathoms of water. In my opinion, it is a great mistake to reduce that from 12 fathoms to seven. If it is necessary to make a different law with respect to harbours which are not tidal waters, it should leave the restriction with regard to tidal waters as it is now, and not apply to them at all.

Hon. Mr. POWER—The hon. gentleman is perfectly right.

Hon. Sir MACKENZIE BOWELL—The hon. gentlemen who have just spoken have discussed the general question of protection of navigable waters; but when my hon. friend from Rideau Division says the government deserves credit for initiating a system of this kind, he seems to have forgotten the fact, that laws not so restrictive as this have been on the statute-book for years, and both governments have been responsible for not putting them in force. This bill is going altogether beyond the law on the statute-book, and if the government did not enforce a law less restrictive than this, is it at all likely they will enforce this one? The hon. gentleman from Halifax says that my hon. friend from Rideau would make a good officer to fill the position of inspector. It was only a short time ago that the hon. gentleman from Halifax stated that in a short time, by the course of nature, his friends would have a majority in this House, does he wish to hasten that time by advocating the appointment of my hon. friend from Rideau to a position that would give the government an opportunity of putting another supporter of the government in the Senate.

Hon. Mr. POWER—The hon. gentleman from Rideau is an independent member.

Hon. Sir MACKENZIE BOWELL—I commend the hon. gentleman for that mode of getting rid of one of the opponents of the government in this House.

Hon. Mr. MILLS—I thought this was a no-party House.

Hon. Sir MACKENZIE BOWELL—I was under that impression until the hon.

gentleman from Halifax drew that distinction, when he said the time was fast approaching, judging from the past, when his friends would have a majority in this House. Now, coming back seriously to the question we are discussing, supposing the cook on board a ship throws half a dozen pails of rubbish overboard, that is material thrown into a river or lake with less than 42 feet in depth of water, or a fireman throws a pail of ashes into a lake or river where there is not that depth of water—which they would have to prove, I suppose—and he is dismissed for some cause or other, he can enter a complaint against the company that dismissed him of having violated the provisions of the Act. It would render the company responsible under the law. I am satisfied that we are placing on the statute-book an impracticable law, which the government will never enforce, except at the instance of some blackguard, who may enter a complaint against his employers, when, perhaps, he has been very properly dismissed. That would probably be the result of placing this bill on the statute-book. If it be correct that this is to apply to the river between Montreal and Quebec——

Hon. Mr. SCOTT—It applies everywhere.

Hon. Sir MACKENZIE BOWELL—I know that, but if the intention be to make the provisions of this Act apply to the river between Montreal and Quebec, and if rubbish is thrown where the eddies form a bar it might impede navigation. If that be so, confine it to that, but if you pass the bill in its present shape every private yacht on the Bay of Quinté will be subject to penalties, if the fireman happens to throw a pail of ashes into the bay. There are very few places in the whole length of that bay where there is forty-two feet of water. The Ontario and Richelieu Company, through a good deal of pressure on the part of those living on that bay, have put a steamer on the route via the Murray Canal, and during the whole length of that bay, one hundred miles, if they throw a pail of ashes overboard they are subject to this penalty. No matter how deep, whether tidal or non-tidal a harbour is I would prevent throwing rubbish into it. There must be a law in the statute-book which prevents the distruction of the Ottawa River.

Hon. Mr. SCOTT—There is, but it cannot be enforced.

Hon. Sir MACKENZIE BOWELL—If you say rubbish which impedes navigation, everybody would support it. I remember a great many years ago, when they used to dump the coal, which was used as ballast in the English ships, in Quebec harbour. I remember distinctly hearing my father talk about it. To-day they would not be allowed to do it. This bill is of such a character, and the language is so broad, that it subjects every yacht owner who comes into the Bay of Quinté and throws a pail of ashes into the water, to penalties.

Hon. Mr. SCOTT—You cannot make a law with exceptions to it.

Hon. Sir MACKENZIE BOWELL—But in this case you can.

Hon. Mr. SCOTT—The suggestion made by the hon. gentleman from Prince Edward Island is a very good one. I would, therefore, leave the original law as it is, so far as tidal waters are concerned, and add a paragraph that in any other navigable water, where there is not at least eight fathoms of water at any time, this dumping of ashes will not be permitted. If you are to protect the rivers of Canada this must be done. There is not alternative; you cannot help it. There are many places between Toronto and Montreal where there would be a greater depth than eight fathoms. Take the case my hon. friend suggested, going through the Murray Canal. Before boats enter there, they could empty in Lake Ontario. There are many places where the depth is 150 feet.

Hon. Sir MACKENZIE BOWELL—The owners of yachts do not know that.

Hon. Mr. SCOTT—You cannot draw the line for this vessel or that vessel, if we are going to protect the rivers, we must do it in earnest. If that were not the feeling of the House I would ask the committee to rise.

Hon. Mr. LANDRY—Why not add the words "which would impede navigation."

Hon. Mr. SCOTT—You cannot.

Hon. Mr. LANDRY—In Quebec harbour, by the regulations of the commissioners, there is a place where rubbish can be deposited.

Hon. Mr. SCOTT—This bill does not interfere with such places.

Hon. Mr. LANDRY—Why not?

Hon. Mr. SCOTT—Because they point out the places in the harbours of Quebec and Montreal.

Hon. Mr. LANDRY—There is not eight fathoms of water there.

Hon. Mr. SCOTT—Yes, a great deal more.

Hon. Mr. LANDRY—There is not five fathoms.

Hon. Mr. SCOTT—So far as the harbours of Quebec and Montreal are concerned, the Harbour Commissioners look after them.

Hon. Mr. LANDRY—With that law, how will marine closets work on board ship?

Hon. Mr. SCOTT—The law will work satisfactorily.

Hon. Mr. LANDRY—Then the owners of vessels with such closets, will be sued.

Hon. Mr. SCOTT—Let them be sued.

Hon. Mr. FORGET—I would suggest that the words "ashes and cinders" be expunged.

Hon. Mr. SCOTT—I would not consent to that. I have given absolute proof of one case where sixty tons of ashes have been dumped from a vessel in the St. Lawrence.

Hon. Mr. FORGET—But you do not want for that reason to prosecute those who simply throw a pail of ashes out?

Hon. Mr. SCOTT—There cannot be any exception made.

Hon. Mr. FORGET—We may at any time be subject to this penalty then?

Hon. Mr. SCOTT—It is not a law which is likely to be enforced unless there is some gross violation of it.

Hon. Mr. FORGET—Then I propose to take the sense of the House upon it.

Hon. Mr. POWER—The better way would be to leave the law as it stands, and add a paragraph dealing entirely with the non-tidal waters.

Hon. Mr. SCOTT—That is what I suggested.

Hon. Mr. POWER—The Marine and Fisheries Department could, in the meantime, see if they could do anything towards meeting the views of the hon. gentlemen opposite.

Hon. Mr. TEMPLE—The bill, as I understand it, applies to all navigable rivers. There is the River St. John, from St. John to Fredericton, sixty-four miles, and I venture to say that above the first twelve miles from St. John, the balance of the sixty miles, there is not 25 feet of water anyway. Does the government intend to dredge the river all the way through and make it 42 feet.

Hon. Mr. SCOTT—No.

Hon. Mr. TEMPLE—What is to be done with regard to that? You say 42 feet of water. At the Oromocto shoals they have been dredging there for years and there is ten feet of water yet, and in several other places it is the same.

Hon. Mr. OGILVIE—They will have to carry this rubbish until they get to a deep place to dump it.

Hon. Mr. FORGET—Then they will have to take soundings.

Hon. Mr. MILLS—Why not, if the navigation is going to be impeded? A has a right to use a river, but he has no right to make it impossible for B to use it. If you permit every vessel that is navigating any of our inland rivers the privilege of dumping refuse incident to the vessel wherever they may please on the line of navigation, it is only a question of time when our rivers will be rendered unnavigable. The law against dumping sawdust into the river has not been enforced, perhaps, because you are fighting a powerful combination—men of great influence.

Hon. Sir MACKENZIE BOWELL—It is well to tell the truth.

Hon. Mr. MILLS—My hon. friend knows right well that that is so. But you have undertaken to legislate against it. Parliament has expressed its disapprobation of the practise of throwing sawdust into the river by what it has done. Now, it is not asking too much of those men who want to use the river to find some other way of disposing of their sawdust without destroying the river for fishing and navigation purposes. The duty in that regard that you impose upon the lumbermen in the interests of the ship

owners, and in the interest of the fishermen, may very well be imposed upon the steamboat man to prevent him from injuring the river to the detriment of his fellow navigator. Every one knows that between Toronto and Montreal it is easy to find places in which to get rid of the ashes and rubbish of a vessel, without undertaking to deposit them in places where the water is less than eight fathoms in depth. There is no difficulty in that. It is an imaginary one. They may carry the ashes a little further than they would otherwise carry them if they were at liberty to throw them overboard where they pleased, but that is all. Supposing you have a steamboat ferry, and the ferry is running across the river where the water is barely deep enough for its navigation; and supposing the ferry man were to come here and put up the same plea that my hon. friend has with regard to navigation, he would fill up the river where he is ferrying from one side to the other and we would have to put an appropriation every year in the estimates for the purpose of undoing that which you say he ought to have a right to do. It is not unreasonable to say. It is true it may be an inconvenience to you to deposit your ashes somewhere else than in the river, but you are navigating at a place where it is barely deep enough for navigation, and you can easily employ a drayman or others to carry your rubbish to some point on shore. When you are coming into a harbour and navigating waters barely deep enough for navigation, you can do the same thing that all firemen ought to do if the river is of such a depth as to require caution of that sort. I do not see that my hon. friend would suffer very much, or that it would be very much of a burden on ship owners if they were required, where the necessity arises to deposit their ashes on shore altogether. My hon. friend can give us an estimate of the cost and show whether that would be an unreasonable thing or not.

Hon. Mr. McCALLUM—I understood the Secretary of State to say that he knew of 60 tons of ashes to be dumped at one time.

Hon. Mr. SCOTT—Yes.

Hon. Mr. McCALLUM—I should like to have an explanation of that.

Hon. Mr. SCOTT—One of the incoming steamers. It was stated to me by the Minister of Marine.

Hon. Mr. McCALLUM—Was it a seagoing vessel?

Hon. Mr. SCOTT—Yes, a vessel coming up the St. Lawrence. She opened all her bunkers at one time.

Hon. Mr. McCALLUM—They ought to be fined heavily for doing that. That, of course, would not apply to fresh water between Toronto and Kingston. They would not have any such quantity to empty.

Hon. Mr. SCOTT—No.

Hon. Mr. McCALLUM—It is a rule always observed on board vessels that no man shall throw ashes or refuse overboard where there is shallow water. It would be well to put a notice on board a steamer that they shall not do so, because no man, if he is sensible, will want to interfere with navigation by throwing refuse overboard. The difficulty might be easily got over in that way. I have run boats for years, and I know I always gave instructions to my men to be sure not to put refuse overboard except into deep water. That rule is well understood and ought to be observed all over our fresh water navigation, whether on the St. Lawrence or anywhere else. Of course, where we burn coal altogether it is much more injurious than when we were burning wood. Wood ashes would not be thrown overboard; they would be sold, because ashes are a good fertilizer. But cinders from coal, when thrown overboard in shallow water, create a bank injurious to navigation. It is a rule among marine men not to allow any of their employees to throw refuse overboard where it is going to injure navigation. I should be very sorry to see steamboat hands allowed to throw rubbish overboard wherever they choose to do so. We have destroyed the navigation of some of our rivers, but that is about stopped now, and I hope there will be no more of it done in this country. In some places they still allow sawdust to be thrown into the rivers, and in some places they do not, but I hope the public will see their way to prevent it, so as to leave our navigation free. It kills the fish also, but that is the smallest part of the injury.

Hon. Mr. FORGET—The Richelieu and Ontario Navigation Company built a new

steamer in Toronto last year at a cost of a quarter million dollars. That vessel throws the ashes out the whole time by steam. Under this bill we would be obliged to stop that now.

Hon. Mr. SCOTT—Yes.

Hon. Mr. FORGET—We are trying to improve the system of navigation, and surely a steamer throwing her ashes out all the time while she is running would not affect navigation.

Hon. Mr. MILLS—It depends on how many there are of them.

Hon. Mr. FORGET—We burn sixty tons of coal every twenty-four hours. That does not make many tons of ashes. It is scattered all the way from Toronto to Montreal.

Hon. Sir MACKENZIE BOWELL—I think the sixty tons deposit, to which the hon. gentleman referred, could not possibly be cinders or ashes.

Hon. Mr. SCOTT—Yes, it was.

Hon. Sir MACKENZIE BOWELL—It is never supposed for a moment that a vessel running in inland waters will care to accumulate sixty tons of ashes.

Hon. Mr. MILLS—Certainly.

Hon. Sir MACKENZIE BOWELL—Why?

Hon. Mr. MILLS—Supposing the vessel was lightly ballasted, she might carry it as ballast until she got to quiet water.

Hon. Sir MACKENZIE BOWELL—And wait until they got into the St. Lawrence to dispose of it?

Hon. Mr. MILLS—Yes.

Hon. Sir MACKENZIE BOWELL—I undertake to assert that it was ballast that was thrown into the river. That should be stopped at all hazards, no matter where it is.

Hon. Mr. FORGET—It should not be allowed.

Hon. Sir MACKENZIE BOWELL—I suggest to put the words "stone, gravel or refuse of that kind," and strike out the word "ashes." I would not strike out the words "cinders," because cinders will sink, but ashes will float.

Hon. Mr. CLEMOW—Coal ashes will sink.

Hon. Sir MACKENZIE BOWELL—If they are scattered continually over the lake, they can do no harm. Of course, the device to which the hon. gentleman from Sorel (Mr. Forget) referred is a good labour saving machine on a steamer. I would add the words "stone and rubbish of a like character." I scarcely know what the language in the clause would cover. It might cover the kitchen refuse, orange and lemon peel, &c.

Hon. Mr. SCOTT—The hon. gentleman would change the law as it has stood for many years. That is in the law now. There are only a few words changed in this paragraph.

Hon. Sir MACKENZIE BOWELL—If that be the case, you do not want this bill.

Hon. Mr. POWER—As the law now stands it applies to tidal waters only, and the object of the department is to extend its operation to non-tidal waters, and in order to do that the bill proposes to reduce the depth. The hon. gentleman from Charlottetown (Mr. Macdonald) takes a very proper objection, that the depth in tidal waters now is not too great, and that it would be improper to allow ballast to be deposited in the harbours in the maritime provinces where there is only seven fathoms of water. The suggestion now is that we leave the existing law as it stands and add a paragraph which will deal solely with non-tidal waters. It occurs to me that there might be some provision of this sort inserted in the bill. As it is now the harbour masters who have charge of the various harbours, select certain places where vessels can deposit their ballast, ashes and rubbish. In the non-tidal waters the Department of Marine and Fisheries, or some officer, might be allowed to select places where steamers could drop their cinders and rubbish.

Hon. Mr. FORGET—What about the rubbish from the kitchen and the sweepings of the boat?

Hon. Mr. POWER—This is a matter which the officers of the department have more to do with than we have, and ought to understand better, but I think there might be some provision inserted to author-

ize the department to select places where ashes and refuse may be deposited.

Hon. Mr. MILLS—That would not apply to the device that the hon. gentleman opposite (Mr. Forget) mentioned.

Hon. Mr. McCALLUM—The owners of steamers, by giving proper instructions and setting up notices will prevent the practice. If the owners of vessels violate the law in any shape, they should be punished. The man who deposited 60 tons of ashes in the St. Lawrence, in place of being fined ought to have been imprisoned.

Hon. Mr. SCOTT—He was punished for it.

Hon. Mr. McCALLUM—What punishment did he get? A fine of a few dollars I suppose.

Hon. Mr. SCOTT—The penalty is not exceeding $300, and not less than $20.

Hon. Mr. McCALLUM—The masters and owners of vessels, if they are properly instructed, will not permit a violation of the law.

Hon. Sir MACKENZIE BOWELL—The Secretary of State has given as a reason for amending this law, that one vessel deposited 60 tons of ashes in the St. Lawrence.

Hon. Mr. SCOTT—I gave an illustration here of the sawdust also.

Hon. Sir MACKENZIE BOWELL—Let us dispose of the first case. That was in tidal waters?

Hon. Mr. MILLS—It is not tidal above Three Rivers.

Hon. Sir MACKENZIE BOWELL—My hon. friend said it was below Quebec.

Hon. Mr. SCOTT—I said it was between Montreal and Quebec.

Hon. Sir MACKENZIE BOWELL—If it is in tidal waters, it is covered by law, and the punishment should be inflicted. I understand from the hon. gentleman that the man was punished.

Hon. Mr. SCOTT—Yes, in that particular case.

Hon. Sir MACKENZIE BOWELL—Can the hon. gentleman tell us who it was?

Hon. Mr. SCOTT—Mr. Gourdeau was my authority. In describing the filling up of the river, he mentioned this one case. He mentioned the name of the vessel; I did not attach importance to the name of the man. I also mentioned a case in the Ottawa here, a few hundred yards from where we are sitting.

Hon. Sir MACKENZIE BOWELL—We admit that.

Hon. Mr. LANDRY—We want the name of the man who was punished for depositing sixty tons of ashes in the St. Lawrence.

Hon. Sir MACKENZIE BOWELL—In the case of the Ottawa, the injury to navigation has been caused by sawdust. Remove this first and then you will have no difficulty. You could put all the ashes you liked under this law, where they have sunk the piers. The hon. gentleman told us that in putting down the foundation of one of the piers for the interprovincial bridge they found sixty feet of sawdust: if so, there would be a place to deposit all the ashes and cinders that would accumulate in this city for many years. I think this is placing a law on the statute-book which will never be carried out, and if it is carried out it will be by some malicious employée who may have been dismissed, and will apply to yachts which carry very little coal, and the ashes from which would not affect any harbour.

Hon. Mr. MACDONALD (B.C.)—I think the River St. Lawrence down to and below Quebec should be considered non-tidal waters.

Hon. Mr. OGILVIE—It is a difficult matter to know how to arrange this matter, and my hon. friend beside me has suggested one thing. If there was an ill tempered magistrate, who had some spite against his neighbour, which is quite possible in some places, if that neighbour's boy pitched a stone into the river he could be fined $300.

Hon. Mr. LANDRY—Or if a man on board ship got sea sick, he could be fined for depositing rubbish in the water.

Hon. Mr. OGILVIE—Oh, no, I think not. It may be very annoying, but I think the law is very necessary, and you could not get a greater example of it than you have here in the Ottawa River. Talk about fishing, that is all past, but the navigation has been

endangered and certainly between Montreal and Quebec, every inch is wanted. We ought to have two and a half feet more than we have at present It is very hard to get the law in a proper shape, but I can say if any person wanted to annoy the Richelieu and Ontario Navigation Company he could put them to a great deal of trouble if that law was enforced.

Hon. Mr. SCOTT—I will move that the committee rise, report progress and ask leave to sit again.

Hon. Mr. PROWSE—I hope that the hon. Secretary of State will not introduce anything like class legislation here. I consider a pailful of ashes coming from a small boat is just as injurious as a pailful coming from a large steamer. The device described by the hon. gentleman from Sorel might do very well in the Atlantic, where there is plenty of water, but I think it is an injurious thing with reference to the shallow rivers. No such thing is allowed in our canals?

Hon. Sir MACKENZIE BOWELL—No, it is not.

Hon. Mr. PROWSE—Then the hon. gentleman's steamers are not situated in a worse position than the canal boats. The little ferry boats and steamers should be compelled to do the same, and we should make the law permanent and applicable to all classes. There are many navigable rivers in the lower provinces, where if sixty tons of ballast or ashes were thrown into the river, it would have the effect of diverting the course of the stream and making a new channel, because we know rubbish thrown out accumulates other dirt and forms little mounds, and thus navigation is impeded. I do not think the government can take too great care of our navigable waters, so as to save the enormous expenditure which this country is put to every year for dredging, which will continue as long as this is permitted.

Hon. Mr. McMILLAN, from the committee, reported that they had made some progress with the bill and asked leave to sit again on Wednesday next.

EXCHEQUER COURT ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (B) "An Act to amend the Exchequer Court Act."

(In the Committee.)

On clause 3.

Hon. Mr. MILLS—The first two clauses of this bill have been carried. Exception was taken to clause three, because it related to past transactions. I will just turn to the section in the Act as it now stands, chapter thirty-eight of the statutes of 1899. If hon. gentlemen will look at clause three in the Act as it now stands, they will see the changes I propose to make. It reads:

If the injury to any land or property alleged to be injuriously affected by the construction of any public work may be removed wholly, or in part, by any alteration in or addition to such public work, or by the construction of any additional work.

Up to that point I think the section in the Act and this clause are the same, but the Act as it is now in force reads:

And the Crown by its pleadings at the trial undertakes to make such alteration or addition, or to construct such work, the damages shall, so far as the future is concerned, be assessed in view of such undertaking, and the court shall declare that in addition to any damages awarded, the claimant is entitled to have such alteration or addition made or such work constructed.

The words that are new in the bill begin after "public work" in the 4th line of the 3rd clause.

Or by the construction of any additional work or by the abandonment of any portion of the lands taken from the claimant or by the grant to him of any land or easement.

Hon. Sir MACKENZIE BOWELL—Is that all that is new?

Hon. Mr. MILLS—The rest is exactly the same as in the original down to the last line, "or such grant made to him."

Hon. Mr. LOUGHEED—The words "or before judgment" are not in the Act.

Hon. Mr. MILLS—But I struck those words out when we were discussing it before. I propose to strike out the words "or before judgment" and to retain the words "so far as the future is concerned."

Hon. Mr. OGILVIE—That would not apply to anything in the past.

Hon. Mr. MILLS—It would not apply to anything in the past any more than the present law.

Hon. Sir MACKENZIE BOWELL—This, it seems to me, is predicated upon the assumption that the clause in the Expropriation Act becomes law; because the clause of the Expropriation Act, which was struck out when we were in committee before, gives power to take the lands, as indicated in the Exchequer Court Act, and if the one be not passed, this is not necessary, unless it is an indirect way of giving to the Exchequer Court the power which we refuse to give to the government in dealing with the lands expropriated. That, to my mind, is clear enough. The Expropriation Act asked for certain powers and privileges which the Senate, when in committee, refused to grant. The clause was struck out, I take it for granted, that if we go back into committee on this bill we shall have to commence where we left off. That is the clause giving them power to expropriate. Not having that power this clause is unnecessary. That is where we left off the discussion before. It will be remembered that the Senate took the ground that, as the law amending the Exchequer Court Act was predicated and founded upon the Expropriation Act, the Expropriation Bill should be dealt with before we dealt with the Exchequer Court Act. The hon. gentleman is just reversing the whole thing again. There is precisely the same principle involved in these two bills that there was in the bills for the leasing of the Grand Trunk Railway and the purchase of the Drummond County Railway. The Drummond County Bill was placed upon the order paper first. When the Senate took objection to considering the bills in that way, the minister very properly said "Very well, we will decide the question of leasing from the Grand Trunk, first, because if we do not lease that, then we do not want the Drummond County Railway," and after the Senate had consented to the agreement made with the Grand Trunk, after an amendment had been made to it, then they considered the other bill, and the Senate took the precaution, at the suggestion of my hon. friend from Calgary, to add a clause declaring that the Drummond County purchase should not be effective until the Grand Trunk shareholders had approved of the amendments which had been made to their lease. Are these two bills not precisely in the same position? The government ask for certain powers of expropriation. We have denied that already by striking out that clause of the Expropriation Bill when in committee before. My hon. friend comes down with the proposition we had before to give the Exchequer Court power to deal with the provisions contained in that clause which we rejected.

Hon. Mr. MILLS—No. My hon. friend will see that I propose a very important amendment to this.

Hon. Sir MACKENZIE BOWELL—Not sufficient.

Hon. Mr. MILLS—And then, when we come to the other, we could consider that again. I propose to strike out the words "or before judgment" and to add "so far as the future is concerned." I propose to drop the 4th clause.

Hon. Sir MACKENZIE BOWELL—Personally I object to giving the power to the government, even in the future, to take lands and hold them for a time and then return them or some other lands. We object to placing the power in any one, to take a man's property and hold it for two or three years, and then abandon it, or give the court the power even to compensate him for it. Once the land has been expropriated and taken from the individual, the Crown can afford, even if they do not want it, to suffer a loss better than the individual can; besides the individual, in a case of that kind, is placed at the mercy of the officers of the Crown, and knowing, as I do, what some officers of the Crown are in cases of this kind, it is placing a very dangerous power in their hands.

Hon. Mr. FERGUSON—When the House was going into committee on this question, my hon. friend, the leader of the House, will remember quite well that I called his attention to the very point that the hon. leader of the opposition is now making, and that he then acquiesced in that view and put the Expropriation Bill first and the Exchequer Court Bill second on the orders, so that we went into committee in the order that my hon. friend the leader of the opposition now suggests. That is the course which we should be pursuing now. We are now in committee proposing to give certain powers to the Exchequer Court in relation to a matter we have not yet determined upon. We have not yet decided that we will pass the clause in the Expropriation

Bill, which is the true cause for all this legislation, the second clause of the Bill "D" which I think should be decided first. If we were in committee on the other bill, I would be prepared to give my views on it, but I suppose I would not be in order now.

Hon. Sir MACKENZIE BOWELL—It was struck out before.

Hon. Mr. MILLS—The hon. leader of the opposition says that his objection to the third clause is that the amendments do not go far enough, and that he is opposed altogether to giving the government power to consider, after they once expropriate lands, whether they will hold them temporarily or permanently; that the land taken once is finally disposed of. I wish to call attention to section 5 of the Expropriation Act, which gives the government that power now with regard to certain things.

Hon. Mr. CLEMOW—Then why do we require it again?

Hon. Mr. MILLS—It does not give it as to the principal point I wish this to apply to. The section reads:

Whenever any gravel, stone, earth, sand or water is taken, as aforesaid, at a distance from a public work, the minister may lay down the necessary sidings, water pipes, conduits or tracks over or through any land intervening between the public works and the land on which such material or water is found, whatever the distance is; and all the provisions of this Act such as relate to the filing of plans and descriptions shall apply and may be exercised, and so on. And such right be acquired for a term of years, or permanently, as the minister thinks proper, and the powers in this section contained may at all times be exercised in all respects after the public work is constructed, for the purpose of repairing and maintaining the same.

Hon. gentlemen will see that we are not introducing any new principles, and we are not asking Parliament to confer upon us a power that is new. We are simply asking, with regard to the expropriation of property that may turn out to be only in part required, that we shall have the power to restore it, just the same as we have the power to retain it permanently, or that we may retain a piling ground for the purpose of piling quarry stone or timber or anything of that sort upon, and hold it for a number of years and restore it again. We have that power now.

Hon. Mr. OGILVIE—Then you do not require it.

Hon. Mr. MILLS—Yes, because we have it for certain purposes now and I wish to acquire it for an additional purpose. It is not introducing a new principle; it is not making the law different from what it was in principle.

Hon. Mr. CLEMOW—Extending it?

Hon. Mr. MILLS—Yes, to a new case, and I mention this matter because it is a matter of very considerable consequence. Supposing I were to expropriate five acres of land, and it turned out I only required the half of it, that we could do with half of it, we are not putting the man in a worse position if we restore half of it to him again, but if retaining the two and a half acres does him as much damage as two-thirds of what the original amount would have done him, the court decides that. The government have no power to decide, it is the court. It is taking no new power; no new principle is introduced at all.

Hon. Mr. McMILLAN—Yes, but the government have it all on their side. They can say when they want it and when they can leave it alone.

Hon. Mr. OGILVIE—I think if you have that power now, it is a power no government in the world should have. If the government want to expropriate property let them come and expropriate it. That is a right they possess which other people have not. But that they should take it and keep it as long as it suits them, and then give it back, I think would be most unrighteous and unfair, and if I am correct there is no such right possessed by the government of Great Britain. Let the government do just as I have to do, go and buy the land, or lease it, or make a bargain for it the best way they can. If the government require my house, or any other property, they have the right to take it, but to give them the right to say that they shall have possession of my property for two years, or five years, and give it back, looks monstrous.

Hon. Mr. MILLS—We can do that now.

Hon. Mr. OGILVIE—The government should not have the right to do it.

Hon. Mr. MILLS—Supposing you find a quarry two miles away from your work. You are building a line of railway and you

give now to the government power to expropriate a road to the quarry, and you give to the government the power of saying whether they will restore that to the party or not. If you give to the government the power to expropriate ten acres for a road leading from a highway to a quarry, and you give them the power of saying whether they will hold that in fee or by a lease, you give them the power to say whether they will hold it for ever or for two years, or five years as the case may be. You have done that already and it does not matter to me, if I am a land owner, whether the government are taking the land for a road or some other purpose, it is all the same. There is no difference in principle between taking it for a road and taking it for a quarry.

Hon. Mr. McMILLAN—Why oblige the owner to take it back, more than anybody else?

Hon. Mr. POWER—Why should the government pay for more than they require?

Hon. Mr. OGILVIE—Then they should not take it.

Hon. Mr. POWER—We are discussing the Expropriation Bill and not the Exchequer Court Bill.

Hon. Mr. OGILVIE—The hon. Minister of Justice began discussing it.

Hon. Mr. PRIMROSE—He read section 5 of the Expropriation Act.

Hon. Mr. POWER—Every hon. gentleman knows that the strong objection to this bill and to the companion bill was that it was felt by a majority of the members of this House that they were directed at two cases one of which was before the court—in fact, I think both were before the court—and at that time the majority of this House were willing to pass the bill if there was a provision in it that it should not apply except to the future.

Hon. Mr. McMILLAN—Not this bill.

Hon. Sir MACKENZIE BOWELL—Would the hon. gentleman allow me to call attention to the fact that when this Exchequer Court Bill was in committee before, I made a motion that clause 3 be struck out, and that the motion was carried. The only course is to move for a reconsideration of that clause before we go any further.

Hon. Mr. MILLS—That is what I was doing.

Hon. Mr. POWER—If this bill, in the form in which it is amended by the minister, is satisfactory to the committee, I think the balance of convenience is in favour of reporting the bill and setting it down for third reading on Thursday, and the House need not read it if the other bill does not pass.

Hon. Sir MACKENZIE BOWELL—The first thing the hon. gentleman did do was to move to reconsider the bill. That clause has been struck out and it is, therefore, not before the committee.

Hon. Mr. POWER—I thought the committee had decided to reconsider it.

Hon. Sir MACKENZIE BOWELL—Oh, no. I certainly object to it. The doctrine laid down by the hon. Minister of Justice is that he has the power now to expropriate any man's property, that is, if it be necessary to secure access to that property, the law gives them power to say to the owner of the land, "You must allow us to pass over your land to get at the property expropriated." That is all the power that is given, and it is very proper that they should have that power, because having expropriated property, they must have the means of reaching it, and as soon as they have done working the quarry, then the land reverts back to the owner on the payment of such damages as he may be entitled to for the use of the land for that road.

Hon. Mr. MILLS—The lands may belong to other parties altogether.

Hon. Sir MACKENZIE BOWELL—That is quite true, and you may take it for the purpose of having access to the property and for piling grounds in the meantime. Once you have done with the quarrying of the stone, and you no longer want it for a piling ground, the party from whom you have taken it for that purpose knows that it is coming back to him; but the length to which the hon. gentleman wishes to go is this: that the department should be allowed to go on a man's land and take, for instance, three or five acres for a quarry, and then after a year or two—because there is no limit to the time—return it. The officers of the department are not as particular as my hon. friend, or any private individual,

would be, in such matters, and they could arrogate to themselves the right to take whatever portion of the land they liked and return the balance to the owner. After having kept it for some time and injured the owner thereby, the government would be in a position to say, "You can have this land back, or we will give you other land in exchange for it." That proposition is one that should not be accepted. If my hon. friend's motion is to reconsider I shall feel it my duty to vote against the reconsideration.

Hon. Mr. MILLS—This is the bill from which the clause was struck out.

Hon. Mr. McMILLAN—This is Bill D, on which the House went into committee. The minutes show that the clause was struck out and that the committee rose.

The CHAIRMAN—The motion before the committee is that the third clause be reconsidered.

Hon. Mr. FERGUSON—I cannot understand why the hon. gentleman pursues this course. The Bill D to amend the Expropriation Act should certainly have been dealt with first, so that we would know whether we were going to give this power to abandon lands, or reinvest them in the owners, before providing the machinery in the Exchequer Court for the purpose of carrying it out. For my own part, although my views may not agree with those of my hon. friends with whom I usually act, I am willing to give the government power to abandon lands, or reinvest them. It is done in the Railway Act, and although I am told the power is not as great here as it is in England, I am in favour of it, but I am opposed to placing the Exchequer Court Act in the shape for dealing with the new manner of expropriation before we have decided to pass that form of expropriation, and I should not certainly vote for this clause until we decide what to do with the Expropriation Act.

Hon. Mr. MILLS—It is not a matter of the slightest consequence to me what the order is. Of course, if we defeat the principle in one bill, it is not my intention to proceed with the other. I find in the city of St. John that the city of St. John Railway and Bridge Company have a track which interferes with the improvement of the harbour, and building docks there, and there is no provision in the law for the government expropriating the property of a railway company. That is absolutely necessary, or the public works must be stopped there, and I propose, if we carry this clause, also to amend the other bill.

Hon. Sir MACKENZIE BOWELL—To what bill is the hon. gentleman referring?

Hon. Mr. MILLS—The Expropriation Bill I am referring to now. I propose to move the following:

Paragraph (*f*) of section 3 of the Expropriation Act, being chapter 13 of the statutes of 1889, is hereby repealed and the following substituted therefor:—

(*f.*) Alter the course of any river, canal, brook, stream or watercourse, and divert or alter, as well temporarily as permanently, the course of any rivers, streams of water (railways), roads, streets or ways, or raise or sink the level of the same, in order to carry them over or under, on the level of, or by the side of the public work, as he thinks proper, but before discontinuing or altering any (railway or) public road, (or any portion thereof) he shall (substitute) another convenient (railway or) road in lieu thereof; (and in such case the owner of such railway or road shall take over the substituted railway or road, in mitigation of damages, if any claimable by him under this Act,) and the land heretofore used for (any railway or) road, or (the part of a road) so discontinued, may be transferred by the minister to and shall thereafter become the property of, the owner of the land of which it originally formed a part.

The provisions of this section are retroactive and shall apply to past as well as to future transactions.

Hon. Mr. FERGUSON—Is that proposed as an amendment to the Exchequer Court Act?

Hon. Mr. MILLS—No, of the Expropriation Act.

Hon. Mr. FERGUSON—Why not deal with the Expropriation Act?

Hon. Mr. MILLS—Because the principle is exactly the same.

Hon. Sir MACKENZIE BOWELL—That would be an amendment to the Expropriation Act. If there are interests such as the hon. gentleman indicates, I do not see any particular objection to that, but that is a vastly different principle from the one we have been discussing, and when we come to the Expropriation Act we can discuss it. I might say with reference to the Exchequer Court Act, with which we are now dealing, speaking for myself, I am in favour of the first and second clauses. I think they give a power which the government should have, particularly in a country

similar to ours. Sending a judge into the province of Quebec for instance, where the judge trying a case should have a full knowledge of the French language. It might be not only necessary, but justice and equity might demand that they should select one who understands the language of the people and send him there under the circumstances. That I do not think can be objected to. As to the other clause, it ought to be struck out.

Hon. Mr. MACDONALD (P.E.I.)—I do not understand how this bill has come up a second time. As I understand, when the bill was before the House on the previous occasion, the committee rose without reporting, and it was stated at the time that that killed the bill for the present session.

Hon. Mr. MILLS—It did not kill the bill.

Hon. Mr. MACDONALD (P.E.I.)—I think we are a little out of order in taking it up now. How does it happen to come up again? Because I see in looking at the official report of the debates, that Sir Mackenzie Bowell said:

> Does the hon. gentleman (Mr. Mills) move that the committee rise without reporting?
>
> Hon. Mr. MILLS—Yes, I do.
>
> Hon. Sir MACKENZIE BOWELL—All right, then you kill your bill.

Now, if that was the case, how is it that the bill comes up a second time?

Hon. Mr. MILLS—Because I had the right to restore the bill to the order paper. I gave notice; I reserved to myself the right whether I should revive this bill or introduce a new one.

Hon. Mr. LOUGHEED—When this bill was before the House for consideration in May last, I expressed myself as very much opposed to the principle in clause three, which is now under consideration. At that time I expressed a desire, so far as my humble efforts could do so, to assist the government in securing such legislation as was absolutely necessary, in the public interest, to meet the difficulty which then seemed to exist, but I must confess that the amendments which have been proposed this afternoon do not seem to me to alter the case. The mere striking out of the words "after judgment" only alters, to a very slight degree, the time when the government may exercise the right which they now seek to exercise, so that it is a case which, I might say, would never occur—that is, exercising the right between trial and the date of judgment—because it would be only reasonable to suppose, if the government comes down to trial, it will have then exhausted all negotiation, and if it is raised before the issue is tried out, viz., in the interval between trial and judgment, the course would not be pursued by the government of tendering back the land to the individual. It does not make any practical difference.

Hon. Mr. MILLS—There might be an understanding between the government and the party that might be affirmed in the judgment. That would be all. I do not think that is of any importance though.

Hon. Mr. LOUGHEED—The difficulties we saw in the way at that time seemed not to be in any way involved in the words "or before judgment." The other amendments are the law of the land to-day, so far as the future is concerned. I attach no importance to that. You have to pay damages. You could not release yourself from any damages which up to that point, you had caused. The difficulty I see in the way is this: I understand certain litigation is pending by reason of the government having expropriated certain land. I take the ground, and very seriously, that this proposed amendment would seriously imperil the rights which those parties are entitled to at the present time. I hazard the opinion that the government, if this clause passed, would have the right to exercise all the rights now sought in reference to matters which are now pending before the Exchequer Court and which have not been tried. If that be the case, I think the sense of my hon. friend the Minister of Justice would protest against altering the rights of those who are now before the courts for trial of those rights. I point that out in all seriousness, and submit that whatever amendment is brought down here and we are invited to consider, should be of such a character as to in no way interfere with rights now in litigation.

The motion to reconsider was lost on a division.

Hon. Sir MACKENZIE BOWELL moved that the 4th clause be struck out, as

the House had not considered that clause on the previous occasion.

The motion was agreed to.

Hon. Mr. LOUGHEED—I would suggest to the hon. Minister of Justice to bring down for consideration such an amendment to the Expropriation Act as that of which he speaks. I do not think it would be objectionable and if there is any necessity to amend the Exchequer Court Act, I do not think any serious objection would be taken to it.

Hon Mr. MILLS—My hon. friend will see that the bill was objected to largely on the grounds that I mention, and I amended it largely in accordance with that objection. The hon. gentleman also mentions another objection—the objection to include present litigation. I am unable to see the force of that view, and therefore I am not at the present moment proposing to frame an amendment to meet the hon. gentleman's suggestion. I will consider the matter, however, and I ask that the committee rise and report the bill as amended. I shall, between this and the third reading, consider whether it will be possible to frame an amendment in the direction which the hon. gentleman suggests.

Hon. Mr. POWER—I think it would be better to let the hon. gentleman frame the amendment himself.

Hon. Sir MACKENZIE BOWELL—Would the hon. gentleman consent to put the amendment which he has just read upon the notice paper, so that we can consider it in case we go into committee on Bill D?

Hon. Mr. MILLS—Yes.

Hon. Sir MACKENZIE BOWELL—As I heard it, I do not think it is objectionable.

Hon. Mr. LANDRY, from the committee, reported the bill as amended.

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, 25th July, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

CRIMINAL CODE AMENDMENT BILL.

THIRD READING.

Hon. Mr. POWER moved the third reading of Bill (40) "An Act to amend the Criminal Code, 1892, with respect to Combinations in Restraint of Trade."

Hon. Mr. MILLS—I do not propose to divide the Senate on this question, but I think by striking out the words "unlawfully" and "unduly" from the law as it now stands, we make it far too comprehensive and affect too many innocent people, and the words as they stand at present would embrace a great many persons who might combine for perfectly innocent purposes.

Hon. Mr. OGILVIE—I quite agree with you.

The motion was agreed to, and the bill was read the third time and passed.

EXPROPRIATION ACT AMENDMENT BILL.

CONSIDERATION IN COMMITTEE POSTPONED.

The order of the day being called:

Committee of the Whole House on Bill (D) "An Act to amend the Expropriation Act."

Hon. Sir MACKENZIE BOWELL said: I understood the hon. gentleman yesterday to say, that unless the other bill was passed he did not intend to proceed with this measure.

Hon. Mr. MILLS—No, I did not say anything of that sort.

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman propose to proceed with this amendment of which he has given notice?

Hon. Mr. MILLS—Yes.

Hon. Sir MACKENZIE BOWELL—I was going to suggest that it would be better to allow that amendment to stand for a day at least, so that those who would be most

interested in the railways of the country would have an opportunity of seeing it. I do not know whether my hon. friend has communicated with the railway companies, or whether he has taken this step on his own responsibility, but as it affects all the railways in the Dominion, we should move carefully when we interfere with interests of that kind. It has suggested itself to me that if it be necessary in order to enable them to deal with the harbour improvements in the city of St. John, to which reference was made yesterday, and that if the present short railway interferes with that public improvement, it would be much better to take special power to do that than to make a general law—that is, to put upon the statute-book a general Act to cover everything when it is only intended to meet a special case. I throw out that suggestion to the hon. gentleman. I do not know what other cases there may be, nor can I understand why the provisions of this clause as it reads are to be made retroactive. If there are any other cases that will be affected by this bill with which they have not been able to deal, the hon. minister might inform us.

Hon. Mr. MILLS—Those words are intended to refer to the case of St. John exclusively.

Hon. Sir MACKENZIE BOWELL—Do I understand that the government has already expropriated, or attempted to expropriate that railway, and finding they have not the power, they introduce this provision for this purpose?

Hon. Mr. MILLS—No. My hon. friend knows that when the bill was being considered I gave this case as an illustration of the necessity of the power we sought to obtain.

Hon. Sir MACKENZIE BOWELL—That is when the hon. gentleman gave notice of the bill.

Hon. Mr. MILLS—Yes, in May last. If the hon. gentleman desires the bill to stand until to-morrow or next day, I have no objections. It is desirable, as the session is drawing to a close, not to delay longer than is necessary. My hon. friend refers to the clause being general. I think it is a power the government should have. I do not know why a railway should stand, with regard to the paramount power of the Crown, in a different position from any other property holder in the country. If the interests of the public, so to speak, and a railway company come in conflict, I know no reason why a government should not have power to expropriate just as much as they would in the case of any private property holder; otherwise you are putting the railway on the same footing as the Crown. That never could be intended anywhere within the British Dominion. I am not aware whether there is any case immediately pressing upon the attention of the Railway Department, except the case of St. John, but it is a power that certainly cannot do any harm. The railways are always sufficiently powerful to take care of themselves, and unless the government really need to make the expropriation, it is never likely to interfere with a railway corporation in this regard. So that instead of coming to Parliament every time it may be thought necessary, it would be better to have the clause in the general terms as it stands.

Hon. Sir MACKENZIE BOWELL—I presume this is the first case where the necessity of having such a power came under the notice of the Railway Department. The hon. gentleman in his remarks did not give us any explanation of why this is to be made retroactive, so far as it affects the St. John case. It is well that we should have all the information, so that we can intelligently consider it.

Hon. Mr. MILLS—I do not know, but my impression is that there was a contract for the improvement in the St. John harbour let, and there is also the improvement being carried on, which, when completed, would cross this railway, and these words, no doubt, in the opinion of the Minister of Railways, were thought necessary to cover the Act of the department at the present moment, because the work is going on, although the expropriation has not formally taken place. Instead of making a contract with the parties and agreeing to accept a property upon whatever terms they choose to dictate, the government prefers to exercise the general power of expropriation, and have the value of the property fixed in the ordinary way.

Hon. Sir MACKENZIE BOWELL—After you have failed to make an arrangement. If the statement made by the hon.

gentleman be correct, then the Railway Department must have encroached on the property of the railway company, and it is absolutely necessary that you give the law a retroactive effect for the purpose of covering it.

Hon. Mr. MILLS—That may or may not be so. In all probability it may be so. We say we can shift your line a little further back than where it is at present located, and can thereby provide you a line in every way as convenient as the one you now have, and it is necessary, in the public interest, to remove your line somewhat further back than where it is now placed in order that the harbour improvements may be such as to make St. John a trans-atlantic port. These people, as I understand it, refuse to deal except on terms that are so exorbitant that it would be better to abandon the work than grant them.

Hon. Mr. LOUGHEED—What is the name of the company?

Hon. Mr. MILLS—The St. John Railway and Bridge Company, I believe. This bill takes away no rights. It leaves the courts to fix the value as in ordinary cases.

Hon. Mr. POWER—That law allows the government to take a public road, and there is no reason why it should not apply to a railway in the same way. The objection before taken to this measure was that it was believed to be intended to affect one or two cases which, if not pending in court, were at any rate in dispute, and it has occurred to me, while there is no use in asking the Senate to reverse its decision upon that point, that further consideration must have shown hon. gentlemen that it is really desirable and almost necessary that the government should have the powers which are set forth in this bill, and it has also occurred to me, that possibly the Minister of Justice might make some amendment to the bill to provide that it should not apply to those cases which are now in dispute, and that as to the future, at any rate, the bill might be allowed to pass.

The order was postponed.

BOUNTIES ON STEEL AND IRON BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (161) "An Act respecting bounties on steel and iron made in Canada." He said:—It would look as if the bounties on steel and iron had come to stay, for some time at all events. Hon. gentlemen will remember that in the year 1894, a policy was adopted in this country of granting a bounty on pig iron, and what is called puddled bar iron and steel billets. That was to continue for a period of five years. Under the stimulus given to that branch of industry by offering these bounties, a number of companies were formed in Canada, and a considerable amount of money was expended in putting up smelters at various points. When the five years was shortly to expire, they hesitated about putting in the full amount of capital that they had originally contemplated, and so they asked for an extension. As hon. gentlemen will remember, in 1897, an extension was granted for another five years. It is now thought that the only way in which you can terminate the system of bounties is by adopting a sliding scale at the expiration of the present term, and giving the parties timely notice that the bounties will be reduced on a scale that will enable them propably to sustain themselves after a period of another five years. At present the bounties will be continued on the same basis that they have existed upon for some years. The time would expire in 1902, and it is proposed to continue the present bounties until then. The following year the bounties to be paid will be 90 per cent of that paid at the present time.

Hon. Mr. McMILLAN—They have an extension beyond 1902 for five years. Is that what we are to understand?

Hon. Mr. SCOTT—No. The five years will expire in 1902, and it is proposed to continue the bounties on a reduced scale for another five years. The first of these five years, that is 1903, the proportion to be paid will be 90 per cent of that now paid. In 1904 the proportion will be 75 per cent; in 1905 it will be 55 per cent; in 1906 it will be 35 per cent, and in 1907, when it will terminate, five years from 1902, it will be 20 per cent. It is hoped that before that period arrives the business will be on such a substantial basis that it will be enabled to live without any further assistance from the public exchequer.

Hon. Mr. CLEMOW—I hope so, but I doubt it.

Hon. Mr. PRIMROSE—How will iron manufactured from Newfoundland ore be benefited under the bill? Would ore imported from Newfoundland for the purpose of being manufactured in Canada come under the head of foreign ore?

Hon. Mr. SCOTT—I think so under the present law.

Hon. Mr. PRIMROSE—Would it not be better to substitute for the word "Canadian" "British American?" That would bring in Newfoundland.

Hon. Mr. SCOTT—Before long I hope a change may be made to admit Newfoundland ore at a reduced scale. I have no authority for making that statement. It is an expression of hope on my part, that it would seem reasonable and proper, under the circumstance of Newfoundland being a British colony, that ore from that province should have a preference in that respect.

Hon. Mr. PRIMROSE—Not only because it is a British colony, but I may say that it is becoming of late years a great feeder of the iron manufacturing industries of Canada, and if an arrangement could be made by which Newfoundland ore could be manufactured on as easy terms as iron manufactured from Canadian ore it would be a good arrangement.

Hon. Sir MACKENZIE BOWELL—I do not think there is a doubt as to the category under which Newfoundland ore would come into the country. Although a British colony, it is to all intents and purposes a foreign country, so far as customs duties are concerned. I hope my hon. friend, the Secretary of State, has advanced in, or will advance as rapidly in the future, his ideas with reference to Newfoundland as he has in reference to the bounties which should be granted for the manufacture of pig iron in this country. I remember, when the subject was under discussion a few years ago, and I and others advocated the admission of Newfoundland into Canada, my hon. friend had not those hopeful ideas which seem to pervade his mind just now. The time is not far distant, I trust, when Newfoundland will form an integral part of this Dominion, in order that we may be enabled to deal with the mineral output of that colony the same as we do with any of our provinces. Apart from that, I have to congratulate my hon. friend on having become a thorough out and out protectionist in this respect, altogether beyond—and I thought I was a pretty old fogey in that respect—the length that I ever contemplated we should extend the principle. There are smelting works in Canada to-day which do not use one ton of Canadian ore. The ore for the whole output of these works comes from the Lake Superior district and other portions of the United States. Consequently, we are paying a bounty of $2 per ton on pig iron made out of a foreign product altogether. When the principle of bounties was established by law, it was for the purpose, not only of establishing smelting works in Canada, but to enable the natural wealth of the country, which lies in the bowels of the earth in the shape of ore, to be used. The question subsequently arose whether it should not be extended to foreign ores. The late government opposed that, though it was deemed to be absolutely necessary to import the foreign ores to enable smelting of our own ores to be carried on more successfully. Any one who has studied this question knows that in order to flux those ores and produce a good quality of iron, you must have different varieties of ore, but the late government refused to pay a county of pig iron made from foreign ores. I know I advocated that you should allow the importation of foreign ores to be used in connection with the native ore, but that you should only pay the bounty upon the product of the Canadian ore; in other words, if you require 50 per cent of foreign ore to produce a ton of pig iron, you should pay half of the bounty, and not pay any bounty on that portion which was the product of the foreign ore. I may say that even that concession my colleagues would not consent to. However, this government has gone altogether beyond that.

Hon. Mr. MILLS—The hon. gentleman's colleagues had a lingering regard for free trade.

Hon. Sir MACKENZIE BOWELL—Their regard was, I think, in a different direction altogether. They desired to spend the people's money for the purpose of encouraging the production of iron from ore the product of Canada. They wished to encourage the owners of mines in this country and to create an industry exclusively of

Canadian products. I was quite ready to go further, and for the reason I have already explained, that if it were necessary to import foreign ores to produce a better article of iron, they might be allowed to come into the country free under the tariff, and the bounty paid on the iron should be in proportion to the amount of Canadian ore used. I was about to say, when interrupted, that the present government have gone beyond that. They have not only allowed the introduction of a foreign ore, but they pay a sum equal to two-thirds upon the pig iron that is made exclusively from foreign ore, where not one single pound of Canadian ore is used. The question is whether it is not going too far. It encourages the smelting of iron in this country, but it protects no other Canadian industry. That is the distance to which the protectionist principle has been carried by hon. gentlemen opposite. Better that than nothing, but I think it is going a little too far. A smelter has been established in Canada on this principle, it was moved from Detroit to the Bay of Quinté, and when I was informed by the managers that they did not use a pound of Canadian ore, I confess that I was very much surprised. Then I asked the question, how is it you have come to Canada to establish these works? His answer was, "We can afford to bring the ores from Lake Superior down to the place where we smelt them, and the saving in freight upon the article produced in sending it to Europe, where we sell the most of it, together with the bounty which we receive, of two dollars a ton, justifies us in moving from Detroit down to your locality." How much better that would be if we could have induced them to come here and use Canadian ores, and pay them just in proportion to the amount they use. That is the principle upon which, I think, this bounty question should be established and carried out. However, as the hon. gentlemen have become such extreme protectionists, after having denounced us and denounced our policy as robbery when we introduced a more limited policy of paying bounties, I can only congratulate hon. gentlemen opposite on becoming as thorough protectionists as some hon. gentlemen on this side of the House. It only shows what an immense difference it makes in public men when they are out of office and when they get into office and enjoy the sweets that go therewith. They know in their hearts that, from a political standpoint, they dare not cease to carry out the principles of the law on the statute-book, and they know, further, that it would involve the loss of constituency after constituency if they reversed that policy. They also know that if they had done that which they pledged themselves to do when they were in opposition, the country within less than five years would have been in revolt against them. Whether they have done it from a pure conviction of right, or for the reasons which I have indicated, I do not pretend to say, but I will give them credit for a conversion. I believe they have not done it from a sense of right; but I should not impute any other motive to them. No matter what the reason may be that has induced them to take the course that they are following in reference to bounties and retaining protective duties which have been upon the statute-books for the last seventeen or eighteen years. I congratulate the country upon the fact that they have not had the courage to carry out the pledges which they made to the people.

Hon. Mr. MILLS—I do not think the hon. gentleman is quite accurate in either of the views he puts forward. His statement reminds me very much of a tradition told of the eastern people, that they disputed whether they should walk eastward in the morning to bring daylight or depend upon the cock crowing for that purpose. Daylight may come to them by either process, and my hon. friend will find that without the adoption of the views on protection and without approving of the policy of the preceding government, when these bounties were introduced, the government may approve of this measure. The hon. gentleman calls it a protective measure. It is not necessarily a protective measure in the sense in which the hon. gentleman uses that expression. I have never said, nor do I know any Reformer, either in this House or in the other House, who has maintained that under no case is a bounty to be given, or is protection to be afforded. The difference between the position taken by my hon. friend and myself is a radical difference, that protection is a good thing in itself and that while protection continues, and even during the period when it is necessary in order to the existence of an institution, that it is profitable to the country. I do not admit that at all. I say that as long as an insti-

tution requires public aid in order that it may exist, it is an unprofitable institution for mere purposes of gain. You defend it, you support it as John Stewart Mills says in his work on political economy, not because it yields any advantage at the present moment, but because it may be able by and by to live without that aid and confer advantages and profit to the country under these circumstances. That is not a protective policy. The hon. gentleman maintains that while you uphold protective duties, they are yielding an advantage to the country, that the country will be prosperous, and he proposed eighteen or twenty years ago to make this country prosperous by the imposition of high duties. I say he did not accomplish that object, and he did not build up those foundries and smelting works, nor stimulate the working of the mines in the province of Nova Scotia or elsewhere by the duties which he imposed or the bounties which he offered. A bounty is a less objectionable mode of giving protection than a very high tariff, because in giving aid in that way you leave everything else free and untouched by the burden that you impose. But the point is here; you have had, in the province of Nova Scotia and elsewhere, ever since confederation a stationary condition. You have had the population in the main in all the maritime provinces without their due share of prosperity, notwithstanding all the bounties you offered and all the money you expended for public works. The country was stationary. The trade that formerly belonged to Halifax went to Montreal. The commerce that Halifax formerly enjoyed she lost, and in every part of the maritime provinces during the whole period the hon. gentleman was in office he cannot show that any portion of the population was becoming prosperous on account of the policy which was adopted.

Hon. Mr. FERGUSON—Why does the government continue the policy?

Hon. Mr. MILLS—We are not continuing the policy. We are taking a different policy as I shall show. The hon. gentleman is not so acute as he would like to persuade us by the questions which he puts. Let me point out that the duty has been reduced, and what is his proposition? The Finance Minister, who preceded the present Finance Minister in office, gave a pledge that these duties should be imposed for a certain period—I think it was five years—and that these institutions would be able to stand upon their feet and would require no more aid, and no other provision was made. What is the present proposition? It is to put an end to the bounty system.

Hon. Mr. FERGUSON—When?

Hon. Mr. MILLS—The hon. gentleman has only to look at the bill. He has no need to ask. He looks at the bill and what does he find? That the first year the bounty is to be 90 per cent of what it was under the old arrangement. Then it is to be 75 per cent, then 55 per cent, then 35 per cent, then 20 per cent, and then nothing. There is a provision for putting an end to the system without any shock to the industries of the country, and to give those industries an opportunity of developing their resources. What is the condition of things at the present time? You have parties proposing to invest millions of money in smelting operations. You have parties who are under the impression that if they receive this aid while their works are being built, while they are making a large outlay and have no great income from their works and undertakings, if you can give them aid during that constructive period, that when their works are completed they will be able to enter into competition both with the United States and the mother country, and to put the produce of their smelters upon the markets of Europe and upon the markets of the South American republics. I say there is a prospect being opened out, there is a policy adopted, not a servile imitation of what the hon. gentleman did, but a statesmanlike proposition, a proposition that is calculated to give confidence to the men who are investing their money and at the same time telling them "Gentlemen, when you have your money invested and when you have your works completed, you must rely upon your own resources and your own ability," just as they are told in England and just as they are being told in that regard in the neighbouring republic. Those gentlemen who are investing several millions of money in the maritime provinces in these undertakings are under the impression that they can successfully compete with the men engaged in the manufacture of iron in Alabama, the most favourable state of the American Union, and that they will be able

to successfully compete with the Alabama producers of iron in South America, where railroads are being constructed to a greater and greater extent every year, and in the markets of the mother country. I say with that hope in their breasts, with that confidence in the undertakings in which they are engaged, with the large amount of capital that they are investing in these enterprises, we give them an opportunity——

Hon. Sir MACKENZIE BOWELL—Noble sentiment.

Hon. Mr. MILLS—The hon. gentleman says "noble sentiment." It is a sentiment perfectly consistent with the principles of free trade. It is a policy looking forward to free trade. It is not a policy of perpetual infancy as the policy of the hon. gentleman was. I say that this bill provides for the termination of the bounty system without a shock to those enterprises in which money is being invested, and it is a policy consistent with the interests of all classes of the population, and which serves to emancipate the people of this country ultimately from the thraldom of that system which the hon. gentleman has aided in fastening upon the public of Canada. With regard to the importation of ore into the province of Nova Scotia from Newfoundland, if the ore thus imported improves the quality of the iron produced, there is no doubt ore will be imported from there to the smelters that will be established in Cape Breton and elsewhere in the maritime provinces. If the iron is made better, it will be to their interest to import it. Facilities exist for the purpose. There are no places in all Christendom between which the facilities for transportation are greater than between the mines of Newfoundland and the mines of Nova Scotia, and there is practically no difference in principle between giving to the people a certain bounty upon the products from the Canadian mine and to give them a similar bounty extending both to the Canadian and Newfoundland mines. Under the arrangement which has been made, the importations will be as large as the production of the best quality of iron may render necessary, and further than that, with immense resources at home it is not desirable that the importation should in any way kill off a production equally available at home. I think that the bill will accomplish the object intended without the imposition of any undue burdens upon the population.

Hon. Mr. PRIMROSE—The hon. leader of the opposition, in the remarks he made a short time ago stated it as an absolute necessity, in order to conduct the manufacture of iron in Canada to the best advantage, that there should be varieties of iron used. I rose specially to emphasize the fact that in Newfoundland these advantages are found to a very extraordinary extent. There are a great many varieties of iron and that makes it all the more desirable that the product of Newfoundland should be brought into Canada to be manufactured here.

Hon. Mr. FERGUSON—My hon. friend the Minister of Justice has certainly amused us not a little by the very ingenious defence which he has made of the adoption by him of the principle of protection. He has told us, in the course of the few remarks which he has made, that he is still on the same ground as he always was, but he tells us also that not only is he opposed to protection, but that he regards the protection in the form of bounties as even worse than protection by tariff.

Hon. Mr. SCOTT—No, less objectionable.

Hon. Mr. MILLS—I said that the bounty was a less objectionable mode of giving aid than high duties, because it puts no burden upon anything except that which was actually produced.

Hon. Mr. FERGUSON—As far as that is concerned, I think I am right is saying that eminent writers on political economy take exactly the other ground and regard protection in the form of bounties as most objectionable.

Hon. Mr. MILLS—Mills does not say so.

Hon. Mr. FERGUSON—I am not quoting my hon. friend. I am quoting authors on the subject of political economy that I know, and if I had had any notice of this question coming up I could have given my hon. friend the authority for that. I understand now distinctly where my hon. friend claims to be at this present moment. He is still opposed to protection as he was in years gone by, but he finds it necessary to continue it, I can hardly tell why, if it be not that the Conservative party started this

principle, and that it is necessary for his party at least until these industries shall get on a firm and solid footing, to extend to them some assistance in the way in which it has been done. My hon. friend's ground heretofore, and that of his colleagues acting in conjunction with him, has been that protection was nothing more or less than a form of legalized robbery and that manufactures are—"robbers great and robbers small." He does not propose to stop this legalized robbing, but he proposes to let them rob on for a little while, and gives them notice that on the 23rd April, 1902, he intends to make them rob a little less than they have been doing, and on the 1st of July, 1903, he intends to reduce the process a little more. I cannot find a better illustration of my hon. friend's position and the position of his government at the present moment with regard to this question, than that of a man who has his house on fire. The whole house is in flames, and he is very anxious about it, but a very wise man comes along and says, never mind, let it burn; but on the 23rd April, 1902, I propose to put a bucket of water on the fire, and, again, on the 1st July, 1903, I will come along and put on another bucket of water. My hon. friend and his colleagues have put themselves on record that protection is legalized robbery; that manufacturers who ask for protection are "robbers great and robbers small." After taking that ground, he now proposes to say, "Let them rob; but by and by, if I do not change my mind, I will stop it." It is open for the hon. gentleman three years hence, when he proposes to stop the robbing process, to change his mind and say, "Oh, well, you may rob a little longer." And it is not at all unlikely—in fact, it is almost certain—that on the 30th June, 1902, or before that date is reached, my hon. friend will come down with a bill allowing them a little longer to rob the country. All this shows the inconsistent position my hon. friends have put themselves in with regard to the trade question of this country. They have put themselves on record as opposed to the principle of protection. They announced in their Ottawa platform, and in speeches all over the country, that they intended to put an end of that system, and instead of doing so, we find them bringing in this bill, and getting their newspapers to call it a bill for the purpose of putting a stop to protection, because under the bill a little of the bounty is to be withdrawn three years hence, and they still retain the power to change the arrangement. We used to hear a great deal about organized hypocrisy, but we know what it is by this time.

Hon. Sir MACKENZIE BOWELL—Every one who has any knowledge of the past professions and the present practice of hon. gentlemen opposite, must have been surprised and astonished to hear my hon. friend state that he had not made the declaration that bounties were the very worst species of protection. I think I understood him to deny that pointedly and distinctly. Before we go into committee we may perhaps be able to call my hon. friend's attention to some of the recorded utterances of himself and his colleagues on that question, but what surprised me was this: The hon. gentleman said that parties were now willing—and not only willing but about to invest millions in the establishment of smelting works in Canada, and that they were of the opinion that if this was continued during the time that they were building these works and getting them ready for operation, they would be enabled to succeed much better. Does that mean that the government has come down with a proposition to enable those who have established companies for the purpose of erecting smelting works, to say to the people of the country who have purchased stocks, "We have this protection and hence you are safe in making investments in this line." Then he said that when they got to work and were enabled to produce that for which the works were erected, then the bounty was to cease, and they would have to depend upon their own resources. The hon. gentleman ought to know—he is not as stupid as he would make us believe——

Hon. Mr. MILLS—I am just as stupid as the hon. leader of the opposition.

Hon. Sir MACKENZIE BOWELL—I pity the hon. gentleman.

Hon. Mr. MILLS—We sympathize with each other.

Hon. Sir MACKENZIE BOWELL—Every one knows that not one single cent is paid to any of these works during their construction, or after their construction, until they produce some pig iron.

Hon. Mr. MILLS—Paid on the production of the iron.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman said just the contrary.

Hon. Mr. MILLS—No.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman will find, if he is correctly reported—as I am sure he will be—that he made that statement. That is the impression that he left on the mind of the House, that they assumed, as soon as they got on their own feet, they were to rely on their own resources. If this be not a step in the direction of protection, but a step in the direction of putting a stop to protection, why did the hon. gentleman not let the law die of itself? The payment of bounties would have ceased long before the time for which this Act provides to pay them, and if it be a free trade measure in that direction, they should not have interfered with the law at all, but let it expire, and long before the time that they proposed to pay the bounties on this graduated scale, the bounties would have ceased and there would be no charge upon the people. This is a splendid illustration of a free trade protection policy, and as long as the government continued in that line they will have the support of this side of the House. Let the government keep on; they are in the right direction; the country will prosper under such a policy.

Hon. Mr. MILLS—I would just say, by way of correction of what the hon. gentleman has just said, that it would be perfectly preposterous for me, with the Act before me, to pretend that the people were to get a bounty before they produced any iron. It was upon the iron that the bounty was to be paid, and if they were producing nothing they would get nothing. I pointed out that the men who are at present producing are prepared to produce more, and to build more extensive works. While the building operations are going on, there is a large investment of money which is yielding no profits and no interest, and therefore if the bounty for the time being serves to give them a certain amount of profit upon their investments that are not yet made operative, it enables them to go on and build their works. That is wholly different doctrine and rests on a wholly different principle from the doctrine to which the hon. gentleman referred. The hon. gentleman intimated that it would be a terrible thing for the government to undertake to aid works if men were going, and the government knew that they were going to invest large sums of money in these enterprises. Has the hon. gentleman forgotten the time when the government imposed protective duties, and said it wished to appeal to the country two years before the ordinary time, and asked the people of Canada whether they were willing to give permanency to this protective principle, because there were millions of money abroad ready to be brought to this country to be invested here in manufacturing enterprises if there was permanency? An appeal was made, and there was permanency given by the aid of a Gerrymander Bill.

Hon. Sir MACKENZIE BOWELL—No; tell the truth.

Hon. Mr. MILLS—I am speaking the truth. I say that statement is strictly true, and the hon. gentleman is offensive and unparliamentary in his remark.

Hon. Sir MACKENZIE BOWELL—I withdraw it.

Hon. Mr. MILLS—I say the elections were carried on that cry by the aid of a Gerrymander Bill, and the millions of money did not come.

Hon. Sir MACKENZIE BOWELL—That gerrymander is a humbug argument. I will answer that by and by.

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

DOMINION ELECTIONS ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (V) "An Act further to amend the Dominion Elections Act as respects the province of Prince Edward Island."

(In the Committee.)

Hon. Mr. DEBOUCHERVILLE—I notice that the title of the bill is to amend the Act as regards Prince Edward Island, and I notice in one clause it provides that the Act is not to apply to Prince Edward Island. That seems inconsistent.

Hon. Mr. POWER—The bill is intended only to apply to Prince Edward Island, and instead of making exceptional enactments, which are supposed to be required only in the case of Prince Edward Island, a number of long sections of the Election Act are repealed, and this bill proposes to re-enact them with slight changes referring to Prince Edward Island. It would have been more convenient to have given us, in a few lines, the changes required as to Prince Edward Island, and allow the remainder of the Franchise Act to continue as it is.

Hon. Mr. FERGUSON—With regard to that point I was guided by the law clerk of this House, who informed me that those two sections of the Dominion Elections Act had undergone so many amendments that he was of opinion that the best thing to do was simply to consolidate them and incorporate in them a very few words which were necessary to make the change, and that a very distinct advantage would he gained to the statute by this consolidation; and further, that it would be much easier to understand the whole thing in this way than by proposing some slight amendments. I was guided entirely by the opinion of the law clerk, and I have no doubt the hon. gentlemen will see that in doing this there will be a decided improvement in the statute, apart from the amendment relating to Prince Edward Island.

Hon. Mr. POWER—I would suggest that the title should be amended. It does not refer solely to Prince Edward Island.

Hon. Mr. FERGUSON—I did not notice until the bill had left the law clerk's hands that he had given it this title, and it occurred to me that the title should be of a more general character.

On subsection 2.

Hon. Mr. POWER—I would direct the attention of the hon. gentleman from Marshfield to line 43, and the next two lines:

> And all those upon which there is any writing or mark by which the voter could be identified other than the numbering and initialling by the deputy returning officer in the cases provided for by this Act, and by section 23 of the Franchise Act, 1898.

The note, made by the law clerk I suppose says:

> "The only changes are in the addition of the words "and installing" and in the substitution of the words between square brackets for those hereinbefore provided for.

I wish to direct the attention of the hon. gentleman from Marshfield to the fact that the initialling does not afford any opportunity to identify the voter, because all the ballots are initialled, but the numbering does. The words are unnecessary and calculated to mislead, because the initialling on the ballot does not give any clue to the identity of the voter.

Hon Mr. FERGUSON—My hon. friend will observe that, with regard to the objected votes, the initials must be placed on the ballot. This is simply to carry out the other provisions of the Franchise Act with regard to these votes.

Hon. Mr. ALMON—Would it not save a great deal of trouble if the hon. member from Prince Edward Island was to make an amendment to this bill to say that the votes shall not be taken by ballot, but that there shall be open voting? I understand him to say that there is open voting for local legislature, and they might be given the privilege of open voting for the Dominion. After the exposure of those rascally proceedings which have taken place in Ontario, and that observation about the machine—we know there were corrupt practices in three elections at least, and we do not know in how many more—is it not clear that open voting would be much better than voting by ballot? We know what an obstruction is carried on in the House of Commons committee, with regard to the investigation of this very difficulty, with the object that no decision shall be reached this session. All that must convince this Senate that the proper way of conducting an election is by open voting. There would be very little trouble in granting it in Prince Edward Island, where it already prevails. It would enable us to see whether elections can be conducted better in that province under a system of open voting than they are in Ontario by ballot where the machine works.

Hon. Mr. FERGUSON—I do not differ materially from my hon. friend as to the merits of open voting. We have it in Prince Edward Island in provincial elections, and we find it works as well as the ballot does. There is no strong desire there to change it, but my hon. friend will observe that if we were to attempt to exempt Prince Edward Island from the operation of the ballot, we would have to amend the Dominion Elec-

tions Act in so many respects that I would not attempt it in a little bill of this kind, and it would have to come from the government.

Hon. Mr. CLEMOW—It is quite evident there will have to be some change made in the ballot paper. It is now in such a shape that it is counterfeited in every election, and it is utterly impossible to hold an election in the future without having a recurrence of what took place in the past year. Some change should be made in the ballot paper. I do not know how it could be accomplished.

Hon. Mr. ALMON—By open voting.

Hon. Mr. CLEMOW—Fac similes are pre pared in such a way as to defy detection. I want to know whether the government propose to offer some remedy for this state of things? Without some change it will be impossible to conduct an election in the future with any degree of fair play. It is generally understood throughout the country that ballots can be manipulated, and you can depend upon it that it will be the party who can procure the latest voting machine that will carry the election. This evil is growing every day, and will continue to grow, now that the people understand how the elections can be manipulated. Unless some change is made, future elections will not be an expression of public opinion. I do not know whether a paper could be had, something like bank note paper, that could not be counterfeited. If that cannot be done, some other process should be adopted for the purpose of securing a correct record of the votes which may be polled at the next election by both parties. I am not speaking in favour of one party more than the other, because you can depend upon it the practice which prevails now will be carried on by both sides.

Hon. Mr. ALMON—No.

Hon. Mr. CLEMOW—I have always favoured open voting, but whether that would be too Tory an idea to take up at the present day, I do not know. I am told that there is a machine in the United States now for recording votes by electricity. The machine contains the names of the candidates, and you record your vote for the party for whom you wish to cast it. We want a faithful and honest election, and we want every man to record his vote as he thinks proper. We do not want men to go around the country hugging machines to poll votes for you and me. I want to poll my own vote, and I should like to do it in the old Anglo-Saxon way, by open vote. It would be pretty hard to carry that now, though it would not be so hard to work the old system, if people would try the experiment. It is as well the matter should be discussed now in order that the government should know the feeling that is abroad, and it rests with them to provide a remedy as soon as possible.

Hon. Mr. PROWSE—I do not know that it is in the province of this House to say whether voting should be open or by ballot, but in my opinion one great cause of the corruption that is being exposed to-day, in reference to elections, is the amount of money contributed towards election funds. There is ten times more evil produced by that than by any other cause in reference to elections. I would be very much in favour of giving a large sum for the purpose of detecting and prosecuting bribers at elections, but not one dollar towards buying votes or to help the machine. The responsibility for the prevalent corruption rests with gentlemen of large means and with the government. There is no question about it, large amounts of money are improperly used at elections, and I am afraid a great deal of public money is used for that purpose. It is for the moneyed people as well as those who control the affairs of the country to see that no public money or private money shall be used in that way. If hon. gentlemen are desirous of seeing elections properly conducted, let them contribute, and contribute liberally towards the detection and prosecution of those who are corrupting the electorate of the country.

Hon. Mr. POWER—If the hon. gentleman from Marshfield had introduced a bill to abolish vote by ballot, we might go into a discussion of the merits of voting by ballot, and I should be disposed to support the hon. gentleman, but that is not what is before the House just now. With regard to the suggestion made by the hon. gentleman from Rideau Division I think that in some places the deputy returning officer has a stamp with which he stamps each ballot before handing it to the voter. That stamp would prevent, to a certain extent, the use of improper ballots.

Hon. Mr. LANDRY—They would get another stamp made.

Hon. Mr. McCALLUM—Where you have a dishonest returning officer, what would you do? I think a good deal of the trouble about the ballot is that the printing of the ballot is done in the newspaper offices. The government should print all the ballots. As long as they are printed at offices throughout the country, it will lead to rascality. I think a good deal of the trouble we have had in the elections has come from that source.

Hon. Mr. MILLS—Hon. gentlemen are carrying on a discussion of this question, which is beside the bill that is before us, as if there were some extraordinary rascality disclosed in this Parliament. I do not understand that that is so. I understand that there is an inquiry being made in the other House in respect to an election in the county in Huron. I understand that the ballots were printed, or commenced being printed, in the office of the Godrich *Signal*, and that the paper that was being used was too thin. The proprietor, when he came in, stopped that printing, and ordered them to take a better and heavier quality of paper. So there were really two kinds of paper used in printing the ballots. But if hon. gentlemen will read what has been established, they will see that at some of the polls, only the ballots of the better kind of paper were used. The first thing that suggested suspicion was the discovery in one box that was first examined of fourteen ballots of that better kind of paper, and it was supposed that those had been substituted ballots; but in other boxes, the whole ballots were of that sort of paper, even where the majority of ballots were marked for the unsuccessful candidate, so that a little inquiry dispelled that suspicion altogether. Whatever happened elsewhere, hon. gentlemen will see that in that election there was none of the ballot stuffing that was at first suggested, and which led some to suppose, suspiciously I suppose, like my hon. friend across the floor, that some wrong had been done. As far as I can learn, the investigation up to the present moment has dispelled that view.

Hon. Mr. PROWSE — Did not the Premier in the other House admit that a prima facie case had been made out?

Hon. Mr. MILLS—I do not know what the Premier admitted, but that erroneous view was on the assumption that these ballots printed on heavy paper were fraudulent. It was subsequently found that they constituted the vast majority of the ballots, because the proprietor, when he saw the quality of the paper that was being used at first, stopped it, and those ballots that were printed on the thin paper were used, but there was no more printed on that quality of paper, but a better and heavier quality of paper was used.

Hon. Mr. LOUGHEED—How do you account for the counterfoil being entirely different from the spurious paper?

Hon. Sir MACKENZIE BOWELL—They did not fit. The ballot cast did not fit the counterfoil.

Hon. Mr. BAKER—Do I understand the hon. Minister of Justice to suggest that there was no iniquity?

Hon. Mr. MILLS—That is what I am suggesting, and I say up to the present time —I do not know what was disclosed to-day —but what was disclosed before to-day does not show any iniquity.

Hon. Mr. BAKER—How do you account for the fourteen ballots being uniformly marked for one candidate? How do you account for their being of a different size from the stub of the book from which they were torn? How do you account for the edges being white while the edges of the others were black? The hon. Minister of Justice shows a degree of innocence that I did not believe any man in public life could be guilty of.

Hon. Mr. MILLS—The hon. gentleman has shown a good deal more than a degree of innocence in the discussion that he has initiated here. I made my statement of the impression that the information, so far as it had been given, has made upon my mind. I find that ballots which were marked for both candidates in other polling divisions were exactly of the same paper that the hon. gentleman says is suspicious and printed in the same way. The hon. gentleman says there was a conspiracy in the case of those fourteen ballots. I do not believe there was, because his suspicion would apply to the entire ballots deposited for both candidates

in the other polling divisions. The hon. gentleman may demur to that view. All I can say to him is not "great is thy faith in man," but "great is thy incredulity."

Hon. Mr. BAKER—Since this discussion has been precipitated upon the committee, let us confine ourselves actually to the facts of the case exposed in the Committee on Privileges and Elections of the House of Commons. We found there the stubs of the ballots that were furnished by the deputy returning officer, and the remaining ballots still attached to the stubs. We found ballots which are of a different size and fourteen of a different make of paper, marked uniformly with initials which are written in a particular style with ink, while the rest were marked promiscuously with pencil. We found the ballots printed by a different machine—I do not refer to "the machine" by which the ballot boxes were manipulated, but the machine by which the ballots were actually printed, the printing press. The lines on the ballots themselves showed that they were printed on a different machine. They could not have been detached from the stub, and yet we find the hon. Minister of Justice, from his place in the Senate, contending that there is nothing suspicious about the circumstances. If the man who was elected in that constituency had any self respect he would have risen in his place the moment that exposure was made in the House of Commons and declined to sit longer on the seat that was polluted, and would have walked out of that chamber a bigger man than he has ever been, or than he ever will be if he continues to cling to it in spite of the evidence that has been produced. Let us examine the other circumstances and see how perfectly hollow the pretensions of the hon. Minister of Justice are that there is a possibility that there could have been anything like innocence connected with the polling in that place. Forty-three men have been sworn and have given evidence that they marked their ballots for the Conservative candidate, yet only thirty ballots were found marked for him, and yet we are told in the face of that evidence that the presumption remained that it was an honest election! The Minister of Marine and Fisheries was on the spot and he admitted that those ballots were spurious, and there can be no other contention, yet the hon. Minister of Justice—he who above all the members of the government, who above all men in Canada, is bound to maintain the purity of elections and honest voting—stands up in his place in Parliament and contends that there is no presumption raised against the honesty of that ballot. I am amazed. I knew the hon. Minister of Justice years and years before he came into the Senate, and I always believed that, as public men go, he was one of the most honest public men who had ever taken a seat in the Parliament of Canada, but to-day what a fall has there been!

Hon. Mr. MILLS- Hear, hear.

Hon. Mr. BAKER—Did I understand the Secretary of State to cry "Hear, hear?

Hon. Mr. SCOTT—I am quite prepared to cry "Hear, hear." I am listening to a most extraordinary statement.

Hon. Mr. BAKER—I hope I shall not be provoked to deal with the hon. gentleman as he deserves, but I say it is a surprise to me, a disappointment to me that the Minister of Justice, from his place in the Senate, without being called upon to do so, has interjected a defence of the greatest fraud that has ever been perpetrated upon the electors of this country.

Hon. Mr. MILLS—The hon. gentleman has been a party to fraud in the other House for years. Did not the hon. gentleman defend the Queen's County case while he was in the other House, and the hon. gentleman assumes indignation towards me because I state my impression with regard to a prima facie case as it stands in the other House. I have to say to the hon. gentleman that the case is not before us for discussion. It was because the matter was referred to here, and the statement made that fraudulent ballots had been used during the election, that I referred to the matter at all, and I referred to the fact that I know Mr. McGillicuddy, who was the proprietor of the office in which those ballots were printed, and he told me himself, personally, that his young man, who was printing off the ballots, had started to print them on thin paper, and when he came in, he stopped him and told him to use other paper. You had, further than that, Mr. Cummings, the returning officer in that place, swear that

those were his initials on the fourteen ballots, as well as on the others.

Hon. Mr. McDONALD (C.B.)—I do not think there is any necessity for a heated discussion on this bill, but I may say that the suggestion made by the hon. gentleman from Ottawa, in view of what has transpired in the last elections and the by-elections, should be considered by the government. It is the part of wisdom, if we want to see pure and honest and just elections, that the government should print the ballots themselves and in that way prevent imitations of the printed ballots by any newspapers, throughout Canada. In my own constituency we have four newspapers, and if the ballots for an election are printed in the office of one of those newspapers, and the other papers find it out, and they have dishonest printers among them, what is to prevent them imitating and printing ballots intended to be furnished to the returning officers? Therefore, it is absolutely necessary for the government, in order to save themselves and ensure honest elections, to have the ballots for the whole Dominion printed by the government and furnished to the returning officers in the various constituencies in Canada. With regard to what the Minister of Justice says about what is transpiring in another place in the West Huron election case. I believe he has not had time to study the matter. I have had an opportunity of seeing and hearing what was going on, and I saw the ballots stubs with some of the ballots that had not been used still adhering to them. The number of ballots polled at that particular poll numbered from one to ninety-eight, and the ballots had been torn from that stub. That stub is of a certain colour. The edges of the ballots were black. Of the ninety-eight ballots which were put in the ballot box, only a certain number had the edges black, corresponding with the stubs showing clearly that fourteen ballots put in the ballot box were not taken from the book which was furnished to the returning officer. That again shows conclusively the necessity of the government guarding the purity and honesty of election, and that they should print the ballots themselves.

Hon. Mr. ALMON—I want to know whether Mr. Preston, the man who sent the telegram to the member elect to "hug the machine" and was likewise, I believe, denounced by the *Globe* (and his guilt must have been strong when the *Globe* mentioned it) is still in the pay of the government.

Hon. Mr. SCOTT—Several hon. members have referred to the importance of having those ballots printed at Ottawa.

Hon. Mr. ALMON—Is there no answer to my question?

Hon. Mr. MILLS—The hon. gentleman has the floor; I will answer when he is through.

Hon. Mr. ALMON—I will let you off.

Hon. Mr. SCOTT—On the first day of the examination, when it was stated that fourteen ballots were not similar to the other ballots used in the elections, the attention of the government was called to it on the assumption that fourteen ballots, at all events, had been shown to be different from the officially prepared ballots, initialled by the returning officer. It was then considered that probably an improvement might be made by having the ballots printed, as referred to by my hon. friend behind me (M. Clemow), on water-lined paper, that could not be imitated—paper that could not be made in Canada, and that other marks might be attached to the ballot, which would make it utterly impossible to counterfeit them. The moment I heard of this, I had some ballots prepared for my own information, and I believe the proposition is one that is not only feasible, but I think will be useful, and one that will probably be adopted. I desire to say one word in reply to the declamation of the hon. gentleman opposite (Mr. Baker) which I think was extremely unfair, when he knows the facts I think he will be prepared to make an apology to the Minister of Justice and the House. I have it from a member of the committee that when the fourteen ballots were shown to be different from the others, he came to the conclusion, as we all did, that they had been improperly placed there. If I am correctly advised—I was not present, but I have been told by several gentlemen who were present—the committee found ballots for McLean exactly of the same character cast at other polls; if that is so, it bears out the statement of the Minister of Justice that ballots of the same character were used on both sides.

Hon. Mr. LOUGHEED—How do you account for the absence of the counterfoils?

Hon. Mr. SCOTT—I am not satisfied that there has not been fraud. I do not propose to justify anything that has been done. I am limiting my statement to what I believe is absolutely reliable, that is as far as the fourteen ballots were concerned. Some of the ballots which were cast for both candidates in other divisions were exactly similar to those which were supposed to be fraudulent—the same paper and the same mark on the edges as hon. gentlemen have described —and gave other indications that they were the same in every particular as the fourteen. I do not know whether a fraud was committed or not. I am limiting my statement to the fourteen ballots because I have not given my attention to any other feature of the case but that.

On subsection 1 of 64.

Hon. Mr. FERGUSON—I move that the words "one hundred" be struck out and "three hundred" substituted.

Hon. Mr. MILLS—That is altogether inadequate.

Hon. Mr. FERGUSON—I think my hon. friend will agree with me when I tell him that from our experience in Prince Edward Island we have had a good many scrutinies under the provisions of the local law and there has never been one that has involved anything like that amount. They have been a much simpler proceeding than my hon. friend would think they were. They turned on such questions as the performance of statute labour by young men, and one case would be a test case, and the cases were soon brought to a conclusion in that way.

Hon. Mr. MILLS—Where does the hon. gentleman in this bill provide for the examination of all the ballots that have been protested?

Hon. Mr. FERGUSON—That is what we are providing for.

Hon. Mr. MILLS—Where? The petitioner would only inquire into the ballots that his own agent had objected to.

Hon. Mr. FERGUSON—Perhaps we had better settle the question of surety first. My hon. friend the Minister of Marine and Fisheries, thinks possibly the clause could be made clearer with reference to the scrutiny. I am willing to have that made clearer if necessary.

Hon. Mr. POWER—The hon. gentleman's estimate of $300 is based on the practice in Prince Edward Island, but the operation of this clause is not limited to Prince Edward Island.

Hon. Mr. FERGUSON—Oh, yes.

Hon. Mr. POWER—Paragraph 3 is the only one which refers to Prince Edward Island alone. Paragraph 4 is not confined to Prince Edward Island, but applies to the whole country.

Hon. Mr. FERGUSON—One hundred dollars is ample where there is nothing involved but a counting up of votes, and in place of striking out the words "one hundred," I would add "or in the case of Prince Edward Island three hundred dollars," so that it would make a larger sum necessary to be deposited in Prince Edward Island on account of the objected votes coming up on the recount. My hon. friend from Halifax is right, I think, in what he says. We would then leave the law exactly as it is now all over the country, but in Prince Edward Island, where we are imposing a different duty on the county judge at the recount, and we would there make the surety $300.

Hon. Mr. MILLS—The hon. gentleman is doing this on the assumption that on a recount he is to have a scrutiny. A scrutiny is one of the most expensive proceedings that we know of in controverted elections. My hon. friend, the leader of the opposition, will remember the scrutiny in the case of Rykert *vs.* Neelon, where the costs were $15,000. That was in 1874. The hon. gentleman will see that in every other province where a ballot is objected to and marked that you only take into consideration the question upon a scrutiny, and the scrutiny requires you to file an election petition and deposit $1,000. My hon. friend proposes that, without filing an election petition and without a regular trial with regard to each vote or examination of it by a Superior Court judge, the County Court judge, in making the recount, shall inquire into the validity of each of those votes and shall pass upon them at the time. Does he

not think that that is to the advantage of proceedings in a recount in Prince Edward Island, because it is not done elsewhere.

Hon. Mr. FERGUSON — It is not required elsewhere.

Hon. Mr. MILLS—Not having a voters' list in Prince Edward Island, there is a possibility in that regard of men coming forward to vote that otherwise might not do so, but there is also this fact; I understand that in every polling division it is a rare thing that anybody comes forward to vote that everybody else in the locality does not know, and therefore there is perhaps less opportunity of getting in a vote that is not a proper vote in Prince Edward Island than any other province in the Dominion.

Hon. Mr. FERGUSON—My hon. friend will bear in mind that we are not proposing to introduce that feature in the law. That was put in the law by this House last year, and we are only suggesting necessary changes to carry out the intentions of that law. There are very few weaknesses indeed in the law, if there are any, and some think that there are none. We have no voters' list in Prince Edward Island, consequently there is no judicial or any other revision of a list establishing who has a right or who has not a right to vote. Consequently, in the polling booths of Prince Edward Island any man can go to the polls and claim that he has a vote, and if he takes the necessary oath, the ballot is given to him and it is put in the box and that ends it. I am quite willing to admit that a great deal of that sort of thing is not usually done in Prince Edward Island, but that is largely because we have this protection in our law. It is not much benefit for the candidate to have bad votes put in for him when they can be objected to and struck out on the scrutiny, and he will be put to costs. As we have not had a judicial revision of the votes before the election, we must have some protection after the election in the event of a large number of bad votes being cast. We have had a by-election in East Prince since this Act was passed last year, and I am told that there were only five votes marked objected in that election. It does not follow, however, that if this law had not been in existence there might have been one hundred bad votes put in, because they knew this check was upon them, and if they put in and got counted on the night of election, they felt and believed, as everybody did down there at that time and as everybody believes still, that the law we passed was effective and they could be struck out and lost on the recount. We simply want these votes to be reviewed by the County Court judge at the recount. This clause will not be called into requisition except in cases where the majority is a small one. If the defeated candidate believes there are more bad votes cast for his opponent than for him, he would make application for a recount. We have had about half a dozen of these scrutinies within my recollection, and none of them proved to be expensive or protracted. I remember one election in Charlottetown, when there were about 2,000 votes cast, between Mr. Morris and Mr. McLeod. Mr. McLeod was elected by two and Mr. Morris demanded a scrutiny. It took the best part of two days. Mr. Morris' counsel objected to votes cast for Mr. McLeod until he had exhausted his list, and if I remember rightly Mr McLeod was put ten or fifteen behind, and his counsel commenced to examine the votes cast for Mr. Morris, and he went on till he got a majority of one for Mr. McLeod and then he stopped. It was not necessary to go any further, and the sheriff declared Mr. McLeod elected. Seventy dollars was the cost of that scrutiny. Then there was the West River case, in which it turned on the due performance of statute labour, and the case lasted longer than that. I know I had to come to the relief of my friend who was the candidate, financially in the matter, and the costs were less than $200. I know there were some four or five others, and none of them amounted to anything of a serious nature whatever. The protection that we will have in possessing this provision in the law to have a scrutiny of votes at the recount will prevent bad practices, and there will be no inducement to the candidate to offer bad votes. My hon. friend seems to be under the impression that this might be left for an election trial. My hon. friend's object in introducing the Franchise Act of last year was to make it conform to the local statutes. Well, he would not be carrying out that principle unless he introduces in the law the principle in the local statute of having this scrutiny before the sheriff or before the County Court judge. It is necessary to carry out the principle which my

hon. friend claimed to be underlying the Franchise Act to furnish the protection that is furnished under the local law.

Hon. Mr. MILLS—Oh, no.

Hon. Mr. FERGUSON—My hon. friend says no. I am surprised to hear him say no. I claim to understand something about the local statutes of Prince Edward Island in election matters. I have had a good deal of experience in them, and am speaking correctly when I say this protection is given in the provincial laws in Prince Edward Island, and it is the duty of Parliament to give the same protection in Dominion elections when we are using and applying the local laws. As against the other proposition, that this might be left to an election trial, the hon. gentleman will see at once in what an unfair position it would put the candidates in Prince Edward Island. In every province of Canada the question of who has a right to vote, or who has not, is settled judicially before the election, and unless there is some fraud, the question of the qualification of the voter cannot come up before the judge at an election trial. There the general conduct of the election and the question of whether it was carried on purely, or whether there was bribery and corruption, are the matters which come in, but here we have simply to do with the question of the qualification of the voters, and hon. gentlemen will recognize this principle, that the man who has the majority of good votes ought to be returned by the returning officer and by the County Court judge after the recount, and the question of the majority of good votes should not be allowed to be mixed up with the question of bribery and corruption, or any other question. It is the easiest thing in the world. If it is left entirely to be settled by petition before two judges, it is many times a more expensive way, but if it is left to be settled there the moment the candidate who has been counted out on account of bad votes being recorded against him appeals on an election petition to the court, his opponent feeling that he is beaten on that point, in order to make a saw off, files a counter petition and, the whole matter is involved in an election court, and the man who has a majority of good votes is mixed up in an election trial and through a saw off and such manipulations he may lose his right to represent the constituency. We only desire to carry out what the law of last year proposed to do, and that is to allow the man who felt that bad votes were cast against him to appeal to the County Court judge to have these votes examined and their merits decided upon at the recount, leaving all other matters to be disposed of exactly as they are in other parts of the Dominion.

Hon. Mr. POWER—As the proposed amendment refers to Prince Edward Island and does not affect the other provinces, I suppose we should not object to it.

Hon. Mr. MILLS—Assuming they may properly allow a recount at the scrutiny, all the votes should be inquired into.

Hon. Mr. FERGUSON—I do not want to mix up the question, we are dealing with the amendment now.

The amendment was adopted.

Hon. Mr. MILLS—It ought to be made clear that where you go into a recount the validity of all the votes objected to ought to be considerd on both sides, so that a minority candidate would not be counted in.

Hon. Mr. FERGUSON—If my hon. friend has any serious doubt on that point perhaps he would point out what he thinks there is in this clause to support the view that only a part of the votes are being considered. For my part I cannot see it. Subsection one, of section sixty-four, taken in connection with subsection two of the same section that we propose now, make it very clear that all the votes would be subject to be decided upon by the county judge.

Hon. Mr. MILLS—I think the doubt that I have in my mind will be removed, if we add at line ten, page three, these words "And in the case of Prince Edward Island to scutinize all the votes objected to," that will answer the purpose.

Hon. Mr. FERGUSON—I think there is no necessity for that amendment.

Hon. Mr. SCOTT—There is no harm in it.

Hon. Mr. FERGUSON—It might confuse. There is first a method provided by which objection can be taken to vote by the agent of the candidate. Next comes the action of the returing officer in marking an objection upon the poll book, and a corresponding mark upon the ballot, and then counting the votes for the candidate. Then

comes the next step, and that is, putting such ballot, at the close of the poll after it has been counted, in a separate envelope. Then comes the County Court judge's action under section 64. There is to be an affidavit made by a credible witness, and he must set forth, among other things, that in the province of Prince Edward Island some person not qualified to vote in such electoral district has voted. That must be in the complaint in Prince Edward Island. We turn to a new section that we propose to add to section 64, subsection 2. It will be found on page 4, and reads:

In the province of Prince Edward Island the judge shall decide the objections made in each case where a ballot paper has been cast by a person whose right to vote has been objected to on the ground of want of qualification.

The complaint is to be a general one, that some persons have voted who have not the right to vote, and then the County Court judge is to decide each objection. The objection my hon. friend has in his mind is the objection that is made at the polling booth and the inquiry covers every one of these objected votes.

Hon. Mr. MILLS—My hon. friend does not see what I see, and it is that this deposit is made by a party who objects to the return of the candidate, and asks for a scrutiny in respect of votes objected to. In reference to what votes objected to? The whole?

Hon. Mr. FERGUSON—Yes.

Hon. Mr. MILLS—Certainly not. It is all the votes to which he or his agent took exception. He is not depositing money for the purpose of giving the other side an opportunity to make a scrutiny. What I wish is a provision enabling the party who asks for a scrutiny to have the validity of all the objected votes considered, whether it is the candidate petitioning for a recount, or for the other party, to be examined and inquired into and my hon. friend's bill, as it stands, does not reach that point, because he will be told by any lawyer who examines into this matter that the words, "those in each case" mean where the petitioner has objected, not in each case where everybody else has.

Hon. Mr. FERGUSON—Would it not be better to introduce that on page 4 subsection 2.

Hon. Mr. MILLS—I do not care where it is as long as it is put in.

Hon. Mr. FERGUSON—There can be no harm in it.

Hon. Mr. MILLS—In subsection 2 it may be declared that he will examine into the votes cast by both candidates.

Hon. Mr. POWER—This is a case in which it is well to go slowly, so that we shall not make any mistake. It appears to me that there should be some provision in the beginning of section 64 that where the judge decides that there is to be a recount, then the party who has the majority of votes on the face of the return should have an opportunity to put in some sort of statement as to the votes to which he objects, so that when the judge comes to make the scrutiny, he is bound to consider the votes objected to by both parties. I think in order to make it clear it would be well to have some provision of that kind inserted in the first subsection, and if we allow this subsection to stand, the hon. gentleman can consider the matter and have the amendment put into shape, and we can put the bill through when we meet again without any loss of time.

Hon. Mr. FERGUSON—That is the best arrangement, I think. The clause can be allowed to stand.

The subsection was allowed to stand.

Hon. Mr. BOLDUC, from the committee, reported that they had made some progress with the bill and asked leave to sit again.

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, 26th July, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

YALE-KOOTENAY TELEGRAPH COMPANY'S BILL.

THIRD READING.

Hon. Mr. BAKER, from the Committee on Railways, Telegraphs and Harbours, reported Bill (7) "An Act to incorporate the Yale-Kootenay Telegraph Company, Limted," with amendments.

Hon. Mr. CLEMOW moved concurrence in the amendments. He said:—These amendments are rendered necessary in consequence of the bill introduced by the government not having been passed. It is necessary therefore, to incorporate these clauses with reference to the telegraph line. As the bill was originally introduced this provision was struck out in the Commons, and a general clause put in, expecting that the general Act would be introduced this session.

The motion was agreed to.

The bill was then read the third time, and passed under a suspension of the rules.

MEDICAL CONGRESS ON TUBERCULOSIS.

MOTION.

Hon. Mr. POWER moved:

That an humble address be presented to His Excellency the Governor General; praying that he will cause to be laid before the Senate, a copy of the report of the delegate sent by the government of Canada to the Medical Congress on Tuberculosis, held at Berlin, Germany, in the month of May last.

He said:—Hon. gentlemen are all aware that a Medical Congress was held at Berlin, Germany, in the month of May last, for the purpose of considering the question of tuberculosis. Every hon. gentleman knows how great the mortality is which exists in our population from this disease. It has been held in the past that the disease was hereditary and not contagious. The latest medical opinion is that it is not hereditary, but that it is contagious; and while every hon. gentleman here is probably aware of the modern view, a great many people through the country are not aware of it. It is to be presumed that the report of the delegate, who was sent by the government of this country to take part in the congress at Berlin, will contain valuable information on this important subject; and there is no doubt that it is desirable that that information should be laid before Parliament with a view to seeing whether or not it should be printed for the information of the public.

MANITOBA SCHOOL LANDS.

Hon. Sir MACKENZIE BOWELL—Before the orders of the day are called, I should like to direct the attention of the Secretary of State to a question of returns. The hon. gentleman will remember that he laid on the table the other day a return to an address of the Senate moved by myself in reference to school lands in Manitoba. It was handed to me to look at to see whether it covered what I wanted. It covers most of the information I asked for, but the hon. gentleman will remember that I asked him if he would have, in addition to this, a tabulated statement which is contained in the report laid before the Senate in answer to an address moved by the hon. gentleman from St. Boniface, of the revenue and expenditure, from the 20th April, 1893, up to the present time. The completion of this return, which I hold in my hand, from 1893 up to the present time will furnish the House all the information that may be required in case we have to discuss the question in future.

Hon. Mr. SCOTT—What you want is the tabulated statement continued?

Hon. Sir MACKENZIE BOWELL—Yes.

Hon. Mr. SCOTT—That is all that is now required?

Hon. Sir MACKENZIE BOWELL—Yes, the tabulated statement continued down to the present time.

YUKON TERRITORY ACT AMENDMENT BILL.

THIRD READING POSTPONED.

The order of the day being called:

Third reading Bill (U) "An Act to amend the Yukon Territory Act."

Hon. Mr. MILLS said:—I mentioned the other day that I postponed this bill because a good deal of it concerned the Department of the Interior. I made some changes, after consulting with Mr. Clement and other officers from the Yukon Territory, and I wish to confer with my colleagues again before I go on with it. I want that opportunity. I therefore ask that the order of the day be discharged and the third reading of the bill be made the order for to-morrow.

The motion was agreed to, and the order of the day was discharged.

DOMINION ELECTIONS ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into Committee on Bill (V) "An Act further to amend the

Dominion Elections Act as respects the Province of Prince Edward Island."

(In the Committee.)

Hon. Mr. FERGUSON—In order to meet the view of my hon. friend the Minister of Justice, I have prepared an amendment to section 2. I propose to strike out all of subsection 2 on page 4, down to the words "upon oath and" in the 17th line, and to substitute the following:

In the province of Prince Edward Island the judge when recounting the votes shall take into account all ballot papers numbered and initialled by the deputy returning officer under section 23 of the Franchise Act, 1898, as having been cast by persons whose right to vote has been objected to on the ground of want of qualification and the judge shall decide such said objections as are persisted in at the recount by any candidate or by the agents of any candidate and for the purposes of such decision he shall hear the candidates or their agents and may examine on oath any person whose vote has been objected to. Both candidates may be represented by counsel, and the judge may——

Hon. Mr. POWER—I think there is one omission in the amendment which the hon. gentleman has submitted. It authorizes the examination of the person who tenders his vote and of the representative of the candidate, but the portion of the subsection which has been stricken out provides as follows:—

For the purposes of such decision he shall hear any of the parties then appearing before him in support of, or against any such objection.

It might be necessary to take the evidence of the neighbour of the person whose vote was objected to. The agent of the candidate might not have the information as to the qualification of the person whose vote was objected to, so that that needs a little extension. The judge ought to be allowed to examine and take the evidence of any person who is tendered as a witness before him. We might say:

The evidence of the voter as well as of any other person.

Hon. Mr. FERGUSON—Yes. We will add after the words "whose vote has been objected to," the following: "and any other persons."

The clause, as amended, was adopted.

Hon. Mr. BOLDUC, from the committee, reported the bill with amendments, which were concurred in.

The bill was then read the third time and passed, under a suspension of the rules.

EXPROPRIATION ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resumed, in Committee of the Whole, consideration of Bill (D) "An Act to amend the Expropriation Act."

(In the Committee.)

Hon. Mr. MILLS—The whole of the first clause has been struck out. The principle involved in clause 2 has already been objected to in the Exchequer Court Bill. Of course there is no object in calling upon the House to vote on clause 2 when the principle involved in it has already been rejected in the other bill. I, therefore, propose to drop those clauses of this bill and to substitute the one of which I gave notice.

Hon. Sir MACKENZIE BOWELL—The hon. minister is droping clauses 2, 3 and 4?

Hon. Mr. MILLS—Yes, I must do that, and I move that the following clause be substituted:

Paragraph (*f*) of section 3 of the Expropriation Act, being chapter 13 of the statutes of 1889, is hereby repealed and the following substituted therefor:—

(*f.*) After the course of any river, canal, brook, stream or watercourse, and divert or alter, as well temporarily as permanently, the course of any rivers, streams of water (railways), roads, streets or ways, or raise or sink the level of the same, in order to carry them over or under, on the level of, or by the side of the public work, as he thinks proper; but before discontinuing or altering any (railway or) public road (or any portion thereof) he shall (substitute) another convenient (railway or) road in lieu thereof; (and in such case the owner of such railway or road shall take over the substituted railway or road in mitigation of damages, if any, claimable by him under this Act,) and the land theretofore used for (any railway or) road or (the part of a road) so discontinued, may be transferred by the minister to, and shall thereafter become the property of, the owner of the land of which it originally formed part.

The provisions of this section are retroactive and shall apply to past as well as to future transactions.

Hon. Sir MACKENZIE BOWELL—When this amendment was proposed by the hon. Minister of Justice, I gave an opinion that, from casually hearing it read, it was not objectionable. Neither do I say that it is at all objectionable at present, providing the hon. gentleman would apply it to the case that he indicated to the Senate in connection with the St. John harbour improvements; but I object upon principle to the last two lines, where the provisions of this clause are made retroactive, to apply to the past as well as future transactions. I asked

the question, also, at the time, whether there were any other cases that this clause would meet. I understood the hon. gentleman to say that he was not aware of any other. If there are no others which it is intended to affect, then there can be no possible harm in striking out the last two lines, or making them applicable only to the case which he mentioned. Since this amendment has been on the notice paper, I have learned that there is another short railway in connection with an expropriation which has taken place that of Mr. Stewart's, better known as Archie Stewart. I have learned from himself that there is a short railway which the government has expropriated in connection with the quarry which they have taken from him. It will be remembered that he had a large contract on the Soulanges Canal, the terms of which the government alleged he did not carry out. They annulled the contract, took the work from him, took all his plant, which they had a right to do under the contract, and paid him for it. They then expropriated the quarry, leading to which there is a short railway. Now, would not this bill, having a retroactive effect, apply to that case as well as the case in St. John? If it would, then it would be simply legislating that gentleman out of court.

Hon. Mr. MILLS—No.

Hon. Sir MACKENZIE BOWELL—If you have expropriated, and he is in court, I think it would legislate him out. I am stating it as I understand it. This case under fiat was sent to the Exchequer Court. The government employed Mr. Samuel Blake, as a lawyer to conduct the case on their behalf. He applied to the court to amend the plan, leaving out a portion of the property which the government had expropriated. The court decided that they had no power to do that—that a plan having been filed, the government became de facto owner of the property which they had taken from Mr. Stewart, and the only question was as to the amount of money that they should pay him as compensation therefor. It was new to me, but this map was put in my hands by him to-day, and it shows that there is a railway running to his quarry, extending some little distance. If the amendment is intended to meet that case, it becomes highly objectionable, because it is a case in court, as I am informed, and this Senate should not be placed in a position to legislate any one out of court. If the government have made a mistake through its officers, in taking from this gentleman more of his property than they want, they have deprived him in the meantime of disposing of the product of the quarry. I am not going into the merits of the case as to whether the government did right or wrong, but having taken the property, even if a loss has been sustained, every one would say it is much better that the country should suffer that loss than an individual. It seems to me to be an extremely hard case to ask Parliament to deal with a question of that kind in the manner proposed, and that is why I asked specially, when the question came before the House, and I saw a provision to give the clause a retroactive effect, whether it could possibly affect any other case than that at St. John. I repeat, under the circumstances attending the improvements in St. John harbour, I could see no possible objection to giving them the power to deal with the short piece of road running from the east end of the bridge crossing the St. John River to the station, throwing the track further back if necessary to do so. With the question of compensation we have nothing to do. The courts can decide that. I throw out this suggestion, and I hope the hon. gentleman will, under the circumstances, accept it, if they want to go on with the harbour improvements, and confine the clause to that work.

Hon. Mr. MILLS—I call the hon. gentleman's attention to the fact that there is nothing in this bill that could at all touch the case of Mr. Stewart. In Mr. Stewart's case the government took possession of the railway that led from the railway station, I think it is, to the quarry under the authority already existing, section 5 of the Act, to the passing of which the hon. gentleman himself was, I think, a party, which authorized the government to take possession of the right of way and to establish it, and to either acquire it permanently or acquire it temporarily in connection with the use of the quarry. That is already provided for in the Expropriation Act, so that this has not the most remote relation to a case of that sort at all. This is not the acquisition of a road of that kind. Here is a short railway belonging to the Bridge Company at St. John that runs down to the harbour. The location of that road is in the way of improvements in the har-

bour that the government intend to make, and there does not seem to be, under the Expropriation Act at present, any power for the Crown to expropriate a portion of a railway. What we are attempting to do here is to expropriate the road and to locate another road further inland, which we will build and connect with the existing line of the company and hand over to them, leaving the Exchequer Court to decide what compensation, if any, the company are entitled to. We have no intention of being subjected to an exorbitant charge just because the railway company think that the acqusition of that property is necessary to the improvement of the harbour. If it is right or proper that the power should exist with regard to the place, then I can see, on no principle, why it should not be equally applicable in any other case, arising under like circumstances, and so I propose not to do what would be a very unusual thing, to confine the amendment to the Expropriation Act to an individual case, but to substitute it for the existing law. The only alteration is the introduction of the word "railway." The present law is general. We are simply applying the power already possessed to railways as well as to roads and other ways. Surely the House is not going to substitute a section in this bill which would confine the power of the government to an individual case. The power of the government exists with regard to any one or all of these cases wherever they arise. That is what we propose to do, and I am proposing now that this section, which I caused to be printed and put on the minutes a day or two ago, shall be substituted in place of subsection *f* of section 3 of the Act as it now stands. My hon. friends will see, by looking at section 5, that so far as the roadway into the quarry to which he refers is concerned, that power already exists, and so I am not proposing to touch that or deal with it in any way, directly or indirectly, but I am proposing to confer upon the government, by this amendment, the power to expropriate a portion of a railway when it is in the way of a public improvement, just the same as they may expropriate anything else. It is not a power to be arbitrarily exercised, but a power to be exercised under the surveillance of Parliament and by a government responsible to Parliament, and only where the object is to go on with the construction of a public work as the present law mentions. We are proposing the construction of docks that will cut in across the line of railway as it at present exists. We ask that that power, the same as these other powers, may be bestowed upon the government. We do not ask for power for a particular case, but when a particular case arises showing a defect in the law, then you ask that the necessary power may be conferred on the Crown in order that in that case, and all like cases which may arise in the future, the power may be possessed. It is by suggestions of this kind that all those provisions that we now find in the law have from time to time been enacted.

Hon. Mr. McKAY—Why does the hon. minister want the last two lines in the clause if that is all that is asked?

Hon. Mr. MILLS—Those people are asking a very exorbitant price. The contracts for the improvement of the harbour have been let. It is barely possible that the contractors have come upon a section of the harbour claimed to be in the possession of those parties, and the provisions of this clause are therefore made retroactive; that is, that if the Railway Department have undertaken to act upon the assumption that they have the power—for aught I know that may have been done—then there shall be no right of action in consequence of that, but there shall be the right of compensation. The compensation will cover the whole matter.

Hon. Sir MACKENZIE BOWELL—The explanation given by the hon. gentleman is clear and distinct enough, as far as it goes. The present law gives the right to take the road which leads to the property which may have been expropriated, and after the government have used it as long as they want, they can hand it back to the proprietor, on payment of an equitable sum for its use. Apply that to the short line of railway to which the hon. gentleman referred. That railway is of no possible use to anybody except the owner of the quarry, and they have taken the quarry from him by expropriation, and then they have taken the railroad, which cost from $9,000 to $10,000, as I am informed. After they have taken all the stone they require out of the quarry, and the canal is completed, then they hand back to Mr. Stewart this mile and a half of railway. Of what use is it to him except

for old iron? It is placing the line of railway in precisely the same position that it places a road through a man's farm. The road is there and has been constructed no doubt for the purpose of getting to some portion of his farm, but the railway, short though it be, was built for only one purpose and that was to enable the owner of the quarry to get the product of that quarry to the Canadian Pacific Railway or to some other railway, or to the river, in order to convey it to the place where it is to be used. Would that not be a case in which it would be an extreme hardship to the owner? Fortunately we have a direct and positive case to which we can refer, and in that case it does not stand in an analogous position to the using of a road or a stream for a temporary purpose, and therefore I think the Senate should not place the owner of that property in the position by which they can take a piece of railway from him, use it for a certain length of time, and then throw it back on his hands, having the other property in their possession, and without which it would be of no use to him.

Hon. Mr. MILLS—That has nothing to do with this clause.

Hon. Sir MACKENZIE BOWELL—The hon. minister has argued that they still have the right to take a road and use it and pay a rent for it during the time they use it, and then hand it back to the owner. That is right enough, because you could not carry out your work without it; but if the argument of the Minister of Justice has any force, this railway is in exactly the same position that an ordinary wagon road would be, that is after the government have used it for the time in carrying the stone out to the canal, then they hand it back to the proprietor, just the same as they would the road they had used or a piling ground, the land for which they had taken from the proprietor. If this piece of railway is put in the same position as a piece of road, then when it is handed back it is utterly useless, unless the man had the quarry, and, to my mind, the bill ought not to pass in that way.

Hon. Mr. SCOTT—The hon. gentleman is confusing two subjects, and his suspicions are unnecessarily aroused. The section under discussion, the substitution of this proposed clause, invokes a case where the government propose to hand over another railway in lieu of the substituted one; where they expropriate a railway, they must first construct another railway for the parties. These conditions will not exist in Mr. Stewart's case. It is not proposed to build a railway for Mr. Stewart if we take over that one. There could be no possible object in that. The clause reads:

> But before discontinuing or altering any railway, public road, or any portion thereof he shall substitute another convenient railway or road in lieu thereof.

Take the case of St. John; before the road can be expropriated the government will have to build a railway for the parties, in order that they should not be inconvenienced, and after providing them with a railway, then they would take over the old railway if it becomes necessary to carry on the work. Those conditions do not exist in Stewart's case. It is not proposed to build a railway alongside Stewart's railway.

Hon. Mr. MILLS—It is under another section of the Act.

Hon. Mr. McCALLUM—I do not see how we can take the intention of the hon. minister. The amendment should be made clear.

Hon. Mr. MILLS—It is clear.

Hon. Mr. McCALLUM—It is as clear as mud to me. I want it cleared before I can vote for it. Public works are being carried on now with the powers the government have for expropriating property, but they come now with what? With a bill for a certain purpose. If they have made a mistake in Stewart's case they are to blame. As I understand it, in Stewart's case they condemned the stone that Stewart was taking out of the quarry and said it was not fit for the work, and kept him back a year, and then they changed their mind and said, "Oh, well, you can use the stone and you can go on with the work, but you must complete it within the time." He said, "I cannot go on and do this work within a year because you have stopped me." Stewart could not go on with that work because he could not bind himself to finish it in the time agreed upon, because they had stopped him a year. They expropriated his quarry and road and plant and everything he owned and then they come round, by an amendment of this kind, and ask us to take the assurance of the

government that they do not intend to do so and so. I want this made perfectly clear before I can vote for it. It is not because it is Mr. Stewart's case. It does not matter to me whose case it is. I am not going to be a party to allow 5,000,000 people to do an injustice to one man. I will not sanction that while I have a vote, and I am sure the Senate will not sanction it. We should have it plainly stated that it does not apply to Stewart's case. My hon. friend speaks of taking one railway and building another. That is all right enough, but why does the hon. gentleman make it retroactive. I will not support that kind of legislation.

Hon. Mr. MILLS—My hon. friend has supported a great deal of that kind of legislation.

Hon. Mr. LOUGHEED—An amendment might be made to the clause proposed by the hon. Minister of Justice, which I think should be acceptable to the House, viz.: that the amendments to the Act should not apply to the claim of Archibald Stewart. I am not sufficiently familiar with all the facts in the Stewart case to say whether the amendments would tend to prejudice him or not. I doubt if any member of the House is sufficiently familiar with his case to pronounce positively upon the effect of those amendments. Suffice it to say that Mr. Stewart does say that those amendments would very seriously prejudice his claim. If that be the case, if there be any doubt about it, then I think in justice to Mr. Stewart, and from that sense of right which has actuated this House in dealing with questions of this character, we should place it beyond all peradventure that those amendments will not apply to that particular case.

Hon. Mr. CLEMOW—Hear, hear.

Hon. Mr. LOUGHEED—The only case before us, so far as I know, is the Stewart case. I would be satisfied in supporting an amendment to the effect that this Act should not apply to that particular case. I can see a possibility of this amendment applying to such a case as that of Mr. Stewart. The Secretary of State has very properly said that this amendment is intended to apply to cases where one road is substituted for another. That would be the general reading of the Act, still, this case under consideration may be of such a nature as would cause the application of this amendment. For instance, if the government, after expropriating Mr. Stewart's railway, had moved that road or railway to some other point on the property, or say off the property, then under this particular section the government could say to Mr. Stewart, "This is a road which we substitute for the railway we took from you, and consequently we ask you to take it back in mitigation of damages." That may be a strained construction of the Act; yet I say in the absence of a familiarity with all the facts relating to that particular case, it is difficult to say how far-reaching such an amendment may be. There is a new principle introduced into this amendment, a principle to which I do not object, in such an expropriation as in contemplated—that of substitution. The present Act does not admit of the principle of substitution; this does. I would suggest that there should be a short clause attached to this amendment so as to remove any doubt as to its application, and that it should be substantially as follows, that the amendments do not refer to the case of Archibald Stewart, now before the Exchequer Court.

Hon. Mr. McCALLUM—Nor to any one else.

Hon. Mr. MILLS—It is extraordinary that the case of Mr. Stewart should be brought up every time that we have proposed to deal with the subject of expropriation, and made the subject of controversy in this House. Why is it introduced to-day when we are dealing with an amendment that has no relevancy to Mr. Stewart's case, and why is Mr. Stewart championed by this Senate? I am not going into a detailed discussion of Mr. Stewart case. But what is Mr. Stewart's case? Mr. Stewart had a contract on the Soulanges Canal. That contract was not progressing very satisfactorily, and the engineer in charge, acting in the discharge of his duties, and in accordance with his conviction of what was right and proper, objected to some stone that was being quarried as being defective. The contract was delayed for a period of two months, in consequence of that objection to the stone. The objection was removed and the contractor was permitted to go on if he could, but he did not, and he spent, as far as I know, a whole season without doing anything. If the work was to be constructed it was

necessary to put some one else in charge, and as the way was built to this quarry, it was used, together with a portion of the quarry—not the whole of the quarry. Mr. Stewart had bought the quarry, a hundred acres, for the sum I understand of $2,000, or less. The government expropriated a few acres of that and took possession of the road under section 5 of the Act, not as their absolute property, but acquired an easement of it for the purpose of getting access to this property. Mr. Stewart says "You have taken possession of the road; you have closed the way and prevented me reaching the quarry, and I claim damages to the amount of $250,000, for the injury done me in taking possession of a fraction of the quarry for the purpose."

Hon. Mr. McCALLUM—He cannot get the $250,000; he can only get what he can prove in court.

Hon. Mr. MILLS—If my hon. friend and his friends persists in their way they will do all in their power to enable him to get the $250,000.

Hon. Mr. CLEMOW—No.

Hon. Mr. MILLS—Yes. I know what I am saying. In this matter every possible impediment that could defeat the government in securing a fair disposition of the question has, I do not say intentionally, but has in fact been raised. Now, that question is altogether outside of this bill that I have introduced before the House. This bill has nothing to do with Mr. Stewart's claim. Our expropriation of the railway, so far as it was expropriated under the Expropriation Act, was under section 5, which gives to the Crown the power to acquire right of way, a leasehold interest or permanent interest, as the Crown sees proper. It is under that section that the right of way that was constructed by Mr. Stewart, but I think was claimed by some railway company, is in the government's possession. Section 3 of the Act gives certain powers to the Crown, and among those powers are those which I have read, and the only addition to these powers is the power to expropriate a railway, and to enable the government to construct another line in substitution of what they have expropriated, and leave to the courts to say whether the party is entitled to damages—whether he has been injured. All the representations made to me with regard to this New Brunswick road, and that I apprehend is the only one immediately in view, is that the position of the road, by being moved a little further back and a new track built, would be made better even than it is at the present time, because where the road is now located will be cut in upon and docks will be built for the accommodation of ships coming into the harbour. As I have said to hon. gentlemen already, I believe that the only grounds for the last two lines to which hon. gentlemen refer is that the parties have attempted to enter an action against the government, or the contractors, for coming upon their property before expropriation is had, or before they have been settled with for the price of the property. Where the property is required for the use of the Crown, and the Crown proposes to pay the value, ascertained in the regular way, in the way in which the value of all such property is ascertained, I do not suppose that any hon. gentleman in this House wants to furnish special facilities to those who are undertaking to get an exorbitant price from the government to do so, and to undertake to proceed against them by a suit beside. I cannot say anything more with regard to the clause. It is for the purpose that I have explained, and it will apply to every other case where a similar class of circumstances may arise, and the Crown finds it necessary to expropriate a part of a road that interferes with the construction of some public work. The amendment is a reasonable one. It has been recognized as such with regard to all the other cases mentioned, and I see no reason why it should not be held to be as reasonable in the case of railway companies as in the case of any another parties—in fact more so, because if there is any class of people in this country that are capable of defending their rights, and securing all they are entitled to from any government that may exist, it is railway corporations. They are far from being helpless. They are in all cases able to take care of themselves, and any government dealing with them will always be obliged to pay to the utmost limit of the value of anything taken from them. It seems to me very extraordinary that this House that sanctioned the Act which I am proposing to amend, that carried it through on every occasion when it has been amended without any discussion——

Hon. Mr. OGILVIE—There was nothing retroactive in the other bills.

Hon. Mr. MILLS—Neither is there in this, except the provision in this section, which is made to apply to past as well as to future transactions.

Hon. Mr. LOUGHEED—As my hon. friend says, this amendment will not apply to Mr. Stewart's case, and as Mr. Stewart is advised by his legal advisers that it will, can there be any objection to my hon. friend saying this shall not apply to the Stewart case?

Hon. Mr. MILLS—I think it would be a very extraordinary course for the House to adopt, to make an amendment of that sort, but if they choose to amend it, I cannot prevent it.

Hon. Mr. ALLAN—I quite agree with the remarks of the hon. Minister of Justice as to railway corporations, but I really do not know enough about this Stewart case to form a proper judgment of it. When this bill was before the House on a previous occasion, I did make inquiries about it, but not enough to satisfy myself that it was of sufficient importance to justify special action with regard to it. The bill, I thought, had disappeared, and I did not make further inquiry. I was just going to ask the same question, if there is no intention to interfere with Mr. Stewart's case, what objection would there be to say so?

Hon. Mr. MILLS—If hon. gentlemen choose to make an amendment of that kind, I am not objecting; but I think it important that those words should be maintained, because I may say frankly to the House an attempt has been made to enjoin the contractors from proceeding with that work, and the whole summer might be lost in litigation. We have undertaken to prevent the injunction from being issued until this bill could go through Parliament.

Hon. Sir MACKENZIE BOWELL—What I object to more particularly in the remarks made by my hon. friend is his statement, or insinuation, that we are championing Mr. Stewart's case. Mr. Stewart's case has only been mentioned as illustrative of what we consider an important principle, a principle involving the right of a man to his property. Mr. Stewart's case happened to be one of that character. I do not understand either what the hon. Minister of Justice means when he says that those who are objecting to the principle of the amendment which he is endeavouring to place on the statute-book, are assisting Mr. Stewart in obtaining that which he has no right to obtain. Is not that a reflection upon the judge and a reflection upon the witnesses who may go into the witness box? Mr. Stewart has to stand the ordeal, as every other man has, of going before the judge of the Exchequer Court, and the judge decides in his case, as in others, in accordance with the evidence on both sides; that being the case, why should we be accused, because we object to this retroactive legislation of assisting a man in obtaining from the Crown that to which he has no right? I object to any insinuation of the kind. I may be wrong in the view I take of this matter, but I have a strong objection, as this Senate well knows, to interference with the vested rights of any of Her Majesty's subjects, whether it be a corporation or an individual, and if Mr. Stewart's name happens to be mentioned in this discussion, it is not because of any desire to champion Mr. Stewart's case. I took the same ground in the case that was mentioned in connection with the Trent Valley Canal. I did not know the name of the gentleman whose property it was proposed to expropriate and destroy, but I have since learned that he is one of the strongest opponents of the party to which I belong, in the county of Peterborough. But that has nothing to do with the action of the Senate; they acted in the protection of a vested right, and held that no government had a right to take or destroy a man's property without giving fair and ample compensation therefor. I have no doubt the Minister of Justice is just as honest and sincere in the views that he holds, as I am in mine. He says, if it is right in the case in St. John, on which he lays very great stress, is it not equally right in any case that has transpired in the past? I say no. If a man has had property in his own right in the past, and the government have interfered with it, you have no right to seek legislation to take away the rights which that man had under the law and the constitution of the country. That is the ground I take. I may be wrong, but until I am convinced that I am wrong I shall persist in the course I have taken. The hon. Minister of Justice says he will not oppose an amendment excluding Mr. Stewart's case from the operation of this amendment to the law. I do not like an amendment to a

bill mentioning any individual's name, because if it is wrong in the case of Mr. Stewart, it would be wrong in the case of anybody else. If it is right that Mr. Stewart should be interfered with then it is right to attack anybody else. Instead of putting in this retroactive clause, I would prefer something like this: "Provided that the provisions of this section shall not apply to any case in which expropriation has taken place," or it might do to say that it shall not apply to any case in which a fiat has been issued, or is now awaiting trial—anything of that kind, which will prevent an interference with the rights of the subject. I will not enter into an argument of the Stewart case. If you have a right to take a road and use it and hand it back, you have the right to do the same under this clause with a railway, or to give another in exchange for it. We had a case in point between Belleville and the Grand Trunk. The second concession road was right alongside of the Grand Trunk Railway station. The Grand Trunk Railway Company said to the municipality, "We want that road and we want a certain portion of land lying south or north of it, but we will give you a road in another direction." The municipality said: "Give us an equally good road, macadamize it and put it in good order and we will make the exchange." There is a practical case. What I fear in this, and I have had a very strong opinion of the matter, is that if you allow this amendment to pass as it is, you can hand over to the contractor that bit of railway, which has cost him, he tells me, some $8,000 or $10,000, which would be of no use to him whatever. I could make a good argument against the government for the manner in which they have treated Mr. Stewart in reference to the contract, but I shall not do it. There is one thing struck me and must have struck every senator who heard the statement of the hon. Minister of Justice, when he said that they took the contract from him, and one of the reasons was that the stone which came from his quarry was unfit for the use for which it was quarried.

Hon. Mr. MILLS—I did not say that.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman said that the government objected to the stone which was taken from this quarry, and the work was delayed thereby, and then, strange to say, the government goes to work, immediately after annulling this contract, expropriate the quarry, and use the very stone which had been declared useless. However, I am not arguing that point; either one of these amendments I have suggested will suit me.

Hon. Mr. MILLS—I understand that the quarry did not yield a very excellent stone. There was an immense amount of waste in it. Some of the cut stone was defective. That good stone could be had there was on doubt, but a great deal had to be set aside in order to get that which was good, and although stone was subsequently taken from the quarry on account of convenience, there has been an immense amount of waste in all the stone that was quarried there in consequence of those defects, and any hon. gentleman who knows anything about the quarrying of stone, is aware that if there is much defective stone in a quarry, it requires very close inspection to keep it out of the walls of a public work. That was the case there. I do not say that the contract was taken from him on that account at all, but after many months elapsing, as the work was not going on, it was taken out of his hands.

Hon. Mr. OGILVIE—I do not blame the hon. Minister of Justice for the representation that he has made about that quarry. In the multiplicity of his work and of his engagements he has not the information that he should have on the subject, otherwise he never would and never could have made the statements he has made to-day. He has taken the information at second hand. He says that the contract was delayed. Why was it delayed? Because when Mr. Stewart had his men at work on the place the government tried to turn them out, and when they could not turn them out any other way they took the sheriff there and turned them out. I do not blame the hon. Minister of Justice, but I think it would be well for the members of the government to be thoroughly acquainted with statements made about men of this kind, because those who know about that contract from beginning to end, and I think I do, could state a good many unpleasant things here.

Hon. Mr. CLEMOW—I am told that the officers of the department did not agree about the quality of the stone. Some reported that the stone was all that was required; another officer reported the op-

posite way. It ultimately turned out that the engineers took this very stone and used it in the Soulanges Canal work. Therefore, as far as that part of the arrangement is concerned, it is settled. What I object to is the government undertaking in this way to legislate any man from the position he occupies at the present time, whatever it may be. A claimant's position ought to remain unchanged. I do not believe in passing a law to affect a case which is not finally settled. I am totally opposed to giving power to the government to expropriate a man's property, take what they like, and after a time return the balance to him. The Minister of Justice says that this amendment is necessary for the improvements to St. John harbour. If it is necessary, let the government come down and say that they require this power for the purpose of prosecuting that work. Then the people will be satisfied, and the members of the Senate will know that they have given the government power that is necessary to prosecute that particular work. That seems to me the businesslike way to conduct legislation, instead of putting in a clause that nobody can understand. It is all very well for special pleaders as the Minister of Justice is, but he blinds me and others who are not acquainted with the peculiarities of legal phraseology. I will not consent to interfere with the rights of individuals. If you pass a general law it is all right, but to make a contract with a man to-day and legislate to change the conditions to-morrow, is wrong in principle, and should not be permitted by Parliament. The hon. gentlemen had better get together and make some amendment to meet the case in point and settle this difficulty.

Hon. Mr. LOUGHEED —I suggest as an amendment to paragraph *f* that it shall not apply to any case in which fiat has been issued, or to any case that is now before the Exchequer Court.

Hon. Mr. CLEMOW—Supposing a case has not been settled in court. Any man who has a case at the present time should be allowed to carry it out, whether fiat has been issued or not. Every man ought to have the right to conduct his own case, and if a wrong has been done, he ought to have recourse against somebody.

Hon. Mr. LOUGHEED—I doubt if there are any other cases than Stewart's case. I doubt if there can be, for this reason, that if the Crown had not the right to expropriate a railway, then there could not be any case; but owing to the doubt which has been expressed by Mr. Stewart, I feel that we should introduce some clause by which that doubt should be removed.

Hon. Mr. POWER—I quite agree with the hon. Minister of Justice in thinking that the clause before the committee does not apply to Stewart's case. If hon. gentlemen have a different opinion, they are quite within their rights to move an amendment to remove the doubts from their mind. The hon. gentleman from Rideau will see that the matter which he feels so indignant about does not arise under this clause at all. The clause which the hon. Minister of Justice suggests is simply to provide that where it is necessary to take a piece of railway for a public work, the government shall be allowed to take that and substitute another for it. It can only be retroactive in that same sense. The government may now take a piece of any road which stands in the way of a public work, and give the owner of the road another piece of road which will serve the same purpose. Surely the hon. gentleman cannot wish to hamper the government by not allowing such a proceeding as that in the case of a railway. The government do not propose to take any man's property. They simply take a small piece of road, and they lay down another piece of road to serve the same purpose. We should surely do that much to facilitate the public works of the country. The hon. minister proposes to allow the two lines to remain in the bill and to amend the clause so that it shall not apply to any case before the court in any way. I understand part of this railway has already been taken, and if you strike out these two lines you render the conduct of the government in that matter illegal, and leave the door open to the railway company to claim compensation.

Hon. Mr. SCOTT—I understand that this railway belonging to the St. John Railway and Bridge Company, was a short railway which was used to approach a mill there, and I find now that the government of this country have expropriated the mill and paid them $100,000 for the mill, and now the object is to move the railway to their mill in order that the Crown may use the land where their railway was, making the railway much more convenient to them.

Now that the Crown has taken the mill and paid $100,000 for it, the railway has to be moved at all events, but they decline to move unless they get a very large sum for it in addition to the $100,000 they have already got; and therefore there can be no possible objection to the clause, and we are not doing any harm. Therefore, I see no great objection to the amendment suggested, excluding Mr. Stewart's case, although it is not very good legislation. I think another amendment might be moved as follows:—

The provisions of this section shall apply to litigation or controversy now existing between the Crown and the St. John Bridge Company.

Hon. Mr. LOUGHEED—That is clear.

Hon. Sir MACKENZIE BOWELL—I understand that there is a mill which it is necessary to move.

Hon. Mr. SCOTT—The Crown has taken it from the railway.

Hon. Sir MACKENZIE BOWELL—There was a mill which it was necessary to move in order to change the route of the track.

Hon. Mr. SCOTT—No, I said this railway led to a mill. We have already taken the mill and demolished it, and the railway does not lead to a mill. We have to get the railway out of the way in order that the Crown may construct a railway.

Hon. Sir MACKENZIE BOWELL—Does not the railway lead to the Intercolonial Railway station?

Hon. Mr. DEVER—Yes. The short railway did not exactly lead to a mill, but past the mill, and it had a diversion to get into the station past the mill. The government have purchased all the property, for $100,000. It was an old mill and was no good. They gave $100,000 for about seven acres of land with the mill. The government took down the mill in order to enable them to make a shipping ground, and instead of having this short line of railway with a turn in it, they will have a perfectly straight line running back of where the mill was. The parties are friends of mine and I do not want to say anything about it. The hon. Secretary of State is under the impression that the Short Line Railway Company owned this property. They only owned the railway. Judge McLeod and others purchased this property themselves, I believe, as a speculation.

Hon. Sir MACKENZIE BOWELL—Is not this the property that was offered the government for $100,000, and the Railway Department refused to give that amount and referred it to arbitration, and the arbitrators awarded $118,000? I understand it was offered for $100,000 and refused, then referred to arbitration, and the parties were awarded $118,000. The parties now contend they were entitled to that amount and Mr. Blair refused to give more than $100,000. Without giving an opinion about the matter, it strikes me that if arbitration means anything these parties are entitled to $118,000.

Hon. Mr. DEVER—As I understand, the company offered the property to the government for $100,000. Mr. Blair said he did not think it was too much, but would not like to take the responsibility of accepting it without ascertaining the opinion of local judges that it was fair value, because it might be said the government purchased the property through friendship, and he suggested that if they would submit the property to arbitration to see if it was worth $100,000, he would have no objection to give that amount. They assented to that, and it would appear the arbitrators considered it might be worth $118,000, but notwithstanding that, the government were not bound to give that amount. They were only bound to give $100,000, provided the arbitrators thought it was good value for that amount.

Hon. Mr. MILLS—I may say, with regard to this property, that it is not the property here referred to. In the case which my hon. friend has mentioned, the parties offered to sell to the Department of Railways for public purposes, but the minister, while he did not object to the price of $100,000, thought it was better that the property should be expropriated and its value fixed, than that a private arrangement should be made with regard to the price, and the parties bound themselves in a written agreement that if anybody appointed to fix the value of the property fixed it at a higher value than $100,000, the sale should be at $100,000, and so, when they fixed it at $118,000, these parties wanted to repudiate the bargain into which they had entered and

to get the $18,000 in addition to the $100,000. That was refused, and I think properly refused.

Hon. Sir MACKENZIE BOWELL—I think so, under the circumstances.

Hon. Mr. MILLS—The papers were before me, and it was clear that they were out of court.

Hon. Mr. LOUGHEED—How did they justify their repudiation?

Hon. Mr. MILLS—I do not know.

Hon. Mr. DEVER—They thought the government would be extra liberal.

Hon. Mr. CLEMOW—Was the property offered for $80,000?

Hon. Mr. MILLS—No.

Hon. Mr. LOUGHEED—I would be quite willing to accept the amendment of the hon. Secretary of State.

Hon. Mr. MILLS—That amendment would not meet the case we have in view, and I think my hon. friend had better move his amendment. Those parties whose property the government have undertaken to acquire—this railway which they have not the power to expropriate—have undertaken to enjoin them and enter an action for damages, and we have in my department protested against this proceeding. Nevertheless, I do not know but what a provincial judge may comply with the application of the party; and, supposing they did, what is done, having been done before a legal right was required, of course technically would give the party, notwithstanding any purchase or expropriation, an opportunity of persisting in an action for damages. That, we think, is highly improper under the circumstances, and we wish to guard against it. My hon. friend's proposed amendment in relation to a fiat, or in relation to proceedings against the Crown, would not meet the case, but I would be perfectly willing to add that to this clause in order to give protection to parties whose rights he thinks are interfered with.

Hon. Mr. BOLDUC—I do not see what a particular case has to do with the passing of a bill like this. The law is made for all, and why should we be influenced by a special case before the courts? I am strongly against the idea of giving the government more power than private parties possess. If the government have taken a piece of land which they could not obtain by expropriation according to the existing law, I would be strongly against sanctioning their action now, and more so in the case of a government, because the government have more powers to treat with a private party than a corporation has. For these reasons I am opposed to this bill.

Hon. Mr. SCOTT—The government have no power whatever to expropriate railway property. One railway company can obtain property from another railway company under such regulations as the Committee of the Privy Council direct, but the Crown has no such power, and the Crown is, therefore, powerless in the present case, where they desire to make improvements in the harbour of St. John. There is a short line of railway that is necessary to carry out those improvements and the government cannot expropriate that property. If the iron was not there, if it was simply a roadbed, they could expropriate it. The government now ask power to expropriate that railway, and in its place to hand over a railway that they will first construct for the convenience of the railway company. Before they can expropriate they must substitute another railway, so that the convenience of the railway company shall not be interfered with in the slightest degree. The amendment I suggested that the retroactive clause should apply only to that particular case.

Hon. Mr. LOUGHEED—That would meet all the objections.

Hon. Mr. MILLS—I suggest the following amendment:

The provisions of this section are retroactive in so far as relates to the acquisition of railway property in the vicinity of St. John in connection with harbour improvements.

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

Hon. Mr. BERNIER, from the committee, reported that they had made some progress with the bill, and asked leave to sit again to-morrow.

BOUNTY ON STEEL AND IRON BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (161) "An Act

respecting Bounties on Steel and Iron made in Canada."

(In the Committee.)

Hon. Mr. SCOTT—I explained fully the provisions of this bill yesterday. We do not propose to deal harshly with investments which have already been made. We simply desire to give them notice that a time will come when they cannot receive any government pap.

Hon. Sir MACKENZIE BOWELL—There is a good deal of the old Tory still left in the hon. Secretary of State, and it oozes out occasionally.

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

The bill was then read the third time and passed.

PROTECTION OF NAVIGABLE WATERS BILL.

CONSIDERATION POSTPONED.

The order of they day being called, House again in Committee of the Whole on Bill (137) "An Act further to amend the Act respecting the Protection of Navigable Waters."

Hon. Mr. SCOTT—I move that the order of the day be discharged and placed on the orders of the day for to-morrow. I may mention that a very strong opinion was expressed by a gentleman from the maritime provinces that we ought not to interfere with the depth at present recognized in tidal waters, and therefore I propose to leave that as it is now twelve fathoms, and to apply a less depth in non-tidal navigable waters. The hon. gentleman from Montreal, who is not in his place just now, was a little alarmed that private prosecutors might institute proceedings in cases where a pail or two of ashes were thrown overboard. I think that should be avoided and I have prepared this amendment:

That no prosecution shall be commenced for the recovery of the penalty under this Act except with the approval of the Minister of Marine and Fisheries.

That will do away with any objection that a private party might institute proceedings against a navigation company.

Hon. Sir MACKENZIE BOWELL—Does the hon. minister propose to retain the words "ashes and rubbish" in the bill?

Hon. Mr. SCOTT—I think so.

Hon. Sir MACKENZIE BOWELL—I think the hon. gentleman will find the Minister of Marine and Fisheries is not wedded to those words.

Hon. Mr. SCOTT—The word "ashes" is in the present law and I do not think we should disturb it.

Hon. Mr. LOUGHEED—That is as to tidal waters.

Hon. Mr. SCOTT—It has never been applied to non-tidal. It is only when they came to institute prosecutions for dumping material in the various streams and interfere with navigation that it became necessary to consider the propriety of applying it to non-tidal waters.

Hon. Sir MACKENZIE BOWELL—I suggest that the hon. Secretary of State should obtain the opinion of the Minister of Marine and Fisheries on these points. I am informed that he does not think the words "ashes and rubbish" are absolutely necessary for the protection of the waters.

Hon. Mr. SCOTT—He has been very busy and I have not had an opportunity to discuss this bill with him, and that is one reason why I desire the measure postponed till to-morrow.

The motion was agreed to.

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, 27th July, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

A PROPOSED ADJOURNMENT.

MOTION.

Hon. Mr. LANDRY moved:

That when the Senate adjourns to-day it do stand adjourned until Wednesday next at three o'clock in the afternoon.

Hon. Mr. CLEMOW—There is a very important report of the Divorce Committee

to be considered to-morrow, and if it is postponed till Wednesday next the probability is that it will not pass the other House this session. The petitioner had to obtain evidence from California, which delayed proceedings.

Hon. Mr. ALMON—I move that we ask for prorogation.

Hon. Mr. PROWSE—I think we ought to hear from the government. For some time past, prorogation has been anticipated by a good many members of this House, and a good many members of the other chamber, and if the government expect to prorogue Parliament next week, an adjournment now would be very unwise. But if prorogation is not expected for three or four or five weeks to come, we might wisely adjourn for seven or eight days.

Hon. Mr. McCALLUM—Hear, hear.

Hon. Mr. PROWSE—I am decidedly opposed to short adjournments. I think we are getting into a bad habit in that regard. If there is no work to be done, we might have a long adjournment.

Hon. Mr. TEMPLE—It is a great mistake to have these short adjournments when the hon. gentlemen from Montreal wish to go home for few days every now and then. They should do no less than pay our board if we have to stay here three or four days extra every week to satisfy them. I do not think it is right to have any adjournment whatever.

Hon. Mr. OGILVIE—The hon. Minister of Justice is the best judge of that. If I understood the hon. gentleman who gave the notice, he said he thought our book would be clear to-day, and that there would be no objection to adjourning till Tuesday at least.

Hon. Mr. MILLS—I may say that we have some business on the paper. A number of bills will come up from the House of Commons soon. The business there is in such a condition that if members desire to facilitate the progress of public business in that House, they might be wholly through in the course of two or three days, and, under these circumstances, it would be imprudent on our part to adjourn, because, on our return, we might find the House of Commons were through with the business and waiting for the reassembling of the Senate. Under the circumstances, I doubt the propriety of an adjournment.

Hon. Mr. LANDRY—What about prorogation?

Hon. Mr. MILLS—I am not addicted to prophesying.

Hon. Mr. OGILVIE—Would an adjournment from to-morrow night till Tuesday be safe?

Hon. Mr. MILLS—As far as I am concerned, it is impossible for me to say. I cannot know, because they might send up all the bills before them, except the Supply Bill, within the next twenty-four hours.

Hon. Mr. OGILVIE—They will not be here in the next ten days.

Hon. Mr. LANDRY—The estimates are not passed yet.

The motion was lost on a division.

A QUESTION OF PRIVILEGE.

Hon. Mr. PERLEY—Before the orders of the day are called, I wish to refer to a matter of a personal character. I am not a very sensitive person, but I have generally endeavoured to discharge my public duties here in a fairly honest manner, and in a manner that would be creditable to the people whose representative I am; and whilst I am prepared, as a public man, to expect a fair share of newspaper criticism, I do not think, with all the latitude newspapers have, or claim they have, that they have a right to misrepresent members of Parliament. There has been a good deal of criticism in the press of this country on my vote on the Drummond County Railway Bill and the Grand Trunk Railway Bill. I would not have referred to the matter on account of the reports that I saw in two or three papers, but I have received a marked copy of the Montreal *Witness*. The article is marked at both ends, and the paper is sent in a separate cover to me, as though they intended me to take a lesson from it. I have read the article, and I feel it my duty, in defense of myself, as well as of others associated with me in the vote that we gave on that occasion, to refer to the matter. We are accused of being friends of the Canadian Pacific Railway and voting in their interest

on that occasion. I am sure that if the papers had taken reasonable care to investigate they would never have published that statement, because they are wide of the mark, certainly so far as I am concerned. When the attention of the Canadian Pacific Railway officials was called to a motion made in the Senate asking for the supplemental traffic arrangement which contained the ninety-nine years clause they felt considerable anxiety and wanted to get that part of the agreement modified. That part was changed, changed largely, if not entirely, as the result of the action of Conservative members of the Senate, who suggested the amendments to that portion of the agreement, and after that portion of the agreement was fixed, the Canadian Pacific Railway officials were satisfied, so far as I could see. I had very little talk with them on the subject, but I find that all the members of the Senate who are in any way interested in the Canadian Pacific Railway, voted with the government on that occasion. I also find that any lawyer in the Senate who is a solicitor of the Canadian Pacific Railway voted with the government. Consequently, it cannot be said that we, who voted against the bill, were voting in the interests of the Canadian Pacific Railway, when all the senators interested in the Canadian Pacific Railway voted the other way. Therefore, when we are accused of having been influenced by the Canadian Pacific Railway to vote as we did, the accusation in not borne out by the facts. The St. John *Telegraph*, an important newspaper in the maritime provinces, took the same view as the *Witness*, and refers to us as the dull members of the Senate—men who had not wit enough to discern the effect of the votes we gave. That is a serious accusation to make against us, that we are dull, stupid people, without wit enough to know the effect that our votes would have upon the country. So far as I am personally concerned, I feel it my duty, on all occasions, whenever there is a bill of any importance before the House, to examine it closely, and to listen attentively to the leaders on both sides, for and against, and to form my own opinion as to how I should vote. That is the duty of every hon. gentleman, to listen to the arguments on both sides and then use his best judgment. I voted conscientiously on the occasion I have referred to, and the St. John *Telegraph* says that I am a dull man without wit enough to know the consequences of my vote. I can only say, on my own behalf, and on behalf of the seventeen of us who voted against the government on the two measures to which I have referred, that we are all fairly successful business men. I cannot say the same for the editor of the *Telegraph*. That gentleman's father no doubt spent a considerable amount of money to educate him for the profession of the law, but he was unable to make a living at the bar, and had to abandon the profession. I know him, and know his history very well. He has been a failure in everything he has undertaken from that time to the present. Consequently he is badly qualified to advise me or any one how to vote. I am willing to listen to criticism from any one who has been a success in his own business, but I take exception to being criticised by such a man as the editor of the *Telegraph*. The Montreal *Witness* has been sent to me, I presume, by the editor of that paper, because it is nicely wrapped up, and there is an article marked, in which the history of the origin of the Senate, why it was created and its functions. There is one paragraph which I shall read, and on which I shall make a few remarks. It is this :

> Should the Liberals retain power long enough they would, there is little doubt, follow the precedent set by the Conservatives, and we should in time have a Senate all but solidly Liberal. It would not be so obsequious to party, perhaps, as the present body ; at least Liberals think that they have more individuality among them than Conservatives have

That also is wide of the mark. During my parliamentary experience—in two sessions in the House of Commons—I never knew in those two years, 1887 and 1888, a member of the Reform party voting with the government of that day. They always stuck to party lines, whilst I, a Conservative in the House at that time, on two occasions voted against the government that I had been elected to support. In the Senate, during my parliamentary experience, I have never known an hon. gentleman opposed to the Conservative party to vote with them except on one occasion. Since this government came into power I do not remember of more than one instance of a supporter of the government voting against them, that one exception was the hon. gentleman from Toronto, who said that the Yukon Railway Bill was of such an iniquitous character that he could not vote for it. When the editor of the *Witness* speaks of the Liberals as being

more independent than the Conservatives, he is wide of the mark. So far as I can see in the Senate, the Conservatives have frequently voted on independent lines. I have done it on several occasions, so have other Conservatives. We were the means of defeating the Short Line Railway Bill which the late government was anxious to pass. Had it passed it would have destroyed any chance St. John had of becoming the winter port of Canada. There was at that time great prejudice against St. John on account of the fogs and the currents and the difficulty of navigating the Bay of Fundy with large vessels, and it would not have been hard to injure it as a winter port. But I, knowing the country well, felt that it would have been unjust to support that railway and boycott St. John, and with seven other members, who were among the seventeen members who voted against the Drummond County Railway Bill the other day, was the means of keeping St. John the winter port of Canada. I have always voted independently. When I was elected as a member of the House of Commons from East Assiniboia some of my constituents who were strong Conservatives felt that I was hardly a strong enough party man. They sent for me and asked whether I was at the time a Sir John Macdonald man or not. I told them that I was in favour of the general policy of the Conservative party, and if elected would support that policy; but if the party at any time introduced any measure that was not in the interest of the country, I intended to vote on the merits of the measure. I have done that on every occasion. I can truthfully and honestly say that although I am a strong believer in the National Policy and the generally progressive policy of the Conservative party, I have never voted with them on a measure that I did not think was in the best interest of the country, and I am prepared to give this government the same support when they are in the right. The first session in the House of Commons when Sir Charles Tupper was Finance Minister, a motion was made that the tariff on agricultural implements should be 25 per cent instead of 35 per cent. I voted for the 25 per cent duty on that occasion. Shortly afterwards the North-west Territories Bill was introduced, and contained no provision for voting by ballot. I asked the leader of the government if he intended to introduce the ballot in the North-west. He said, no, he did not want to do it then, but he promised me that before another election was held he would have the ballot arranged for, and on that condition I agreed to support the bill without offering any amendment or asking any change in it. But Mr. Watson, the member for Marquette, moved to add another clause to the bill providing for the ballot. When the division came I voted with Mr. Watson against the government. When a member tries to do what is right in certain matters, although he may be a strong party man with regard to other matters, it is hardly fair that newspaper men should undertake to severely criticise him. As regards my vote on the Drummond County and Grand Trunk Bills I felt that I voted in the right way. If I had to vote on those bills again to-morrow, I would vote the same way, because those measures will increase the national debt by $10,000,000 and give no adequate return for it. It is an unjustifiable expenditure of public money. It is done now, and time will tell who is right and who is wrong. I voted against the government on the Redistribution Bill and that is what the *Witness* is taking me to task about. I voted conscientiously on that bill. I am in favour of a redistribution of seats at the end of every ten years, after the census has been taken. I do not believe in a government tinkering with the redistribution of seats before every election. I do not believe that was the intention of the British North America Act in any respect. It is lowering the standing of Parliament when a government undertake to do anything of the kind. I believe in uniform constituencies, and think that each member should represent the proper unit of population, not that one man should represent 35,000 and another 10,000 or 12,000. Hon. gentlemen opposite argued that the government had pledged themselves before the country to redistribute the constituencies, but the country expected that to be a general redistribution. They did not expect it to be a redistribution of seats for political purposes. Therefore, on that ground, for one reason, I voted against the bill. There is no argument in the reference to county boundaries. County boundaries will apply to local legislatures, where municipalities are taxed in common with the local legislature to aid schools, bridges, roads and other things of that kind. Our duties are of a general character. Our postal system

is one that applies to the whole of Canada. Our finance system, our militia system and our agricultural system apply to the whole of Canada. All the different departments of the Federal Parliament apply to the whole Dominion. A man in the North-west has as much right to vote for a matter affecting the maritime provinces as he has to vote for a matter affecting his own district. There is nothing local. County boundaries are not to be considered at all. I did vote with this government last session on the Franchise Act. On that occasion I gave the only vote, I may say, since I have been in the Senate that I have felt ashamed of. That was a measure that I think was altogether wrong and unworthy of the Parliament and government of Canada. There is no reason why a man in one province should have any more right to vote for more than one member of Parliament than a man in another province. In New Brunswick a man can vote in every constituency where his name appears on the voters' list. The same thing applies to Quebec, but in Ontario, Manitoba and the North-west it is one man one vote. In any corporation in Canada the franchise is uniform. We find that in an insurance company or railway company, some of the stock holders and directors may live in England or in the different provinces of Canada, but they have only one vote when it comes to managing the affairs of that society. But while a man in New Brunswick or in Quebec may have half a dozen votes, in Ontario he has only one. On that ground I felt ashamed that I voted for the Franchise Act. I voted for it because the government had ingeniously placed in the Plebiscite Bill a provision that the vote on the plebiscite was to be taken under the Franchise Act of 1898, and I had to vote for a measure that I did not believe in because if it were defeated the government might withdraw the bill and the plebiscite would not be taken, and throw the blame on the Senate. Again I think the representation of this Parliament should be on a uniform basis, and that is the reason why I opposed the late Redistribution Bill. I find in the city of St. John that a member would represent 40,000 or 45,000 people. In the county of St. John he would by this defeated Redistribution Bill, represent 9,000 or 10,000, a most unjustifiable state of things, I hesitate not to say that there is no common sense, or equality to recommend it to the intelligence of any school boy of ten years of age. I would not vote for that bill now if I voted alone against it. What is the result of an unequal distribution? If the unit of population for a representative is 22,000, my idea is to make every constituency 22,000 as nearly as possible. Then when you appeal to the people you get the decision of the majority. You have government by the people, but as it is now you have not that. You can take half a dozen small constituencies and give them half a dozen members, and take a less number of larger constituencies and give a member to each. Then the six small constituencies, with one-third of the population of the larger ones, control Parliament and the large constituencies are in a minority. I understand that the small constituencies voted for the present government, while the large constituencies voted for the opposition. The result is that the men who are administering the affairs of the country are doing so with a minority of the electors behind them. I desire to say that I felt that we did right in defeating that bill. If the government should be again returned to power and continue in the course they have been pursuing for the last three years, it would be a misfortune to the country, but if they are returned again and divide the constituencies of Canada equally, and make a fair and equitable distribution of seats, I would vote for such a measure, but to undertake to vote for a measure which will give one representative to 30,000 people and equal representation to 15,000 is altogether improper. In order to show that the late Redistribution Bill was not a bill that was genuine and honest, I may say that I do not believe that the hon. Minister of Justice would have framed a bill abolishing Bothwell if he had been elected as a member for that constituency. No man in Canada could make me believe that, and I do not think there are five men among the 5,000,000 population of Canada who believe it. The bill was not on a fair and proper basis but was intended to accomplish political purposes. I felt that an injustice had been done to me and that I had a right to give this House and the country the reasons why I voted as I did, because I did not speak on the last measure.

BILL INTRODUCED.

Bill (176) "An Act to provide for the establishment of direct Sub-Marine Tele-

graphic Communication between Canada and Australasia."—(Mr. Scott.)

THIRD READINGS.

Bill (20) "An Act to incoporate the Zenith Mining and Railway Company."—(Mr. Clemow.)

Bill (145) "An Act to amalgamate the Ottawa, Arnprior and Parry Sound Railway Company and the Canada Atlantic Railway Company under the name of the Canada Atlantic Railway Company."—(Mr. Clemow.)

THE EXPROPRIATION ACT AMENDMENT BILL.

The House resumed, in Committee of the Whole, consideration of Bill (D) "An Act to amend the Expropriation Act."

(In the Committee.)

Hon. Mr. MILLS—This bill was left over on account of the retroactive provision at the end of the amendment. I stated the object in view for the insertion of this provision, and I have prepared the following amendment:

The provisions of this section are retroactive as well as prospective, so far as they apply to the acquisition of property in connection with the improvements of the harbour at the city of St. John, N.B., only.

Hon. Mr. DEBOUCHERVILLE—Will the hon. gentleman tell us about this St. John harbour affair? We do not know why it should apply to that harbour and not apply to others.

Hon. Mr. MILLS—I may state the same thing that I stated yesterday and the day before. Not having the power of expropriation in the case, and the parties having applied to the courts for liberty to enjoin the contractor from proceeding further, an injunction may be granted at any moment, and as we are endeavouring to expropriate the property, we do not think we should be enjoined, or any suit for damages should be entered against the department. We propose to expropriate under the Expropriation Act, and if these parties are entitled to any compensation beyond that which is provided, then we are ready to compensate them; but we do not propose that they shall take advantage of the position at this moment, in addition to the value of the property taken, to undertake to collect damages against the department.

Hon. Mr. DEBOUCHERVILLE—If I understand the amendment, it is that the retroactive feature of it will not apply to any other case than that of the improvements of St. John harbour.

Hon. Mr. MILLS—No.

Hon. Mr. DEBOUCHERVILLE—What is to be expropriated?

Hon. Mr. MILLS—I described it yesterday. The government have, under the Expropriation Act, no power to expropriate railways. This company has a railway running down to the harbour, and the work which the government have left there, according to the plans, will cut into the property belonging to the St. John Railway and Bridge Company. Their road was deflected from a straight line by a mill property. That mill property has been acquired by the government, and instead of the road being deflected, if it is continued straight on it will enable us to carry on the improvement. We propose to straighten the line and bestow it on them, and take the portion of the old line which we require. The company asked an exorbitant figure, and we are asking for this legislation, leaving the Exchequer Court to fix the value of the property which we take, if it is worth anything after we have substituted this other property, which will give them a straight line instead of a deflected line, in its place.

Hon. Mr. DEBOUCHERVILLE—If you have no right and want to expropriate, there is no necessity for saying that the provisions of this section, are retroactive. You have not expropriated. You may take the power to do so in the future. When you expropriate you take experts to prove the value, and why should you not pay the value?

Hon. Mr. MILLS—We are not objecting to paying. Having no anticipation of difficulty in the matter, a contract was let. If the court was to undertake to prevent them proceeding with the work a whole summer would be lost. All we are asking here by this retroactive clause is that no legal proceeding shall be taken against us pending the expropriation of the property. The

value of the property will be fixed in the ordinary way, but at the present moment we have no power to expropriate a property on which a railway is located, so we would at this moment, perhaps, be open to an action for damages.

Hon. Mr. DEBOUCHERVILLE—You have already commenced the work?

Hon. Mr. MILLS—Yes.

Hon. Mr. DEBOUCHERVILLE—Why did you begin it until you had everything ready?

Hon. Mr. McCALLUM—The Minister of Justice has proposed an amendment which he says relates to the harbour of St. John. Is there any other work to which this retroactive clause will apply?

Hon. Mr. SCOTT—No.

Hon. Mr. McCALLUM—There are other properties the government may want to take.

Hon. Mr. SCOTT—We can, under the existing law, take all other properties except a railway.

Hon. Mr. McCALLUM—But why make this retroactive? Retroactive legislation is bad legislation, because, if the government wish to take advantage of an individual by retroactive legislation they can do so. I do not like that, and when this speaks of the harbour of St. John, I think the hon. gentleman should confine himself to the very property he wants.

Hon. Mr. MILLS—That is what I have done.

Hon. Mr. McCALLUM—Under the amendment, all improvements in St. John harbour would be subject to this retroactive legislation. Supposing you took anybody's property in that way? Why not mention the railway you speak of and not apply it generally to all improvements in the harbour of St. John? We do not know what improvements you contemplate. I do not see that it will hurt anybody to specify what you want. It is not a laughing matter to individuals. I do not want this retroactive legislation to cover all the improvements in the harbour of St. John—to cover what has taken place in the past, or will take place in the future. If the hon. gentleman will confine the clause to the case that he wants to deal with, I am perfectly willing, if he says he cannot get along without it.

Hon. Mr. POWER—That is all the minister is getting. The only change which this bill makes in the law is that it puts a railway on the same footing as any other public highway. There is only one railway owned by a private company on the St. John side of the harbour. The Canadian Pacific Railway is on the other side. The only work to which this bill can apply is just this one railway, owned by a private company, which runs to the harbour of St. John. The hon. gentleman may feel perfectly easy on the subject. The amendment which is proposed is the one asked for by the hon. gentleman opposite.

Hon. Mr. McCALLUM—I do not understand it that way. Do you mean to say that that is the only improvement in the harbour?

Hon. Mr. POWER—No, but that is the only railway which is to be interfered with, and it is only to that railway that this clause applies.

Hon. Mr. McCALLUM—I will take the hon. gentleman's word for anything reasonable, but that is not reasonable. Do you mean to say that the harbour of St. John is perfect, that the government do not want to make other improvements?

Hon. Mr. POWER—If the hon. gentleman reads the amendment he will see that it is simple.

Hon. Mr. McCALLUM—I have heard it read.

Hon. Mr. POWER—The only change is that the government are authorized to expropriate a railway. There is only one railway which can be expropriated, and consequently this applies only to that railway.

Hon. Mr. McCALLUM—The improvements in the harbour of St. John.

Hon. Mr. GOWAN—The amendment is, I think, fair and reasonable, and one that the government might well ask for. The amendment affects only one particular railway, and I think the provision is perfectly fair and just.

Hon Mr. TEMPLE—The way that I understand the amendment at present is, it does not interfere with any other road, only

the one that runs from the bridge down to the station at St. John. If that is the case I am satisfied that the government are perfectly right in exchanging the road. They exchange the road and improve the line rather than injure it. The government will have to pay whatever is right for what they take by building a new road and giving up the old road. I do not think there is any trouble about it.

Hon. Mr. CLEMOW—I am opposed to this principle entirely. It is a most extraordinary thing if the government have closed this deal without knowing their position. They should have first inquired whether they had the power to expropriate this property. It appears now they have not. They should have deferred closing the deal until they had the necessary power to expropriate by Act of Parliament. Instead of that, they did as they always do; everything they undertake is done in such a way that they create difficulty in the future. It would have been easy for them in the first place to have inquired about this before they entered into an arrangement. No man will feel safe in making an arrangement with the government, because if they find they are wrong, they can come to Parliament and ask for retroactive legislation to give them an advantage. I shall never subscribe to a doctrine of that kind, because the parties who entered into the arrangement in good faith, knew their position perfectly well, that the government have no right to expropriate that property, and now the government are going to legislate them out of court. I do not think it is fair or honest, and I am surprised that the government have, on so many occasions, endeavoured to act in this way. They do not seem to make sufficient inquiry into the why and wherefore of what they do, and then they have to come down to Parliament for such legislation as this. It was the same with the Drummond County and Grand Trunk Railway deals. It was all done in a hurry; they could not wait to get information. What will the people of St. John say about this legislation? Under it they may be harshly treated. Suppose this was between two individuals, would one of the parties have a right to come here and ask for legislation, in his own favour? I do not think he would, and I do not see why the government should not do as any honest business man would do, find out their position before making a deal with anybody, and as soon as they know their position, let them go ahead. I suppose the Minister of Railways made this arrangement without inquiring unto the circumstances attending it, and has given rise to all this discussion through his own carelessness. I do not think the country would favour this legislation. Until we find that the people of St. John are satisfied with this bill, we should defer action. If they agree to it all right, but I for one will not be a party to taking away any man's rights by legislation of this kind.

Hon. Sir MACKENZIE BOWELL—I do not know whether my lay mind leads me astray in reading this amendment, and consequently I shall have to be guided a good deal by the opinions of gentlemen who have had experience in the law. You propose to repeal paragraph *f* of section 3 of the Expropriation Act, and substitute another clause, including railways, thereby giving the government power to expropriate a railway and build another railway to give the owners in substitution and in mitigation of damages. Then it provides that the provisions of the section shall be retroactive as well as prospective, so far as they apply to the acquisition of property in connection with the improvement of the harbour of the city of St. John. Just as soon as the expropriation of property, which is necessary for carrying on these improvements, has taken place, will not the whole of the clause be nugatory? Will it apply to any other future or past transaction? The amendment makes the whole clause retroactive and prospective, so far as this work is concerned. That having been disposed of, do the powers given in the clause cease to exist? That is what I should like some lawyer to answer. It seems to me the courts might so interpret it; or they might say that the words "retroactive and prospective" apply only to the works in St. John harbour, leaving the balance of the clause as a part of the law to apply in the future. If the court put that interpretation upon it, how would that affect the case to which attention was called yesterday, when we were considering this matter? I understand that a piece of railway was expropriated. The case is now in court to ascertain the value of that railway. Supposing the lawyer on behalf of the Crown says "That cannot be considered, as we had no right to expro-

priate," and as this amendment only applies to the St. John case, would they not be thrown out of the court and the owner of the piece of railway lose the value of it? I confess I am not lawyer enough to interpret that clause, but that is the way it strikes me in looking at it from these two standpoints. If my latter interpretation be correct, and the courts should so decide, then it will be an injustice to the man from who they have taken this piece of railway. I do not wish to throw any difficulties in the way of the government proceeding with their improvements, but I do say—and I think the Senate is in accord with the sentiments which have been uttered by the hon. member from Rideau Division—that if this bill is to affect private rights in any way, it ought not to pass. I had an amendment which I am quite sure would cover it, but if the amendment before the House will bear the interpretation that the minister intends it should cover and nothing more, I would not think of moving it. The proposed amendment will cover every point raised:

> The provisions of this section are retroactive and apply to past as well as to future transactions only so far as they relate to the St. John Railway Company; but the provisions of this section shall not be retroactive otherwise, and shall not affect otherwise any act, matter, proceeding, undertaking or expropriation, heretofore had or begun, and shall not otherwise in any way affect or prejudice any claim, demand, petition or proceeding now or heretofore had, made, begun, or pending against Her Majesty the Queen, or against the Dominion of Canada, but every such claim, demand, petition or proceeding shall be heard, determined and dealt with in the matter only as if this section had not been passed.

I am quite satisfied that that would cover everything, and I do not see why, if my hon. friend only intends this clause to apply to St. John and the improvements that are going on there, that it should not be accepted. I may say I sent it over to the hon. gentleman to look at, but I am under the impression that he does not approve of it. Perhaps he will give his reasons for objecting to it.

Hon. Mr. POWER—The only difference between the two amendments is that the one proposed by the hon. leader of the opposition is about eight times as long as the other one. They mean the same thing.

Hon. Sir MACKENZIE BOWELL—I am very glad to hear my hon. friend say that. It was intimated a little time ago that he was the power behind the throne, and if the two amendments are just the same, I shall be gratified if he will accept it. It will meet my views and the views of those who look at the matter as I do.

Hon. Mr. SCOTT—I think it would be better if the wording was restricted to the particular company—the St. John Bridge Extension Company. They now have a railway which is practically in the water, built upon piles running from the cantilever bridge over the St. John River to the Intercolonial Railway station. It is a means of communication by which the Canadian Pacific Railway reaches the Intercolonial Railway to connect for Halifax. It is rather circuitous in its route. Before the government can expropriate that railway, they have to provide another railway, and if it should not be equally convenient and satisfactory, compensation must be made to the company. That must be all done before the government can take possession of the railway now under discussion. Certainly no harm can arise to the company if they get a railway in exchange for it. The provisions of the clause are very clear on that. The clause reads:

> But before discontinuing or altering any railway or public road, &c., another convenient railway in lieu thereof shall first be constructed and handed over to the parties.

So that their traffic would not be intercepted for a single hour, because all that must be done in advance. If I am correctly informed by a gentleman who knows the topography of the locality, the proposed railway would run across in a direct line, instead of a circuitous route. The company own the right of way and no more, and the government have expropriated the land on each side. They are practically running on government property, except that the company own the right of way, and the difficulty we have is in not knowing the exact condition of the contract given out for the improvement of the harbour, and that is the only reason why the question of retroactive legislation is being discussed. But certainly if the parties are to get a railway in lieu of the present one before anything is done, they cannot be prejudiced.

Hon. Mr. LOUGHEED—There is no objection to that.

Hon. Mr. SCOTT—I think that this same company, the St. John Bridge and Railway

Extension Company borrowed money from the government at one time. It is called an Extension Company because it extends from the Canadian Pacific Railway on one side to the Intercolonial Railway on the other. There should be some way of limiting the operation of the clause to the St. John Bridge Company.

Hon. Mr. DEBOUCHERVILLE—This company owns simply the right of way. Why not ask that the government should have the right to expropriate. I do not think we should put the retroactive clause in it. I do not know that we have passed any bills with retroactive clauses.

Hon. Sir MACKENZIE BOWELL—The statement made by the hon. Secretary of State makes very clear the intention of the government in reference to the matter. Nobody objects to that. What is feared is that this clause might affect other interests. No one on this side of the House, so far as I know, has objected to giving the government all the power that they require to deal with the St. John harbour, providing the interests of all other parties, whether in court or out of court, are not jeopardized.

Hon. Mr. DEVER—This Act only applies to a railway. There is no other railway at the city of St. John except the Intercolonial Railway and the street railway consequently it cannot affect any other railway company.

Hon. Mr. MILLS—I propose the following amendment:

The provisions of this section are retroactive as well as prospective so far as they apply to the acquisition of property belonging to the St. John Bridge and Railway Extension Company in connection with the improvement of the harbour at the city of St. John, N.B.

Hon. Mr. DEBOUCHERVILLE—Why put in the word retroactive.

Hon. Mr. MILLS—The reason is that these parties are endeavouring to bring a suit against the government for the work being carried on in connection with this property by the government.

Hon. Sir MACKENZIE BOWELL—Do they own the foreshore?

Hon. Mr. MILLS—They run across the harbour.

Hon. Sir MACKENZIE BOWELL—Do the railway company, in their expropriation for building the short line, own down to low tide or high tide?

Hon. Mr. SCOTT—It is built on piles in the water.

Hon. Mr. LOUGHEED—I am satisfied that the disposition of the House is to grant the legislation which my hon. friend seems to want, but there is a doubt as to whether, notwithstanding that provision or that exception, it would not apply to other cases now pending before the Exchequer Court. I wish simply to point out to the House the doubt with which this question is invested. The Minister of Justice states to this House that there is not at present power vested in the Crown to expropriate railways under the the Expropriation Act, and yet in the Stewart case the Crown have actually expropriated a railway in connection with a quarry, and I hold in my hand a plan prepared by the Crown, in pursuance of the Act, in which the railway is shown as having been expropriated by the Crown. All that we ask is that an amendment along the lines proposed by my hon. friend from Hastings should be attached to the bill showing that it is not to apply to other cases, outside of the St. John harbour case, which are now pending in the Exchequer Court. If my hon. friend will add that simple proviso to the amendment, reserving to himself all the rights he may wish to exercise in regard to the St. John harbour case, we are quite satisfied that the amendment should pass.

Hon. Mr. MILLS—I have told my hon. friend that this is an amendment to subsection *f* of section 2 of the Act, adding "railways" to the property that may be expropriated. With regard to the case to which the hon. gentleman refers, that comes under a wholly different provision of the law, and is one that is not touched in any way by the provision of this bill. I am not proposing to hurt the parties to whom he referred, but I do not intend to insert anything in the bill to make the rights of the Crown less than they are at the present time.

Hon. Mr. LOUGHEED—We are not asking that.

Hon. Mr. MILLS—The case to which my hon. friend refers—the Stewart case—is wholly apart from this. The road which

was built was not an ordinary railway. It was a mere road for the purpose of giving access to the quarry, and that was a road which was, whether rightly or wrongly, expropriated by the government under section 5 of the Expropriation Act, which reads as follows :—

That whenever any gravel, earth, sand or water is taken as aforesaid from a public work——

This was a short distance from the Soulanges Canal, which was a public work.

——the minister may lay down the necessary sidings, water pipes, or conduits, or tracks over or through any land intervening between the public work and the land on which such material or water is found, whatever the distance is, and all the provisions of this Act, except such as relate to the filing of plans and descriptions, shall apply and may be used and exercised to obtain the right of way from the public work to the land on which such materials are situated.

What the Railway Department have done is to expropriate, or take possession, of that road in connection with the quarry, as a road lying between the quarry and the work which was being constructed. The section further says :

And such road may be acquired for a term of years, or permanently, as the minister thinks proper, and the powers in this section contained may at all times be exercised and used in all respects after the public work has been constructed for the purpose of repairing or maintaining the same.

I say that whatever action has been taken was taken under that. It was not and could not be taken under the section which I propose to amend. My hon. friend will see that anything relating to the railway to which he refers—at least the tramway lying between the quarry and the canal—is not germane to the section that is now under consideration. I have endeavoured to make the provision explicit. I have endeavoured to hedge it about with the protection which the hon. gentlemen think is necessary. I have introduced the explicit words referring to this particular property—although it was unnecessary, because it was the only property to which the section had any reference—that has been taken, and I do not propose to go any further. If hon. gentlemen see fit to put impediments in the way I shall ask the committee to rise and report progress.

Hon. Mr. ALMON—I am perfectly satisfied with what the hon. Minister of Justice has said. I think the amendment confines the operation of this clause entirely to the improvement in the harbour at St. John, and although St. John is a rival of Halifax still I should be very sorry if they should, not get fair play. Therefore, I wish to see the clause adopted.

Hon. Sir MACKENZIE BOWELL—I would suggest allowing the bill to go through committee now, and take the third reading to-morrow. In the meantime, we could study the amendment. I do not think the hon. Minister of Justice has shown that spirit which should be exhibited by an hon. gentleman leading the House, and having this measure in hand. He says if we throw impediments in the way he will ask the committee to rise. I suppose the same power which would add any clause to the bill or any amendment to it, might prevent the committee rising.

Hon. Mr. MILLS—The hon. gentleman can do as he pleases, I am not going to interfere or to ask him to do anything.

Hon. Sir MACKENZIE BOWELL—I have been endeavouring to assist the hon. minister to obtain the power he requires, but I want to prevent an injustice being done to anybody else. I do not think the matter has been dealt with in a manner to justify his remarks and he is not at all likely to succeed——

Hon. Mr. MILLS—He does not care much.

Hon. Sir MACKENZIE BOWELL—Of course we may be wrong. I asked the hon. gentleman to put that amendment upon the notice paper so that we can see what it is. I am not sufficiently versed in the intricacies of law to know what effect it will have.

Hon. Mr. LOUGHEED—Every member of this House has a right to express his opinion upon any subject, and if he has a pronounced opinion he has a right to express it in a pronounced manner, and the duties of the hon. Minister of Justice, though they may be onerous and responsible, are no greater in regard to the legislation passed by this House than the duties devolving upon each hon. member. This is not the first occasion on which a lecture, in not an amiable way, has been given to hon. members of this House because they have considered it their duty to express their opinions upon any particular matter. It seems to

me the hon. leader of this House should consider it commendable on the part of hon. members to closely analyse all legislation which comes to this House, because I do not think he can say—nor can any hon. gentleman on the other side of this House say—that the close analysis which may be made by any member of this House in regard to legislation, particularly of a technical character, is made for the purpose of throwing any obstruction in the way of the government. We are not to be like a lot of dumb sheep, to be driven in regard to matters which may come before us for our consideration. We have a duty to perform, and I propose performing that duty, no matter how distasteful it may be to hon. gentlemen who may hold an opposite view. I want it to be understood when I express myself in regard to legislation, that I divest myself of my political feelings, and ignore the fact that I belong to one party or the other, and I do it in the public interest and from a sense of justice, which I think should be applied to the matter under consideration. I take a stand which will appeal to my conscience and judgment on all matters of public legislation, and I have pursued that course in this particular matter and have had no desire whatever to in any way obstruct the government, but rather to assist in placing legislation upon the statute-book.

Hon Mr. MILLS—Hon. gentlemen are at liberty to take whatever line they may consider proper, both in regard to this and every other government measure. I am not questioning their right, but I also say that, as a minister of the Crown, I have certain rights here, and I am simply asserting those rights. I have stated that I have endeavoured to meet the views of hon. gentlemen. I have framed the amendments which I believe will accomplish their object. I do not propose to load down measures for which I am responsible with the verbiage of the last century. I may say, as I said before, that if the amendment is not satisfactory, I am prepared to ask the committee to rise, report progress and ask leave to sit again. The hon. gentleman has said he is exercising his right. I am not questioning his right. I am simply maintaining my own right, and that I intend to do. I may say to hon. gentlemen that I have submitted, with a good deal of patience, to criticisms of government measures. I venture to say that there is scarcely a measure introduced by the government, however trifling, that has not been subjected to criticism and proposed amendments, while a whole volume of private legislation has gone through with less observation than has been made upon a single measure of the administration. My hon. friend opposite may say that he has divested himself of his political feeling, and has approached this measure in a spirit of impartiality. Certainly I am not questioning the sincerity of his observation, but that is not the impression that has been made upon my mind in this matter, and I have nothing to withdraw. My hon. friend sitting opposite has read me a lecture, and the hon. gentleman from Calgary has given me another lecture. I have heard a great many this session. I have listened to them, and in the interest of the public business of which I have had charge, I have frequently said nothing in reply. I have nothing to withdraw from what I have said. This is a government measure for which I am responsible, and if the measure, as now proposed, cannot be allowed to be taken out of committee, why, my hon. friends, of course, must decide for themselves as to what course they will pursue.

Hon. Mr. FERGUSON—I think my hon. friend is altogether wrong in questioning the spirit of fairness in the minds of hon. gentlemen on this side of the House and drawing a comparison between the reception of private legislation and public legislation in this House. The hon. member must not forget the fact that private legislation goes to the committee and is there subject to the sifting which it is the duty of this House to give to public legislation on the floor of the Senate.

Hon. Mr. TEMPLE—I think there is a misunderstanding in regard to this bill. Hon. gentlemen do not seem to understand the situation. I know something about the location of the road which the government wish to take.

Hon. Sir MACKENZIE BOWELL—We do not want to interfere with that at all. It is other interests we are speaking about.

Hon. Mr. TEMPLE—Other interests should not be mixed up with it.

Hon. Sir MACKENZIE BOWELL—If they confine it to that we do not find fault.

Hon. Mr. TEMPLE—As I understand it, the government want to take the railway as it now stands and substitute another. Without doing that they cannot go on with the harbour improvements. The government want to go on with their work adjoining this road, and have to expropriate a portion of it, and unless they do, they cannot go on with the work.

Hon. Mr. CLEMOW—The Minister of Justice having assented to the proposed amendment shows that we are justified, so far, in endeavouring to make the measure as fair as possible. He himself suggested the amendment, therefore we are not open to a charge of partisanship. The fact is the majority, the Conservatives, have carried every measure here this session. Where would the Grand Trunk and Drummond County Bills have been if it had not been for the Conservatives? I want to do what is right and fair, and will do so while I am in this House. I am not going to be tied down and prevented from giving utterance to my opinions, whatever they may be. I do not want to be lectured as being actuated by a partisan spirit. Let the government come down with well considered measures. I contend that they do not do that. They think themselves all powerful, and that they can carry anything. That is the spirit they have shown all through this session. Had they given this subject proper consideration they would not have brought down this bill until they had made proper provision for carrying it out. But instead of that they made a contract and got into a tangle with this company, and now they want the Senate, without proper consideration, to pass this bill for the purpose of protecting them from the consequences of wrong acts. I contend that the government in authorizing this work without proper inquiry and taking proper precautions, have done wrong. Any business man finding that he had not power to go on with the work would have endeavoured to get the matter put right before entering into a contract, but the government thought they could put this bill through without investigation.

Hon. Mr. POWER—They did not know their men.

Hon. Mr. CLEMOW—I do not think they did. I do not think they appreciated the temper of the Senate. This will be a lesson for them in the future to let them consider their measures in a proper way and give us a full statement, and I do not believe there would be a dissentient voice in this House in carrying any fair measure.

Hon. Mr. ALLAN—With all due respect, I would suggest to the Minister of Justice that he has not, in this instance, taken the right course. I can easily conceive anybody in his position, responsible for government measures, if an amendment was proposed to a particular bill, which in his judgment was decidedly one that interfered with the object the bill had in view, I can understand, that as a responsible minister of the Crown, he would not accept it. But when hon. gentlemen are trying to perfect the bill, and when the minister has acknowledged that it is open to some of the objections that have been raised particularly by my hon. friend the leader of the opposition and the hon. gentleman from Calgary, I cannot see why, under such circumstances, he should accuse this side of the House of acting in a partisan spirit, and threaten to withdraw the bill. This Senate is an independent body, and has a right to discuss freely all the measures brought before it, and certainly we cannot be taken to task for endeavouring, if we possibly can, to improve a particular clause of the bill. If we are to be told that a bill will be withdrawn if it is interfered with, we might just as well give up criticising bills altogether.

Hon. Mr. ALMON—Allowing the government have been guilty of all the crimes the hon. gentleman from Rideau Division has charged them with, and I am not saying they are not, is it right to punish the city of St. John for their sins? The amendment moved by the Minister of Justice covers the whole point. It simply applies to this road in St. John. It cannot possibly apply to any other. If this bill does not pass, what happens? The season for working in this country is short, and if obstacles are put in the way, the people of St. John will not have this harbour which they want to have improved. In Halifax the government commenced an elevator, and they delayed so long about it, that a whole year was lost. It was promised to be finished last autumn. It is not finished yet, and perhaps will not be in operation until another year has passed. Halifax has suffered by this delay,

and I do not wish St. John to suffer in the same way. Hon. gentlemen should forget the sins of the government instead of whipping them over the back of St. John. Let us pass the bill, and allow St. John to have the improvements for the great trade of next autumn.

Hon. Mr. SCOTT—This Expropriation Bill has had rather a curious history. It has been before the chamber on several occasions. Hon. gentlemen will recollect, first, clause one was struck out; then, on another occasion, clause 2 was struck out; then clause 3 was struck out, and then clause 4, which is the end of the bill. The Minister of Justice thought the change in the law was important. It did not meet with the approval of this chamber, and the government submitted with a good grace. There was no remonstrance. Then a proposal was made from the other side that if there was any particular case which needed legislation, the House would give facilities for carrying it through. The minister prepared a clause, having in view one particular case. The condition of the work was uncertain, whether the rights the railway have at the present moment had been at all disturbed. The Crown had expropriated the land on each side for the greater part of the way. So this clause now under consideration was drawn with special limitations to this particular case, not making it a general law. If hon. gentlemen will reflect for a moment, the Minister of Justice took a great deal of pains to satisfy the House. Naturally, the retroactive clause was challenged. Every one expected that it would be, but the Minister of Justice explained that the contract having been given out, it was impossible to say whether the parties had taken such steps as would enable them to apply to the courts before this bill was passed. They know this legislation is being promoted, and they may, before this receives the Royal Assent, apply to the court and the court might grant an injunction, and a very serious embarrassment would arise. Then the proposal was made to limit the retroactive clause to this case only. The clause, as now proposed, certainly confines its action, so far as the retroactive part of it is concerned, to the St. John Bridge and Railway Extension Company. It is perfectly clear that it touches no other interest, no other lands, no other franchise or rights than the St. John Bridge and Railway Company, and therefore it ought fairly to be allowed to go.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has dealt with just half the bill, which was not restricted to this particular work.

Hon. Mr. SCOTT—Not originally.

Hon. Sir MACKENZIE BOWELL—You repealed a section of the Expropriation Act and substitute another for it, and the substitution was to affect all transactions—not only the case at St. John, but all others in the Dominion, if there were any. Then objection was taken to the retroactive clause, believing, as many of us did, that it would interfere with private rights. Then the hon. gentleman said he would restrict the retroactive effect to the St. John case. The only point that has suggested itself to those that have taken that view, is as to whether it goes further, and I suggested a minute or two ago that the committee might now rise and we could consider that point at the third reading. I am surprised to hear some hon. members say that this clause should pass irrespective of what effect it might have on other interests, because St. John might suffer if it did not become law. Nobody proposes to interfere with the power the government seeks in reference to St. John, and why the whole argument should be based on that one point, I am at a loss to know. The Secretary of State has made two speeches and confined himself to that point. He has not answered the questions I asked as to whether this would affect any other interest, or whether the clause would cease to have any effect after the St. John harbour case had been dealt with. Nobody has objected to giving all the powers necessary for the government to carry on the St. John harbour improvements. I believe the House is prepared to give the government all the power they want to deal with this case in St. John. Nobody has suggested or insinuated a desire to interfere with the improvements in St. John harbour. The Minister of Justice says, I have read him lectures on several occasions. I repudiate that. I have made suggestions to the hon. gentleman, and he has read us lectures. Being rather refractory pupils we have not accepted them in the spirit he would like. That is the only reason why I made the remarks I did. I have no desire to read him a lecture, but I will take pre-

cious good care that one will not be read to me with impunity. Let the amendment pass and we will think over it until to-morrow.

Hon. Mr. LOUGHEED—The House last night was prepared to accept the amendment of the hon. Secretary of State, providing it had been tacked on to the amendment made by this side of the House. I would furthermore say it was not until the House was about to rise last night that the hon. Secretary of State proposed it, and afterwards the hon. Minister of Justice consented to limit this amendment to St. John harbour, and it was at the instance of the Minister of Justice himself that the matter was postponed until to-day.

Hon. Mr. MILLS—Certainly.

Hon. Mr. LOUGHEED—And furthermore, the Minister of Justice himself must recollect this, that he has special opportunity to study the application of all legislation brought down by the government in regard to public measures, whereas this House has not that opportunity. It is not until a bill is presented to the House, and we listen to the explanations of the minister, who has carefully gone into the matter, that we can determine what may be the application of that legislation, and the limitations that should be placed upon it, or the various interests which may be affected by it. All those questions have to be taken into consideration by the minister in bringing down legislation of this nature.

The committee divided on the amendment, which was agreed to.

Contents 27; Non-contents 4.

Hon. Mr. BERNIER, from the committee, reported the bill as amended.

The Senate adjourned.

THE SENATE.

Ottawa, Friday, 28th July, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

YUKON TERRITORY ACT AMENDMENT BILL.

RECONSIDERED IN COMMITTEE.

The order of the day being called:

Third reading Bill (U) "An Act to amend the Yukon Territory Act."

Hon. Mr. MILLS moved that the bill be not now read the third time, but that it be referred back to a Committee of the Whole House for further consideration.

The motion was agreed to.

(In the Committee.)

Hon. Mr. MILLS—It was understood when the committee rose and the bill stood for third reading that I should ask the House, instead of reading the bill a third time, to go back into committee to make certain amendments, to give representation in the Yukon country and for other purposes. That renders it necessary to revise the bill to some extent. I propose to strike out section 5 of the Act and substitute a clause which I have prepared, and which I will hand to the chairman.

Hon. Mr. LOUGHEED—Are these members elected from the entire Territory?

Hon. Mr. MILLS—Yes. I take it they will be better able to frame regulations than we are. My view has been that the population there is so variable—people constantly coming in and those who have come in leaving the Territory—that a period of two years, perhaps, would be as long as the elective members should be elected for.

Hon. Sir MACKENZIE BOWELL—It is not proposed to bring the law into effect at once upon its passage?

Hon. Mr. MILLS—No. It may be necessary to enter into correspondence, and to make some ordinances with regard to the holding of the election and so on, and that might well be done before any order or proclamation should be issued.

Hon. Mr. LOUGHEED—What does the hon. minister estimate the present population of the Territory?

Hon. Mr. MILLS—About 25,000, of whom, I suppose, 5,000 are British subjects.

Hon. Mr. LOUGHEED—Why confine it to two members? Does not the hon. gentleman think it would be a reasonable concession to give to 25,000 population six representatives—as many elective members as nominative members?

Hon. Mr. MILLS—No, I think the measure had better be tentative, especially where you have so large a foreign population.

Hon. Mr. LOUGHEED—What are the qualifications for voting?

Hon. Mr. MILLS—Naturalized or natural born British subjects.

Hon. Mr. LOUGHEED—Residing one year?

Hon. Mr. SCOTT—One year's residence.

Hon. Mr. LOUGHEED—Male subjects?

Hon. Mr. MILLS—I have no objection to putting in those words if the hon. gentleman thinks necessary.

Hon. Sir MACKENZIE BOWELL—I am in favour of female suffrage.

Hon. Mr. MILLS—In England where a British subject has a right to vote, women have offered to vote and it has been held that they were not entitled to vote, and that it requires an express provision to give them that right.

The clause was adopted.

Hon. Mr. MILLS—I have prepared a clause which I propose to substitute in lieu of clause eight. I am told that in some cases the mining camps may be of considerable extent, and if there are no sanitary regulations, the streams become polluted and produce typhoid fever. In order to protect the health of the inhabitants, it is necessary that the council should have power to make regulations of this sort.

Hon. Mr. PERLEY—Will you tax the district that has representation for the improvement of districts outside of the representation? In the North-west council we had representation, for instance, where I lived, the Qu'Appelle district. That district embraced 1,000 square miles. When we had 1,000 population in 1,000 square miles we had representation. Just outside of the district we had no power to tax the people or spend money. Under this bill would the council have the power to tax the country outside of the representation?

Hon. Mr. MILLS—There has been no division created by this bill, whatever may be done hereafter by the council itself. They may make ordinances for holding the election, and may suggest a division of the Territory. They are very differently situated from an agricultural population. They will be settled in groups, and as a very large proportion of them are foreigners, the representation, of course, will be confined to a very small number, and it is rather for the purpose of keeping the council in touch with the feeling and wants of the people that the representation and the power of taxation should be given.

Hon. Sir MACKENZIE BOWELL—The two elected members are to be elected from the whole Territory?

Hon. Mr. MILLS—Yes.

Hon. Mr. PERLEY—You do not make districts.

Hon. Mr. MILLS—No. The North-west being an agricultural country, you could map it out into districts, but you cannot do that with the Yukon country.

Hon. Mr. LOUGHEED—I approve of extending representative institutions to the Yukon, but this legislation is somewhat unique in imposing enumerated restricted powers on the council. In the first place, the council cannot exercise powers except that are given to it, as all the powers are vested in Parliament or in the Governor in Council, I fail to understand why you should place restrictions upon the powers you confer. You give them certain rights, and it seems unnecessary to say they shall not do so and so, because they can only exercise the rights you directly give them. They are not a province. They do not get their powers through the British North America Act, and consequently their powers are conferred by affirmative legislation and why proceed with all those restrictions? I should also like to point out that you give certain implied powers of a municipal character. It is wise to have our legislation as uniform as possible. In defining the powers of the assembly in the North-west Territories, you adhere as closely as possible to section 92 of the British North America Act. If you look at section 13 of the North-west Territories Act, you will find all the powers incorporated there that are to be exercised by the Lieutenant-Governor in Council, very similar to those enumerated in section 92 of the British North America Act, and in that you simply give the assembly municipal powers in general terms. The language is, "Municipal institutions in the Territories." That is precisely the language used in the British North America Act from which the provinces get their powers to erect or organize municipalities in a province. We have copied the same language

in the Territories Act. I see no reason why you should not have done it in the Yukon Act. Under these broad powers, viz., "municipal institutions," the Commissioner in Council, or the Governor in Council, as the case may be, could have created such a municipal organization for sanitary purposes, as that which you have just mentioned, without defining the restrictive powers, which will, in my judgment, be mischievous when you come to exercise them. In the Territories they have various classes of municipal government: there is the city municipality, the town municipality, the village municipality, the statute labour district, which is of a very broad character, and without involving all the machinery or giving to the area the machinery necessary for an advanced municipality, yet it can exercise power with respect to roads. I mention this to show how elastic the power may be where it is in general language, and how satisfactorily it proves to a provisional government of that nature. It seems to me such negative legislation as you have here would prove mischievous, and it would have been much more salutary to have followed the precedents already established.

Hon. Mr. MILLS—Last year when I prepared the Yukon Bill it had no such provision. It was thought best that the bill should be cut down owing to the very wide difference there was between the conditions of a mining population going in, a large number of whom were mere migratory people, and those who go into an agricultural country with a view of establishing a permanent settlement. The hon. gentleman will see that we give pretty broad powers to the Governor in Council and to the Commissioner in Council in that country, and we did not restrain them within those limits which apply in the North-west Territories, because the North-west Territories Act provide that the powers of the council should never extend wider than the powers of the province.

Hon. Mr. LOUGHEED—Should be subject to Dominion legislation.

Hon. Mr. MILLS—The Dominion is constantly legislating in these matters, but in this we have provided that the Commissioner in Council may make ordinances for the peace, order and good government of the Territory. They may undertake to deal with some matters beyond the power possessed by a province and so, that being the case, it was necessary to set certain restrictions, that they should not uudertake to levy customs duties, nor excise duties, nor should they undertake to legislate in any way in contravention of the Act of the Parliament of Canada.

Hon. Mr. LOUGHEED—What necessity is there to say they shall not levy customs duties? You could not strain the Act in any way to say that they might exercise such power.

Hon. Mr. MILLS—If you state that they may have power to make laws for the peace, order and good government of the country, why not, because you are delegating powers that are broader, it may be, than those that pertain to any of the provinces.

Hon. Mr. LOUGHEED—I do not think so. Parliament could not give any province power to levy customs duties. Parliament cannot delegate its authority to an outside body.

Hon. Mr. MILLS—That is a question about which there is a difference of opinion. In some cases it has been held that the legislature could delegate authority. In the case of the Queen *vs.* Hodge, my hon. friend will see that was held. This Parliament being a sovereign body it is not exercising delegated powers. An authority to which Parliament would delegate a power cannot delegate it, but Parliament gives it here to the extent of its authority, and therefore its powers are sovereign, and there is not that restriction on the power of delegation which would be imposed, say, on legislature of the United States, where it is held that the power of any legislative body is a delegated power from the people at large. So that there were other restrictions inserted with regard to taxation. Those were deemed necessary. They were in the bill, my hon. friend will see, last year.

Hon. Mr. LOUGHEED—Yes, I know. I thought they were mischievous then, and I did not approve of the insertion of them.

Hon. Mr. MILLS—If I were not pressed with other duties, and had I a little more time to consider the subject at large, I might be able to dispense with some of the provisions set out in the bill of last year and this year. But I think we are proceeding

on perfectly safe ground. The power we are giving is tentative. We do not know exactly how the people there may exercise the power that is delegated to them by the provisions of this bill. We have said that the moment they have elected members of the council the power of taxation may be exercised.

Hon. Mr. LOUGHEED—In that connection the hon. gentleman has not provided in the bill that they shall only impose direct taxation. By implication they might have the right to impose indirect taxation, which none of the provinces can.

Hon. Mr. MILLS—Yes, it might be.

Hon. Mr. LOUGHEED—It seems to me that the class of taxation that they can impose should be stated positively.

Hon. Mr. POWER—There cannot be any excise or customs duties.

Hon. Mr. MILLS—We have negatived their right to impose excise or customs duties, and I think it would be very difficult to undertake to define that power.

Hon. Mr. LOUGHEED—Except you mention it directly. For instance, in the case of the Bank of Toronto and the Brewers and Maltsters' case, and several other cases of that nature, which went to the Privy Council, it is surprising the powers that may be exercised by the provinces under the guise of direct taxation, which it seems to me may possibly be very properly said to be indirect taxation and only to be imposed by the Dominion Parliament.

Hon. Mr. MILLS—There is this difference between the Territories and the provinces, that in a province they are exercising powers which must be defined and limited, so as not to come in contact with the powers of the Dominion. This is a body subordinate to the Dominion and deriving its powers from the Dominion, and its powers would not avail if it legislated in contravention of them, and if it did impose direct taxation no injury could flow from it.

Hon. Mr. LOUGHEED—Have you a saving clause of that nature?

Hon. Mr. MILLS—We have the power of disallowance in the Act of 1896.

Hon. Mr. LOUGHEED—In the North-west Territories Act, where broader powers are given to the legislative assembly, it is provided that all their legislation shall be subject to any Act of the Parliament of Canada. Section 13 of the North-west Territories Act says:

> The legislative assembly shall, subject to the provisions of this Act, or any other Act of the Parliament of Canada, applicable to the Territories, have power to make ordinances, and so on.

It seems to me that a more effectual supervision would be exercised over their legislation by having such a provision applicable to their legislation, and consequently it would dispense with the necessity of scrutinizing every Act to see whether it should be allowed or disallowed, and I do not see why we should give broader powers to the Yukon than to the North-west Territories.

Hon. Mr. MILLS—For the reason that it is distant and inaccessible, and what we may do after more ready means of access are established and better means of information provided, I think we cannot so well do at the present time. We give them very large powers, but we retain the restrictive power that the prerogative of the Crown gives us, and I think, on the whole, we have adopted the line best suited to enable them to accomplish what practically presents itself as a proper object to attain in the Territories, and at the same time if they are found to adopt a measure which is contrary to public policy, we may, when we become aware of it, disallow it here. I quite admit that the arrangement is not theoretically perfect, but it is the one that, for the moment, while that country is so isolated from the rest of the Dominion, is best calculated to enable them to carry out what occurs to them on the ground as in their interests.

The clause was adopted.

On clause *b*.

Hon. Mr. MILLS—I have struck out the words "by special permission" and inserted "except under regulations of the Governor in Council." That is in reference to the sale of intoxicating liquors.

Hon. Mr. ALLAN—The other is the more stringent of the two.

Hon. Mr. MILLS—Yes, but the difficulty which suggested itself to me was that it required a special license in every case.

The sub-clause was adopted.

On sub-clause *c*.

Hon. Mr. LOUGHEED—Do I understand that the clauses of the North-west Territories Act prohibiting the importation, sale or manufacture of liquor in the unorganized parts of the Territories apply to the Yukon?

Hon. Mr. MILLS—They were in force in the Yukon Territory at the time it was organized a separate territory.

Hon. Sir MACKENZIE BOWELL—But they would not have any effect now after this law.

Hon. Mr. MILLS—This is simply an enabling power. It does not change anything.

Hon. Mr. LOUGHEED—Is that prohibition in force in the Yukon Territory today? My recollection is that the Act was amended immediately previous to the introduction of the license system into the North-west Territories, and it was provided that the Governor in Council should have power, by proclamation, to suspend the operation of certain of the prohibitory sections of the North-west Territories Act in the organized parts of the Territories, or such parts of the Territories as might be defined in a proclamation, or Order in Council. I am not prepared to say whether the carving out of the Yukon Territory out of the North-west Territories at once rendered the prohibitory clauses in the North-west Territories Act inoperative as to that particular area of country.

Hon. Mr. MILLS—No, I think not. They are continued or perpetuated by the Act of last year. But the difficulty was that the government of the North-west Territories, for the sake of obtaining a revenue, issued, before that Act became law, a large number of licenses to parties to import liquor into that Territory, I forget how many licenses were issued, but a very large quantity of liquor was sold in the Yukon Territory under the authority of the North-west Territorial Ordinances that extended to that country—at least under the power of the Lieutenant-Governor of the North-west Territories.

Hon. Mr. LOUGHEED—Then this government, by its action, would not recognize the permits which were issued by the Lieutenant-Governor of the North-west Territories and assumed to itself the right to say whether liquor should be imported into the Yukon Territory. I think I am correct in that statement.

Hon. Mr. MILLS—Yes.

Hon. Mr. LOUGHEED—What I desire to know is, if these clauses will not be interpreted as practically a repeal of the prohibitory clauses of the North-west Territories Act, so as to permit the Yukon council to pass ordinances respecting the sale of liquor. The machinery is provided here apparently for the importation, the manufacture and the compounding of liquor in the Yukon Territory. It seems to me the placing of that legislation upon the statute-book would by implication repeal any prohibitory law that obtains in the Yukon Territory. I am not opposing the extension of those powers to the Yukon Territory, because I think they should have the power, and my observation is that the operation of the clauses in the North-west Territories Act were anything but promotive of temperance and the object which Parliament had in view in passing the legislation.

Hon. Mr. MILLS.—These clauses are necessary, however strict the prohibition may be; otherwise there would be absolute exclusion. For instance, you could not manufacture or compound the liquors for any medical purpose, or otherwise, in the Territory, if you had an absolute prohibition. What we are undertaking to do is to take power that will enable us to prohibit under the authority of law.

Hon. Sir MACKENZIE BOWELL—I suppose paragraph "*b*" covers that?

Hon. Mr. MILLS—I think so.

Hon. Sir MACKENZIE BOWELL—It seems to me paragraph "*b*" gives the power to the government to say whether any liquor should be manufactured or imported into the Territory.

Hon. Mr. MILLS—Yes.

Hon. Sir MACKENZIE BOWELL—That would take the place of any legislation in the past. It says:

No liquors shall be compounded or made in the Territories except by special permission of the Governor in Council.

That provides for the manufacture and compounding of liquors. Then it says:

Nor shall any intoxicating liquors or intoxicants be imported or brought into the Territory from any province or territory in Canada or elsewhere, except by special permission of the Governor in Council.

Hon. Mr. LOUGHEED—That has been further amended.

Hon. Sir MACKENZIE BOWELL—It leaves the matter entirely in the hands of the Governor in Council. They can prevent the manufacture and compounding of liquors, and they can prevent the importation into the Territories from any other parts of Canada unless they can obtain special permission.

Hon. Mr. MILLS—That we would have no power to do, nor would the government of the Territories have power to do that without statutory authority here.

Hon. Sir MACKENZIE BOWELL—Yes, that is what I say. This clause leaves the question of prohibition entirely in their hands. They can prevent liquor from coming from a foreign country or from British Columbia.

Hon. Mr. LOUGHEED—They have that power now.

Hon. Mr. SCOTT—The power existed in the North-west Territories in the Lieutenant-Governor in Council fearing there was going to be an abuse of it, the power was temporarily withdrawn. Instructions were sent to the Lieutenant-Governor of the North-west Territories not to issue any permits, and it was only a very few weeks before the Act of 1898 came into operation, that, under a request from the North-west council, power was given to issue permits as it formerly existed. Under that, a very great abuse took place, and permits were issued for very large quantities of liquor to be taken in there, enough to supply them for years to come, if it all went in. Then the Commissioner in Council in the Yukon undertook to issue licenses in regard to the liquor that came in, and an Order in Council was passed prohibiting the issue of any licenses, and stopping the introduction of liquor into the Yukon.

Hon. Mr. PERLEY—What time was that?

Hon. Mr. SCOTT—Assoon as the government heard that the privilege was abused.

Hon. Mr. PERLEY—About what date?

Hon. Mr. SCOTT—A few days before the Act of 1898 was passed, which separated the Yukon district from the North-west Territories. Hon. gentlemen will remember that practically we were administering the Yukon Territory without the authority of Parliament, because it became necessary to send up a commissioner, and up to 1898 the Yukon Territory was under the control of the North-west Territories and it was in the short interregnum between the granting of the North-west council the right to issue permits and the coming into operation of this Act cutting off the Yukon district from the North-west that these abuses took place, of issuing permits to this very large extent, and when the government heard of it they at once put a stop to it.

Hon. Mr. PERLEY—About the first of May I went home to the North-west and Major Walsh joined the train at Carleton Place and went up in company with me to Rat Portage, or Port Arthur. I had a long conversation with him and we spoke about this liquor business in the Yukon district. He told me distinctly that he was endeavouring to administer the affairs of that country and stop the importation of liquor, that he had refused to grant licenses and was trying to administer the affairs of that country without issuing licenses and was utterly opposed to it. But the government sent their North-west man in there, and he disagreed with him and he issued licenses without stint, almost, I think to the extent of $22,000 of revenue. He also stated that the Lieutenant-Governor had issued permits which was a surprise to me, because I understood they instructed him not to issue permits. Permits were issued lavishly and large quantities of liquor were taken into the country contrary to what I was informed was the case, and I was highly pleased with Major Walsh's statement, because it showed a state of things different to what I supposed existed—that he was trying to administer the affairs of the district without having liquor in the country.

Hon. Sir MACKENZIE BOWELL—Might I ask whether the Dominion Government have refunded to the government of

the North-west Territories the amounts which they collected for permits? When this was under discussion before, it was admitted, I think, that the action of the Federal Government at that time might be considered ultra vires. They had no power, because the power was then vested in the North-west Territories, and though the government took a very commendable course to prevent the introduction of liquor into that country, they had no power to do so. They issued licenses and collected fees, was the money ever refunded to the Territories?

Hon. Mr. SCOTT—They got all the money for the licenses they issued.

Hon. Sir MACKENZIE BOWELL—What about the licenses the Dominion Government issued; did the government of the Territories get the money for those licenses?

Hon. Mr. SCOTT—I do not know that there was any considerable amount. Some very small permits were issued to parties going in. We stopped it.

Hon. Mr. MILLS—Was it not paid as customs duties. The liquor that was sent.

Hon. Sir MACKENZIE BOWELL—Not that which went from Canada, of course.

Hon. Mr. MILLS—All I know is, long after the administration of the government was in the hands of the government here, under a commission issued to Major Walsh, and which commission was valid in this regard, that it largely dealt with the question of mines and mining operations and regulations relating to mining, all of which powers were not in the North-west Territorial government, but in the Department of the Interior here.

Hon. Sir MACKENZIE BOWELL—I am only talking about the liquor permits.

Hon. Mr. MILLS—I propose an amendment that an appeal shall lie to the Supreme Court of Canada direct, or to the Supreme Court of British Columbia. I wish to leave to parties the option of coming to the Supreme Court direct, if they are disposed to do so.

Hon. Mr. PERLEY—You ought to stipulate the amount under which there should be no such appeal.

Hon. Mr. MILLS—Below $500 cannot be appealed.

Hon. Mr. PERLEY—In that country it ought to be $1,000. If I had a suit tomorrow, and the man was going to appeal the case, I would prefer to abandon the case altogether. We have too much law in this country. In one province there are five courts to which you can go before a matter can be finally determined. It is utterly impossible for a poor man in litigation with a rich man to do anything. There should be legislation to prevent that. If you have two judges sitting together on a case in the Yukon, why should not their decision be final in a case up to $1,000?

Hon. Mr. MILLS—I quite agree with what the hon. gentleman has said, if the present condition of things were likely to be permanent. I have no objection to making the amount $1,000 if in the opinion of hon. gentlemen $1,000 is not too much.

Hon. Mr. PERLEY—It ought to be $1,000 anyway.

Hon. Mr. LOUGHEED—There is this much to be said upon this point. The right of appeal ought to be given to every man. If a man feels that he is aggrieved in the trial court, would you prevent him having recourse to an Appellate Court? A man always feels, and expresses himself so, that he should have the right to appeal if he chooses to take the responsibility of the costs of such an appeal.

Hon. Mr. POWER—But there is another view of the matter. There are two litigants, one rich, the other poor. The rich man, if he is allowed to appeal—no matter how small the amount at issue—can always defeat the poor man by carrying the case on to a higher court, and consequently the rule has always been adopted that there shall be some limit to the right of appeal, and I think very properly adopted. The judges in this country are fairly conscientious and intelligent, and may be entrusted to give a fairly good decision, and an appeal should not be allowed unless the question at issue is one of sufficient consequence to be allowed.

Hon. Mr. FERGUSON—It is almost impossible to lay down a rule that would be correct in all cases. The amount might not be large and yet a number of cases might hang upon the decision. I think the amount fixed in the bill, about $500, would be reasonable.

Hon. Mr. PERLEY—I would not make such a small amount the limit in a country like the Yukon. In the case of $500 two judges might try the case. There are good men on the bench in Canada, and I feel proud to think that very few cases are reversed, but in a country like the Yukon, where expenses are very large, you should appoint two judges to try cases under $1,000 and above that allow an appeal.

Hon. Mr. MILLS—The provisions in this are the same as in the appeal to the Supreme Court from the final court of resort in the province. I repeat if hon. gentlemen think $500 is too small a sum to grant the right of appeal in that country, I have no objection to making it $1,000.

Hon. Mr. PERLEY—I think you had better make it $1,000.

Hon. Mr. LOUGHEED—My observation is contrary to that expressed by my hon. friend from Halifax. It is not the rich man that invariably appeals. I find, as a rule, there is a greater desire for litigation in the poor man than the rich man. He will go to a court of appeal under most circumstances. My experience is that a number of large corporations refuse to go to appeal. You must not overlook this fact, no matter how able the judge of the first court may be, there may be a jury verdict against a party to a suit which may be manifestly wrong, and unless the right of appeal exists there is no possibility of getting rid of that verdict. There are many views which present themselves to one's mind in considering this matter, and I think the clause as it stands would work satisfactorily.

Hon. Mr. MILLS—It will only be a few months until Parliament will meet again, and we will have time to consider it. We had better make it uniform with the right of appeal in other parts of the Dominion.

The clause was adopted.

Hon. Mr. VIDAL, from the committee, reported the bill with amendments, which were concurred in.

The bill was then read the third time and passed.

EXPROPRIATION ACT AMENDMENT BILL.

THIRD READING.

The order of the day being called:

Consideration of the amendment made in Committee of the Whole on Bill (D) "An Act to amend the Expropriation Act."

Hon. Mr. MILLS moved that the amendment be concurred in.

Hon. Mr. LOUGHEED—I would direct the attention of the hon. Minister of Justice to a phrase in this clause which is seldom used in any statute. That is the word "prospective." All legislation is prospective only except it be made retroactive, and then it is retroactive and prospective. I placed in the hands of my hon. friend from Halifax to-day an amendment which I suggested, and which I think will fully meet the object which the hon. Minister of Justice has in view, and yet will be satisfactory to those parties whom it was thought this legislation would affect:

The provisions of this section are retroactive so far as they apply to the acquisition of property belonging to the St. John Bridge and Railway Extension Company and not otherwise.

Hon. Mr. MILLS—There is just the difficulty in this that occurred to me and which induced me to insert the word "prospective." If we were to leave out this word altogether the whole section would be prospective. It would relate to future operations and not to past transactions at all. If we leave out the word "prospective," then the clause, so far as it relates to St. John, would be retrospective and retrospective in my opinion only, and it is to preserve the principle of the bill in the main section, as applicable to St. John in the future, as well as to other places, that I have inserted that word. My hon. friend will see, if he looks at it, that while the section would be prospective, relating to the future with regard to every other place than St. John, it would in fact be confined in St. John to its retroactive effect. Now, I wanted it to be prospective in the case of St. John as well as every other place, but I wanted it also made retroactive in St. John so as to protect the government against suits being brought for trespass, &c., in connection with the property they are about to acquire.

Hon. Mr. LOUGHEED—I think you have limited this amendment entirely to

the St. John Bridge and Railway Extension Company and made it so that it will apply to no other. It seems to me the object in view as to its prospective operation is not affected by this amendment. It is retroactive and prospective so far as it applies to this case. You admit the fact that it is to be only retroactive in regard to St. John harbour improvement?

Hon. Mr. POWER—Yes.

Hon. Mr. LOUGHEED—It can only be prospective as to the same object, because you couple the words prospective and retroactive—it can only be prospective so far as that particular enterprise is concerned.

Hon. Mr. MILLS—My hon. friend will see it is prospective as far as it applies to the case of the property belonging to the St. John Railway and Bridge Company. This clause only relates to this property. It does not relate to any other. It does not affect the general provision of the law as respects any other property, whether at St. John or elsewhere; but as far as the St. John Railway and Bridge Company is concerned, this clause is both prospective and retrospective.

Hon. Mr. LOUGHEED—You are only dealing with the clause. You are not dealing with anything else, and consequently you limit the operation of the clause to the St. John works, because you cannot apply it to any other case. Several lawyers have discussed this and they all agree in saying that this clause, as you have it framed, can only apply to this particular subject, both in its prospective and its retrospective operation. I simply mention that to show the doubt that it can create. If the limitation as to the retroactive operation apply to the clause they must apply to its prospective phase as well. You draw no distinction between the two.

Hon. Mr. MILLS—The full clause applies to all places. Railways are added. That is all that is new. There is this limitation, not of the clause but limitation as to the place to which the clause is applicable. The provisions of this section are retroactive as well as prospective in connection with the St. John case.

Hon. Mr. LOUGHEED—You repeal the law as it at present stands. You wipe that out, and you submit in the bill another paragraph and then you place a limitation upon the operation of that paragraph in its entirety.

Hon. Mr. MILLS—No, only as to the particular place.

Hon. Mr. LOUGHEED—That is the limitation—the operation of the law as embodied in the paragraph is only in St. John.

Hon. Mr. MILLS—The retroactive part of it.

Hon. Mr. LOUGHEED—You draw no distinction. Where do you draw any distinction between the retroactive operation and the prospective operation in the amendment which you are making? The clause is wholly prospective apart from this provision with regard to the city of St. John. If you had said that it was retroactive only in respect of the city of St. John then it would have been prospective elsewhere without any expression on the subject. You immediately place a limitation on it by saying it shall be prospective in a certain way. It would in law be prospective if you had not expressed the limitation.

Hon. Mr. MILLS—It is the very opposite. My hon. friend will see that if I had said that the clause shall be retroactive so far as it applies to the Railway and Bridge Company of St. John, it would have prevented the clause operating prospectively at all so far as that work is concerned. I do not want to prevent its prospective operation. I say there that it shall be retroactive as well as prospective. It would be prospective without this declaration. That is what it is everywhere, and therefore in order to make it retroactive without limiting its prospective operation, I say it shall be retroactive as well as prospective. I do not pretend to confer by this limitation a prospective power at all. I assume it was conferred before, and I wish to make it solely a prospective clause so far as St. John is concerned. That is why I insert these words "as well as prospective." That is the object.

Hon. Mr. POWER—We can let the minister have it as he wants it. It does not affect anything but this particular work.

Hon. Mr. LOUGHEED—Parties do think the amendment affects them. I am satisfied

the word prospective should be put in in some other way but as I have stated, several lawyers, men in active practice, have expressed themselves in regard to this interpretation. Now, all statute law is prospective, and the court would naturally say why did you insert in the statute that it should be prospective? You must have had some particular object in view, viz., one of limitation, because in law it is prospective anyway, and you immediately couple it with its retroactive operation.

Hon. Mr. MILLS—Let me call my hon. friend's attention to the clause he has put in the hands of the hon. gentleman from Halifax. "The provisions of this Act are retroactive so far as they apply to any property belonging to the St. John Railway and Bridge Company." Now, that would prevent its being prospective in its application to St. John at all. I have great faith in the judgment of my hon. friend from Barrie (Mr. Gowan) and would be quite ready to leave the construction of that to his judgment. To my mind, it is perfectly clear that you would except St. John from the prospective operation of the main clause, perhaps if I were not to insert "as well as prospective" so as to secure its double operation.

Hon. Mr. GOWAN—I think that is a sound legal construction.

Hon. Mr. PERLEY—Why not make it retroactive altogether so far as it relates to the St. John property?

Hon. Mr. LOUGHEED—In last night's amendment you inserted the word "only," did you not? If you introduce the word "only," it would be satisfactory.

Hon. Mr. MILLS—My hon. friend does not want to introduce a tautological expression. That would be practically a double negative, and I objected to it for that very reason.

Hon. Mr. LOUGHEED — You have mentioned one particular case in which it shall be retroactive, but the law may not imply, and the court may not imply, that it is not retroactive in other matters. The court may say you have declared what the law is with regard to that particular subject, but you at least leave room for argument at once that it is not retroactive in regard to other subjects as well.

Hon. Mr. POWER—Unless it is expressly stated, the law only applies from the time at which it is adopted, and you have to specially state that it is to be retroactive if you wish it to have that effect. In this bill it is stated that it is retroactive as regards this work in St. John, and it is not retroactive anywhere else.

Hon. Mr. LOUGHEED—My hon. friend last night did not object.

Hon. Mr. POWER—I said I thought the word "only" would not do any harm.

Hon. Mr. McCALLUM—I thought it was understood at the time that it would only apply to the St. John Railway and Bridge Company. The word "only" was there.

Hon. Sir MACKENZIE BOWELL—If it does no harm, insert the word "only."

Hon. Mr. PERLEY—Put it in for the benefit of the lawyers, because they will not understand the clause if it is omitted.

Hon. Mr. MILLS—I could not consent, because it would not make sense.

Hon. Mr. ALLAN—Put it in after the words "so far." Then it would read "so far only as it applies to the works at St. John."

Hon. Mr. MILLS—Then it would create a doubt.

Hon. Mr. LOUGHEED—Why not put in the words "and not otherwise" so as to limit it to that.

Hon. Mr. MILLS—You could say "and not elsewhere" at the end of the clause.

Hon. Sir MACKENZIE BOWELL—That will do.

The clause as amended was adopted.

The bill as amended was read the third time and passed, on a division.

EXCHEQUER COURT ACT AMENDMENT BILL.

THIRD READING.

The order of the day being called:

Consideration of the amendments made in Committee of the Whole House on (Bill B) "An Act further to amend the Exchequer Court Act."—(Hon. Mr. Mills.)

Hon. Mr. MILLS moved concurrence in the amendments. He said:—Several clauses of this bill have been struck out. There is a clause remaining in the bill relating to the power of the Exchequer Court judge to appoint some one to hold court in his behalf and I intend to let the bill go in that form.

Hon. Sir MACKENZIE BOWELL—I do not know how far we are exceeding our power in the second clause. Should not the amount be left blank?

Hon. Mr. LANDRY—It is left in blank in the bill.

The motion was agreed to.

The bill was then read the third time and passed.

PROTECTION OF NAVIGABLE WATERS ACT AMENDMENT BILL.

THIRD READING.

The House resumed, in Committee of the Whole, consideration of Bill (137) "An Act further to amend the Act respecting the Protection of Navigable Waters.

(In the Committee.)

Hon. Mr. SCOTT—In the discussion on the proposed change in the law in reference to amending the Act respecting Protection of Navigable Waters, the opinion was expressed by one hon. gentleman, and concurred in by several, that the law as it at present exists in regard to tidal waters, should not be disturbed, and the change, therefore, in the law will be to apply it to non-tidal water under certain restrictions—that is, reducing the depth of water. In order to meet the views of some hon. gentlemen, who expressed a very decided opinion on the subject. I have introduced a clause, at the instance of the hon. senior member for Halifax, giving authority to the Department of Marine and Fisheries to point out particular places where ballast or rubbish may be deposited, even where the depth of water is less than that described in the statute, and in order to remove the appprehension of the hon. member from Sorel (Mr. Forget) who came over and discussed it with me, and who seemed to be satisfied with the proposal, I have added a clause to the bill requiring the approval of the Minister of Marine and Fisheries before any prosecution for a penalty is allowed, on non-tidal waters. Therefore any malicious prosecution by a man who had been dismissed, or for malice, or anything of that kind, cannot be commenced except with the concurrence of the Minister of Marine and Fisheries. As the law now stands, powers are given to the harbour masters and port wardens to enforce the law, and they have power, under the various Acts, to instruct the owners of vessels where to deposit ballast or rubbish.

Hon. Sir MACKENZIE BOWELL—That only applies to harbours where there is a harbour master?

Hon. Mr. SCOTT—Yes. I think it applies to the whole of the St. Lawrence, between Quebec and Montreal. This clause removes the objection urged that there were places where the requisite depth could not be obtained, and the parties could not get rid of the rubbish they had on board. Under that clause the department can point out places where ballast can be thrown where the depth is less than the depth named.

Hon. Mr. CLEMOW—What about sawdust?

Hon. Mr. SCOTT—It does not touch sawdust.

Hon. Sir MACKENZIE BOWELL—Does it give the Minister of Marine and Fisheries power to select places to deposit rubbish where it is not of the depth indicated?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—That removes a great deal of the objection. I understood that the Minister of Marine and Fisheries would not object to striking out the words "rubbish and ashes."

Hon. Mr. MACDONALD (P.E.I)—I do not see why the section of the Act relating to harbours should be repealed.

Hon. Mr. POWER—It is re-enacted.

Hon. Mr. MACDONALD (P.E.I.)—Why is it re-enacted?

Hon. Mr. POWER—The general practice of Parliament—I do not say whether it is the wisest practice or not—has been, where it is proposed to make an alteration in the section, that the whole section is repealed and re-enacted with the alteration.

Hon. Mr. MILLS—Any one wanting to look up the law, instead of having to look at the volume of the preceding year for one portion of the law and the volume of the present year for another portion of the law, will have them both together, which is very convenient.

Hon. Mr. MACDONALD (P.E.I.)—That is a good and sufficient reason for the course that has been taken. This bill imposes a duty on the owners of vessels passing through these rivers, and they may not be aware of the penalties which they are liable to incur under this bill, and I think it should be provided that a copy of the bill should be furnished to the owners of vessels, or notice sent to them.

Hon. Mr. SCOTT—The department will make it as public as possible.

Hon. Mr. PROWSE—The bill imposes a very delicate duty on the Minister of Marine and Fisheries, whoever he may be. It appears to me that it would be weakening the effect of the law by placing in it a provision that no action can be taken against any of the parties for the violation of this Act without the consent and approval of the Minister of Marine and Fisheries.

Hon. Mr. SCOTT—It is limited to non-tidal navigable waters.

Hon. Mr. PROWSE—It appears to me that if the captain of a steamer threw rubbish or ballast into a river and he was a friend of the Minister of Marine and Fisheries for the time being, he would go to the Minister of Marine and Fisheries and say: "Here I have done this, but it was only a little rubbish that I threw in, and you know I am a political friend of the party and subscribe largely to the funds, and now you have it in your power to relieve me from the penalties the law imposes." I consider the Minister of Marine and Fisheries would be almost more than human if he would not say: "Well we will let the matter pass over." I do not think it is proper to place the Minister of Marine and Fisheries in a position of that kind. If he has no discretionary power, and is simply guided by the law, he has nothing to do but to carry out the law.

Hon. Mr. SCOTT—The hon. gentleman is quite correct, and it is only under the pressure of the views of certain hon. gentlemen that I have inserted the clause. The hon. gentleman from Sorel (Mr. Forget) made out a very strong case, that a discharged employee might at any time start a prosecution if a pail of rubbish was thrown overboard. As that view was shared in by several hon. gentlemen, it was in submission to that expressed wish that I inserted the clause.

Hon. Mr. POWER—I think the Minister of Marine and Fisheries would be pleased to be relieved. I have looked at chapter 91 of the Revised Statutes, which deals with the protection of navigable waters. In this section 7, which this bill proposes to amend, there is a subsection 3 which I think would cover the ground proposed to be covered by the amendment now submitted by the hon. the Secretary of State. The subsection reads:

> The Governor in Council, when it is shown to his satisfaction that the public interest would not be injuriously affected thereby, may from time to time, by proclamation published in the *Canada Gazette*, declare any such river, stream or water, or part or parts thereof, exempt from the operation of this section in whole or in part, and may from time to time revoke such proclamation.

It is possible that under that—I am not expressing any very decided opinion upon it—the Governor in Council might say that in such and such parts of the St. Lawrence, or any other river, ashes might be deposited or that a steamer plying on the river may deposit her ashes in the particular way in which the steamer to which the hon. gentleman from Sorel referred deposited ashes. I am not finding fault with the amendments of the hon. Secretary of State; I am only indicating that possibly this section of the existing law would meet the case. It would take the burden off the shoulders of the Minister of Marine and Fisheries and put it on the shoulders of the Governor General, which are broader.

Hon. Mr. CLEMOW—We have found the exercise of this power very unsatisfactory in regard to the Ottawa River.

Hon. Mr. PROWSE—I wish to say that there is not so much danger from a pailful of rubbish, or a little ashes, but we know very well that sailing vessels, and sometimes steamers get aground with a large quantity of ballast on board. They are most axious to get afloat, especially if the water is falling, and there is a great

temptation for them to throw the ballast alongside the vessel, and that makes that place still shallower for the next vessel that comes along. I think there is danger in giving latitude to throw anything of that kind overboard in navigable waters.

Hon. Mr. SCOTT—We are likely to be filling up our rivers for all time to come, and we are likely to be paying year by year large sums of money for the purpose of dredging them out. We are doing that constantly, and I suppose will continue to do so. It is very difficult indeed to keep the rivers clear. There is $50,000 in the estimates to clean out Toronto harbour, and I suppose the people of Toronto are responsible for that. I think the harbour of Toronto was much clearer twenty-five or thirty days ago than it is to-day.

Hon. Sir MACKENZIE BOWELL—But the obstruction is created by the wash of the sand down the Scarboro Heights. It washes all the way round the island and fills up the harbour.

Hon. Mr. McKAY, from the committee, reported the bill with amendments, which were concurred in.

The bill was then read the third time and passed under a suspension of rules.

THIRD READING.

Bill (K) "An Act for the relief of Isaac Stephen Gerrow Van Wart."—(Mr. Gowan.)

RAILWAY DEBTS COLLECTION BILL.

FIRST READING.

Hon. Mr. MILLS—I beg leave to call attention to a short bill passed during the present session intitled "An Act respecting the jurisdiction of the Exchequer Court with respect to Railway Debts." The origin of that bill was with reference to a case relating to the Great North-west Central Railway, a line running through Manitoba and into the Territories to Yorkville. The case was heard before the Judicial Committee of the Privy Council, and they held that the courts of Manitoba had not jurisdiction with respect to the case, as the road was not wholly within the province. A bill was carried through the House this session to enable the courts to try that case. As I understand the case has been settled. There are other cases, no doubt, to which the bill is applicable, and it is thought there might be some injustice and some hardship arising from the bill if it should be generally operative in other cases without some notice, and in order that the necessary notice of the jurisdiction might be had, and in order that railway companies might be prepared to deal with the bondholders and others having claims against railway corporations of this class, I propose to introduce a suspensory bill to this effect, that no action can be taken against railway corporations during the next twelve months. That will be ample notice to them that thereafter the Exchequer Court will have jurisdiction.

Hon. Mr. LOUGHEED—Was it not last session we passed that bill?

Hon. Mr. MILLS—No, it was passed this session in order to meet the difficulty disclosed by the judges of the Privy Council. I move that the bill be read the first time.

The motion was agreed to, and the bill was read the first time.

Hon. Mr. MILLS moved that the bill be read the second time on Monday next.

Hon. Sir MACKENZIE BOWELL—I might ask, for information, whether the case upon which a bill was passed this session, dealing with this question, better known as as the Charlebois railway case, has been settled? Otherwise it might be interfered with by the provisions of this bill. If it is not settled and depends on the operation of the bill already passed, then it delays the settlement for a year from next August. I understood from the Minister of Justice that that case had been settled.

Hon. Mr. MILLS—That is the report made to me.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman from Rideau Division will know whether that case is settled.

Hon. Mr. CLEMOW—That case is settled, as far as the proceedings in this country are concerned, but they are proceeding in England. I cannot see why it is necessary to repeal this Act at all. It is utterly impossible to get a judgment from any court owing to the difficulty mentioned by the

Minister of Justice. Why should the bill remain in abeyance for twelve months?

Hon. Mr. LOUGHEED—The Manitoba and North-western was the one effected.

Hon. Mr. MILLS—It is the one extending from Portage la Prairie.

Hon. Mr. LOUGHEED—The Charlebois road is entirely in Manitoba. The difficulty is connected with the one which runs from Manitoba into the North-west Territories.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman from Rideau Division could not have heard the Minister of Justice. It does not repeal the Act; but stipulates that it is to come into operation a year from next August. The reason for that is that it is feared it may affect the Temiscouata Road. About fourteen miles of that road is in the province of New Brunswick; the balance is in the province of Quebec. The difficulty arose in this way: there is an extension called the St. Francis branch, which is a part and parcel of the same road. That portion is a paying road, pays interest upon the bonds issued upon it. The Temiscouata Road does not pay interest. What is feared by those interested in the enterprise is that the bondholders in this country may, without the knowledge of those interested in the road in England, take action at once to put it in the hands of a receiver and thereby injure, to a great extent, the whole enterprise. I would prefer seeing a short bill adding another clause to the bill already passed and approved by the Governor General, restricting the operation of the Act until after a year's notice had been given to all parties interested. Because when this bill comes into operation, as I have no doubt it will, a year from next August, and then any road that happens to be in the same position as the Temiscouata and the St. Francis branch is in to-day, will labour under the same difficulties that the present road does, and advantage might be taken by those who are here, to get possession of the road or put it in the hand of a receiver before the bondholders in Europe, or wherever they may be, know what is going on. There will be this advantage, however, the bondholders will have ascertained the fact that such a law is on the statute-book before the year expires. Consequently the same danger may not arise, which I have indicated might arise, if such were not the case. However, if the Minister of Justice chooses to pursue this course, I have no objection.

The motion was agreed to.

COUNTY COURT JUDGES IN PRINCE EDWARD ISLAND.

Hon. Mr. FERGUSON—Before the House adjourns I should like to ask the Minister of Justice whether an appointment had been made yet for the County Court of Queen's, P.E.I.

Hon. Mr. MILLS—I think not.

Hon. Mr. FERGUSON—I may inform my hon. friend he has only one day to do it in to prevent a very serious trouble. The court is fixed to meet on Tuesday next, and there will be hundreds of litigants and others in attendance at the court in Charlottetown on Tuesday next, and the time is getting short.

Hon. Sir MACKENZIE BOWELL—Can you not find a lawyer in Prince Edward Island who would take the position.

Hon. Mr. MILLS—I have not been able yet.

Hon. Sir MACKENZIE BOWELL—There is a large surplus in Ontario, where one could be found.

The Senate adjourned

THE SENATE.

Ottawa, Monday, 31st July, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

THE SENATE DEBATES.

REPORT ADOPTED.

Hon. Mr. BERNIER moved the adoption of the report of the Standing Committee on Debates and Reporting. He said:—No doubt hon. gentlemen have read this report, which appears on page 644 of the minutes. There is nothing unusual in the report. The first

part recommends payment for the French translation of the Debates of last year; the second part relates to an indemnity to be paid to the reporters on account of the unusual length of the session, which has increased the expenses of their staff beyond what was contemplated when the contract was made. The members of the committee satisfied themselves that these gentlemen are entitled to an extra allowance on account of those expenses.

Hon. Mr. POWER—I do not rise for the purpose of objecting to the report, but for the purpose of asking for some information from the hon. chairman of the committee. I see that here is a sum of $1,733.75, payment of which is recommended to Mr. Desjardins for the translating of the Debates of 1898. I wish to know whether this is intended to recoup the clerk, or some one else, for payments already made to Mr. Desjardins, or if Mr. Desjardins has not been paid at all for the session of 1898?

Hon. Mr. BERNIER—He has not been paid for 1898.

Hon. Mr. POWER—I was under the impression—but apparently it is not a well founded impression—that we had placed Mr. Desjardins upon the regular staff of the Senate as a translator. I thought that had been done last year.

Hon. Mr. BERNIER—No, Mr. Desjardins was never on the regular staff. He was under contract, to be renewed each session, but this year we have put on the regular staff a translator at a reduced salary. We have made a contract this year with another gentleman, which contract has been approved by the Senate, and there is a reduction of about $500 on the amount mentioned in this report.

Hon. Sir MACKENZIE BOWELL—The new translator receives $1,000 and he does the work which Desjardins has been in the habit of doing.

Hon. Mr. BERNIER—Yes. We agreed to pay him $1,000.

Hon. Mr. ALMON—I am very glad to hear that the reporters are to be paid a larger sum on account of the extra time they have been engaged this session. We have all been kept here longer than we expected, and I think the members of the Senate and of the House of Commons and every one else who has been kept here for between four and five months should receive some compensation. Therefore, I hail the resolution with pleasure.

Hon. Mr. POWER—I understand that, for the future, Mr. Desjardins will be paid under a different basis?

Hon. Mr. BERNIER—No. The services of Mr. Desjardins will be dispensed with entirely. Another gentleman has been appointed this session with the sanction and approval of the House.

Hon. Mr. LANDRY—Could the hon. gentleman tell us when we will receive the French translation of 1898?

Hon. Mr. BERNIER—We expect that it will be issued in a few days. The index is being printed.

The motion was agreed to.

THE TRANSVAAL DIFFICULTY.

NOTICE OF MOTION.

Hon. Mr. MILLS—I propose to-morrow introducing a motion in relation to the conditions existing between the Uitlanders and Boers in the Transvaal Republic, giving to Her Majesty's Government the support which I think it is entitled to from us in seeing that British subjects in the Transvaal are more fairly dealt with than they have hitherto been. All over South Africa, wherever any British sovereignty has been established, the Dutch population have been put on a footing of perfect equality with those speaking the English language and those of English origin. Their language has been preserved to them in the legislatures, in the courts of justice and in the public schools. In the Transvaal, where the independence of the republic was recognized with the express understanding that the British population should be dealt with on terms of perfect equality and should be subjected to no special tax or special burdens or political ignominy in their treatment, their positions has been very little better than that of slaves. They have been subject to a tax which amounts to nearly $80 a head for every man, woman and child in the Transvaal Republic, I think the British Government are entitled to sympathy and support (hear, hear and applause) in endea-

vouring to secure the rights of all subjects of the British Empire who may reside in that country. I trust that anything less than terms of perfect equality will not be accepted. I purpose bringing this matter under the attention of the House to-morrow, in order that the hon. gentleman may have an opportunity of expressing those sentiments which, I believe, are entertained by every one living within Her Majesty's dominion. (Applause.)

Hon. Mr. DEBOUCHERVILLE—Is it the intention of the hon. gentleman to move any resolution on this point?

Hon. Mr. MILLS—Yes.

Hon. Mr. DEBOUCHERVILLE—It seems to me, we should have authentic information and not merely what we read in the papers, before we interfere with what happens in another part of Her Majesty's dominions. We should have something official. If those Boers are subjects of the Crown, they are our co-subjects, and before condemning them by a resolution of this Parliament we should know what they are doing. It is not enough to say they should give rights to the Uitlanders, who are strangers in that country and are subject to naturalization.

Hon. Mr. ALMON—No.

Hon. Mr. DEBOUCHERVILLE—How does the hon. gentleman know?

Hon. Mr. ALMON—They are not allowed to take the oath of allegiance nor are they enfranchised.

Hon. Mr. DEBOUCHERVILLE—It seems to me we do not know those things. We have no official knowledge and are not in a position to condemn our fellow subjects. It is something we should take care not to do although if necessity calls for action I am as loyal as anybody else.

Hon. Mr. MILLS—I am simply giving notice that I shall bring the matter up for consideration to-morrow.

Hon. Mr. DEBOUCHERVILLE—You will give us nothing official.

Hon. Mr. MILLS—I have nothing further than is before every hon. gentleman who takes an interest in the well-being of the empire, the correspondence that has been published in the official blue books of the Imperial Parliament, containing the reports and correspondence of the Colonial Secretary with the British High Commissioner in South Africa, the report of the Uitlanders who have been subjected to ignominy and oppression, and have been robbed and plundered by the government of the Transvaal. I shall state some of the facts, so far as I have been able to gather them from the British blue books, and I suppose other hon. gentlemen have been equally industrious. Of course it would be possible, but not at this time, to revert to the Imperial correspondence. That, I fancy, is unnecessary. I assume that hon. gentlemen have been fairly well informed on the subject.

Hon. Mr. LANDRY—Is it the intention of the government to add a paragraph to sustain the rights of the British subjects in Manitoba which have been trampled on? We might unite with the empire to sustain the judgment of the Privy Council on that question.

Hon. Mr. BERNIER—I am sorry to say that the answer of the Minister of Justice to the hon. gentleman from Montarville is not at all satisfactory. The hon. gentleman has asked the Minister of Justice to give the House some information, and practically he answers him that he will not give any.

Hon. Mr. MILLS—No, I did not say that.

Hon. Mr. BERNIER—It is the same in this matter as it has been all along this session and last year. We have been asking for information and the government have told us that they will not give us any. We are told to go and search for it ourselves.

Hon. Mr. MILLS—This is not a subject coming within the jurisdiction of Parliament as fixed by the British North America Act. It is a subject outside. We in Canada have certain relations with the empire. We observe, I take it, what is going on elsewhere. We learn of a state of things existing in a community $\frac{1}{20}$ of whose taxes are paid by British subjects, whose government is supported by British subjects who are taxed to the extent of a quarter of a million pounds sterling yearly, to maintain schools where the Dutch language only is permitted to be used. We find municipal institutions conferred upon a community where there are

only 300 Dutch people and those all labouring men, the majority of whom have no education at all and who alone constitute the class from whom representatives can be chosen to the municipal council of Johannesburg, the wealth of which belong to a population of British, French and United States subjects. Now, I say that these are matters with which we are acquainted through the official correspondence which has taken place between the Transvaal Government and the British officials. This correspondence is not in the possession of the government particularly; it consists of Imperial documents which are published and copies of which are sent to our library and that information is not a whit more accessible to me and not one particle more under my jurisdiction and control than that of any other member of this House. My hon. friend from St. Boniface, can easily see that it is not a matter which the government control or which they can grant or withhold from Parliament.

Hon. Mr. LANDRY—The hon. gentleman has not answered my question, whether he intends to bring in an additional paragraph.

Hon. Mr. MILLS—In dealing with the Transvaal we are not dealing with Manitoba.

Hon. Mr. LANDRY—I ask if it is the intention of the government to do something in the matter.

Hon. Sir MACKENZIE BOWELL—If I understand the hon. Minister of Justice rightly, he intends to present to this House the same motion which was made in the other House this morning, or will it be of a different character?

Hon. Mr. MILLS—It will be the same.

Hon. Sir MACKENZIE BOWELL—I have no doubt the hon. gentleman will be prepared, when he makes the motion and asks our concurrence, to give the information for which the hon. gentleman from Montarville (Mr. DeBoucherville) has asked, as to the reasons why we are requested to pass a resolution in sympathy with, or render aid in case of difficulty, to the Imperial Government, as an integral part of the empire. I am heartily in accord with the sentiments uttered by the hon. Minister of Justice, and am quite satisfied that when the matter is discussed in this House, and the position which our fellow subjects occupy to-day in the Transvaal is understood, there will not be a dissenting voice in extending sympathy to them and in hoping that peace may be secured in the country; but that, should adverse circumstances be of such a character as to lead to difficulty, Canada will not be behind in rendering what assistance she is able to give in defence of the empire.

PENITENTIARY ACT AMENDMENT BILL.

COMMONS AMENDMENTS CONCURRED IN.

A message was received from the House of Commons returning Bill (R) "An Act further to amend the Penitentiary Act," with several amendments.

Hon. Mr. MILLS moved that the amendments be taken into consideration to-morrow. He said:—These are amendments that ought to have been made here, but owing to the fact that I had not the information before me at the moment, some of them were omitted. For instance with regard to the matron and deputy matron at Dorchester. I had put the schedule in the hands of an officer in my department to revise, and the matron and deputy matron were by mistake left out of the Dorchester list altogether. When it came here I saw that they were omitted, and I inserted $400 for the one and $300 for the other. When I looked at the old schedule I found that one was $400 and the other $500, and I asked to have that corrected in the House of Commons. Then we have a certain provision in the schedule where offices may be united and undertaken by one party. For instance the steward and storekeeper are sometimes united, and the positions of hospital overseer and schoolmaster are united. One had a considerably smaller salary when he undertakes both offices than the total of the two salaries when separated, and in one or two cases this union of the offices was omitted.

The motion was agreed to.

CONSTRUCTION OF DRY DOCKS BILL.

FIRST READING.

A message was received from the House of Commons with Bill (177) "An Act to encourage the construction of Dry Docks."

The bill was read the first time.

Hon. Mr. SCOTT moved that the bill be read the second time to-morrow. He said :—This bill proposes to increase the subsidy granted for the construction of dry docks. Owing to the fact that the vessels to-day are larger than those built in 1882, and the existing dry docks are not sufficiently large for some of the vessels, the dry docks may have to be enlarged, and a subsidy on the same basis is continued for the enlargement. The amount will be 2 per cent for twenty years on new docks, provided the total amount does not exceed $20,000. On existing docks that will have to be enlarged the amount is 2 per cent provided the enlargement does not exceed $10,000.

Hon. Sir MACKENZIE BOWELL—That is the payment by the Dominion and not the cost of the work?

Hon. Mr. SCOTT—Oh, no, provided the total amount shall not exceed $10,000 or $20,000.

Hon. Mr. LOUGHEED—Is there any provision on the statute-books for similar or analogous subsidies now?

Hon. Mr. SCOTT—This is an amendment to the Dry Dock Act. That Act limits the amount to 2 per cent for twenty years on an outlay of $20,000. The dry docks have to be larger now than contemplated in 1882 and the law has to be amended.

Hon. Mr. ALMON—Will the Halifax dry dock be included in that?

Hon. Mr. SCOTT—If it is built under the Subsidy Act it will.

The motion was agreed to.

DELAYED RETURNS.

INQUIRY.

Hon. Sir MACKENZIE BOWELL—I should like to ask if my hon. friend, the Secretary of State, has any more of those returns which I have been asking for?

Hon. Mr. SCOTT—I have apologies from the departments.

Hon. Sir MACKENZIE BOWELL—I am afraid it will be impossible to get them printed now.

Hon. Mr. SCOTT—I promise my hon. friend that they will come in good time for the next session of Parliament.

Hon. Sir MACKENZIE BOWELL—That indicates that we will have one or two more sessions before an election, if my hon. friend's word is good, and I have no right to doubt it, as he must know.

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, 1st August, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

THE NEW SPEAKER OF THE HOUSE OF COMMONS.

The SPEAKER—I have the honour to inform the Senate that I have received a communication from the Governor General's secretary, in the following words:

OFFICE OF THE GOVERNOR GENERAL'S SECRETARY, CANADA.

OTTAWA, 1st August, 1899.

SIR,—I have the honour to inform you that His Excellency the Governor General will proceed to the Senate Chamber this afternoon at four o'clock for the purpose of receiving the new Speaker of the House of Commons.

I have the honour to be, sir,
Your obedient servant,
(Signed), C. T. JONES,
For the Governor General's Secretary.

The Honourable
The Speaker of the Senate,
&c., &c., &c.

THE LIBRARY OF PARLIAMENT.

SECOND REPORT ADOPTED.

Hon. Mr. POWER moved the adoption of the second report of the joint committee of both Houses on the library of Parliament. He said :—There is really nothing in this report to adopt except the report of the sub-committee on the audit, and that is of the usual character. It shows that there was expended altogether from the time of the former audit on the 30th April, 1898, to the 9th July, 1899, the time of the last audit, $15,227 on books. English books, $7,811; French books, $3,792; binding, $2,595; books on American history, $1,028.17; expenditure for contingencies of various kinds, telegrams and freight on

books, &c., $3,128, making a total expenditure of $18,356.

The motion was agreed to.

RAILWAY DEBTS COLLECTION BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (W) "An Act to amend the Act passed at the present session of Parliament, intituled: "An Act respecting the jurisdiction of the Exchequer Court as to Railway Debts."

Hon. Mr. LOUGHEED—Will my hon. friend give us the number of the bill of which this is to operate as a suspension?

Hon. Mr. MILLS—It was an Act introduced not long ago by the Solicitor General in the House of Commons and was sent up here. It is a very short bill.

Hon. Mr. LOUGHEED—It is not with a view of opposing the bill that I asked for the information.

Hon. Mr. CLEMOW—The number of the former bill is 159.

Hon. Mr. LOUGHEED—I presume the government has no information of any proceeding having been taken by any of the bondholders under the Act which was passed at the beginning of the session.

Hon. Mr. MILLS—No, I have not.

The bill was read at length at the table, and then read the third time and passed under a suspension of the rules.

CONSTRUCTION OF DRY DOCKS BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (177) "An Act to encourage the construction of Dry Docks." He said:—This bill is an extension of the Act passed in 1882, granting a subsidy to dry docks built in Canada. It is an enlargement of the Act, which provided that the total sum should be limited to $10,000. This bill provides that the subsidy shall be 2 per cent for twenty years, and not to exceed in any case $20,000; and in reference to those docks which are now in existence which it is proposed to enlarge, that the limit of the subsidy shall be $10,000.

Hon. Mr. McCALLUM—Does the hon. gentleman tell us where these are located?

Hon. Mr. SCOTT—There is one at Halifax and one at Lévis. I do not know at what other points they are.

Hon. Mr. McCALLUM—One at Kingston?

Hon. Mr. SCOTT—Yes.

Hon. Mr. McCALLUM—One at Collingwood and one at Port Dalhousie?

Hon. Mr. SCOTT—The hon. gentleman will know.

Hon. Mr. ALMON—Is a marine slip covered by that?

Hon. Mr. SCOTT—No, I fancy not. It would be a dry dock.

Hon. Mr. ALMON—There is a marine slip at Halifax which is partly supported by an Imperial subsidy, partly by a grant from the municipality.

Hon. Mr. McCALLUM—It is not every place that is suitable for a dry dock. Owing to the change from wooden to iron vessels, it ought to be located where there are facilities for doing repairs. I should like to see the places named where these docks are to be. It involves quite an expenditure, and is giving to the government a power which no government should have, of naming the places where these docks should be. I suppose, probably, they will get the power, but it is adding to the expenditure all the time. We do not know how much it is going to cost the country. The money is flying every day, and we ought to see where it is going to, and not give away the people's money. The government will probably give it to their friends.

Hon. Mr. SCOTT—At the next stage of the bill I shall try and get the names of the places at which they have decided to place them. As to the future, I cannot state where they will be, but I have no doubt they will not be undertaken by any organization unless there is an ample opening for them.

Hon. Mr. ALMON—Will the hon. gentleman answer my question as to whether a marine slip will be treated as a dry dock?

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman know whether the dock at Point Lévis is to be enlarged?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—I understand the hon. gentleman to mention that as one of the docks which will be aided. The dock at Lévis is a government work, and is owned and managed by the government.

Hon. Mr. SCOTT—I stated that existing docks held by private corporations would receive a subsidy of $10,000.

Hon. Mr. CLEMOW—Every year?

Hon. Mr. SCOTT—No, altogether.

Hon. Sir MACKENZIE BOWELL—That is the total amount for each dock?

Hon. Mr. SCOTT—Yes. I will endeavour to have additional information to give the House when the bill is referred to a Committee of the Whole.

Hon. Mr. MACDONALD (P.E.I.)—It appears to me that this will involve a very large expenditure. The dry dock in Halifax is capable of taking in the largest ships in Her Majesty's service on the North American Station, and I presume there will be nothing required for that dock. The dock at Lévis, which is also a very extensive work, is not one which would come under the provisions of this bill, and the amount must therefore be distributed among harbours which are not of the first importance. We require more information than we have yet received on this measure before consenting to grant this large sum of money in addition to what we have to provide for otherwise.

Hon. Mr. ALMON—I want to know whether, as a rule, a marine slip is a dry dock within the meaning of this bill.

Hon. Mr. SCOTT—I do not think it is.

Hon. Mr. ALMON—Then the sum which you are voting to build a dry dock is so ridiculously small that it is almost laughable.

Hon. Mr. SCOTT—It is only a subsidy to any company that may undertake such a work.

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

The House was adjourned during pleasure.

After some time the House was resumed.

His Excellency the Right Honourable Sir Gilbert John Elliott Murray-Kynnynmond, Earl of Minto and Viscount Melgund, of Melgund, County of Forfar, in the Peerage of the United Kingdom, Baron Minto of Minto, County of Roxburgh, in the Peerage of Great Britain, Baronet of Nova Scotia, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, &c., &c., Governor General of Canada, being seated on the Throne,

The Honourable the Speaker commanded the Gentleman Usher of the Black Rod to proceed to the House of Commons and acquaint that House,—"It is His Excellency's pleasure they attend him immediately in this House."

Who being come with their Speaker,

The Honourable Thomas Bain said:

MAY IT PLEASE YOUR EXCELLENCY,—

The House of Commons have elected me as their Speaker, though I am but little able to fulfil the important duties thus assigned to me.

If, in performance of those duties, I should at any time fall into error, I pray that the fault may be imputed to me, and not to the Commons, whose servant I am.

The Honourable the Speaker of the Senate then said:

Mr. Speaker,—I am commanded by His Excellency the Governor General to assure you that your words and actions will constantly receive from him the most favourable construction.

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

THE DIFFICULTY IN THE TRANSVAAL.

RESOLUTION.

Hon. Mr. MILLS moved:

That this House has viewed with regret the complications which have arisen in the Transvaal Republic, of which Her Majesty is suzerain, from the refusal to accord to Her Majesty's subjects now settled in that region, any adequate participation in its government.

That this House has learned with still great regret that the condition of things there existing has resulted in intolerable oppression, and has produced great and dangerous excitement among several classes of

Her Majesty's subjects, in her South African possession :

That this House representing a people which has largely succeeded, by the adoption of the principle of conceding equal political rights to every portion of the population in harmonizing estrangements and in producing general content with the existing system of government, desires to express its sympathy with the efforts of Her Majesty's Imperial authorities to obtain for the subjects of Her Majesty who have taken up their abode in the Transvaal such measure of justice and political recognition as may be found necessary to secure them in the full possession of equal rights and liberties.

He said :—I gave notice yesterday that I would move this resolution and my hon. friend the leader of the opposition courteously agreed to second it. It is identical with the resolution moved in the House of Commons. I may say to hon. gentlemen that in order to fully appreciate the situation in the Transvaal country, it is necessary to pay some little regard to the history of South Africa, and to observe how the colony in that part of the continent became a British possession and what difficulties have arisen in the administration of the government of the country down to the present time. The cession of Cape Colony to the United Kingdom was brought about during the period of the Napoleonic war for the purpose of preventing it becoming a possession of the French. It was, in fact, handed over with the consent of the Prince of Orange, although the Dutch in the possession of the fort at the Cape at the time refused to make the surrender and it became necessary to employ force. The colony was, at the time, under the government of the Dutch East India Company, and although it had been settled for one hundred and fifty years there were only about 10,000 European settlers, of Dutch origin, in that country. It was restored to Holland at the close of the last century and again, in 1803, passed to the English, and was confirmed as a British possession at the time of the Treaty of Vienna. The English for many years made no attempt to regard it otherwise than as a military post, but in 1817 the settlement of English people was begun east of Cape Town, at a place called Elizabeth. The colony at the Cape was regarded by the Dutch as a half-way house between Holland and their East Indian possessions, and it has been so regarded by the English. In fact, without Cape Colony it would have been impossible to build up the Indian Empire, and without it it would have been impossible to establish the control that England at the present day possesses over her Australian colonies. If to-day the government of Great Britain were to lose her possessions in South Africa, there would be no security thereafter for the possessions of India, nor could she, in case of war, be certain to retain her control over the Australian colonies. The Cape is of immense military importance, therefore, to Great Britain. It was important when sailing vessels were in use as a place for replenishing supplies. It is still more important when sailing vessels have been superceded by steamers, because were it not for that possession there would be no certainty that there would be a coaling station of which England could retain possession between her own shores and her possessions in the southern seas, so that while it no doubt would be injurious to the British Empire to lose Australia, or to lose this country, there is no great colony that she holds to-day that is of the same consequence in the maintenance of the unity and integrity of the empire as Cape Colony in South Africa. It is said by military men, who are well informed on this subject, that in order to retain Cape Colony as a military post, the interior possessions which she holds there are of scarcely less consequence. The Dutch had bestowed upon them a very much milder government than that which they had under Dutch Sovereignty. The government of Britain extended the power of self government to them and enlarged their liberties until ultimately they became a self governing colony, having parliamentary institutions bestowed upon them. The British Government were specially considerate to the Dutch population. They permitted the use of their language in the legislature, and authorized the use of their language in the courts of justice and in the public schools, so that in every respect the people of Dutch origin who spoke the Dutch language were put on a footing of perfect equality with those of British origin. There was no respect in which an Englishman had conferred upon him larger rights, or was put in anyway in a more advantageous position, than those who were Dutchmen by birth. I may also point out that the first real difficulty that occurred between the British Government and the Dutch population, apart from the Kaffir wars, was the result of the active measures taken between 1830 and 1833 for the abolition of slavery throughout the colonies of the British Empire. The amount

that the Imperial Government set aside to compensate those who held slaves for their emancipation, it was said, was not more than half of their actual market value, so that any one who had his slaves taken from him and received compensation, expected to receive no more than ten shillings on the pound of the market value which those human beings had in the market where slavery was established. Now, the great mistake made by the British Government at the time that slavery was abolished in South Africa, was that the payment to those who held slaves was to be made in England and not at the Cape. The slaves were held by men but little acquainted with commerce, having but little dealing with other people, subsisting by agriculture and each man living largely by himself. These people were unable to receive the sums that had been awarded them for their slaves without the intervention of some capitalist, or agent, or broker, who was ready to charge a very large sum as a commission for the services which he performed, so that those who undertook to become intermediaries between the government and the owners of slaves, charged such large commissions that many of those who were paid received but a mere fraction of the sum that was awarded them, and in other cases many of them refused to deal with the parties. They inquired whether the money was placed with any official in the country to give them compensation, and ascertaining that this was not the case, made no further inquiry with regard to the matter, and so a very large number of those who were entitled to compensation never received anything. The result of this was that very great discontent was produced, and two years after the Act came into operation, in the year 1835, several thousand of them took whatever movable property they had across the Drakenberg mountains and undertook to make settlements in what is now known as the Orange Free State. From there they extended their settlement north beyond the Vaal River, into what is now called the Transvaal country, and others crossed the mountains separating the watershed of the Indian Ocean from the Transvaal, and settled in what afterwards became the province of Natal. The people who remained in the Cape and the government of the United Kingdom took possession of the Natal country, and controlled the port which afforded egress and ingress from that direction so as not to permit a port, which would be a rival to Cape Town or Elizabethtown, to fall into the hands of people hostile to British authority and whose hostility arose much in the way I have mentioned. There is no doubt that those people were courageous. They had great self-confidence and great dislike to control of any sort whatever, and they regarded any tax that might be imposed upon them as little better than robbery. Every man having great faith in the protection which he believed Providence extended to him and in the rifle which he sometimes employed without adequate cause, he did not deem that it was of any consequence that any authority should be established over him in order to give protection to life or to property. Confidence in God and in his rifle was the motto which every Boer, who was beyond the protection of the government of the Cape, acted upon. The Boer has been described by almost every writer who has come in contact with him as courageous, cunning and cruel, not admitting for a moment any rights in the Kaffir or native population of the country, holding firmly that Providence has placed those aboriginal inhabitants in the country to serve him and work for him and not having any rights that he was called upon to respect, and so when he found the pasture failing in one place, his flocks and herds and family having so much increased that he required greater latitude, he started out into a new district and with rifle undertook to secure a position for himself. That was his title and had no regard for any right which might be in the aboriginal inhabitant. The Boer population were divided. There was nothing but the pressure of danger that held them together, and they were for the most part uncomfortable neighbours to each other. The Orange Free State had sent amongst them one Sir Harry Smith, a man of extremely affable manner, popular with the Boers and courageous, and he thought that he would have no difficulty in establishing British authority over them. This he undertook to do, and in this he was for a time successful, but discontent of the restraint of any authority over them, dislike to bear any burdens, however light, induced them to protest, and to resist, and in 1854, seven years after Sir Harry Smith had proclaimed the Orange Free State a country under the sovereignty of England, the British Government repudiated that sove-

reignty and recognized the inhabitants of the Orange Free State as a free republic under the protection of the government of England. Further north was the Transvaal population, and these people exhibited, in even a greater degree than any of the Dutch population of South Africa, a turbulent spirit, a disposition to trample upon the rights of the native population, to engage in conflict with them and to show their dislike to English jurisdiction. Disliking taxation and disliking government, they soon became financially embarrassed, and as a state, notwithstanding they declared themselves a republic, they were practically without any government to which any person paid any respect. The regular laws and ordinances that were enacted were disregarded by every one who felt no inclination, or felt that he had no interest in observing them. Taxes remained uncollected. The treasury was empty. The state was bankrupt. They had engaged in wars with Sekocoini on the north, and had been defeated in several engagements. This tribe of Kaffirs had defeated the Boers and they were at any time liable to extermination. Upon the southeast of the Transvaal State were the Zulus, a very powerful body under their king Cetywayo. They were capable of bringing 40,000 men into the field, and they threatened at the same time the state of Natal and the Transvaal. Their territories were situated between these two powerful native tribes. The British Government took steps to protect their own country. They sent Sir Theophilus Shepstone into the Transvaal, and the people of that country, or the vast majority of them, showed a disposition to place themselves under British protection. They asked to be embraced within British sovereignty, and they were so embraced. Their president told them that they had exhibited no disposition to make those self sacrifices, and to practice that self denial, which was necessary to the maintenance of the independence of the state. They were ready to take the risks of being overwhelmed and destroyed rather than to bear the most moderate public burdens. Then he pointed out to them that there was nothing for it but to place themselves under British protection. A few of them did not give their consent, a few of them protested strongly against it, and amongst that few was the present President Kruger. Let me say here that the British Government saved them at that time from destruction. They defeated the Zulus and took Cetywayo a prisoner. They established peace upon the borders of the Transvaal, and as soon as this was done, active efforts were put forward by the present president, and those that were associated with him, to create discontent, to produce that state of anarchy and that disregard for law which had existed before, and he notified Sir Theophilus Shepstone's successor, Sir Owen Lanyon, that if the government persisted in the collection of taxes, there would undoubtedly be trouble, and he would not be answerable for the consequences. It was at this time, that steps were taken to form an organization of which Kruger was the head, to prevent the concentration of the British forces that had been employed in the war against the Zulus, and that still remained in the country. When an attempt was made to bring these forces together, some 250 troops, a portion of the 94th regiment was attacked, and 201 of them were killed, and the other 49 were taken prisoners. After this, two other engagements took place, in which the British forces were surprised and worsted. The latter of these engagements was that well known one at Majuba Hill. Very large forces were being collected on the borders of the Transvaal under Sir Evelyn Wood, and he informed the Home Secretary at the time that there could be no doubt whatever that the Boers could be brought to subjection, and probably within the next fourteen days, and that it would be very much easier to treat with them thereafter, and there would be far greater security to the natives whom the British Government had promised to protect, and the Boers who in that country had sided with the English, and whose condition would be made very uncomfortable indeed, if the government were to compromise matters, and to make peace with Kruger and his friends immediately after their successes. The Boers of the Transvaal are the most extreme type of their countrymen. They are those upon whom modern civilization has made the least impression. They are those that have come least in contact with the commercial classes of the world, and so they are those who have the least regard for the rights of others. They claim or desire — although the English Government have always insisted upon the observance of their conventions in this regard, — to keep the black population in a condition of slavery. They refused to

pay taxes. They have numerous flocks and herds. They hate their neighbours even when their neighbours are their own countrymen. They are credulous, superstitious, migratory, seeking new possessions, not like Jacob with a spear or bow, but with the rifle where they take less risk themselves and are able to inflict great disaster upon others. Lord Kimberley was Colonial Secretary at the time of the Majuba Hill disaster, and he telegraphed to the British High Commissioner in South Africa, after Kruger had made known his desire to make peace, that if reasonable conditions of peace could be established they should be had. This was against the view of Sir Evelyn Wood, but it was favoured by Sir Hercules Robinson, and also by Sir Henry Villiers, who, I think, is now Chief Justice of Cape Colony. When in 1881, Sir Evelyn Wood wanted to know whether, before the negotiations were entered upon—because he made that a condition—the Boers were immediately ready to disperse their forces, Kruger, instead of replying to his question, intimated to him that it would be very important and would faciliate the negotiations, if the English were to withdraw their forces from within the borders of the Transvaal, that it would remove suspicion on the part of the Boer population, and that they would be very grateful for that line of action if it were adopted. Sir Evelyn Wood replied that he would prefer a direct answer to his question rather than a contingent promise of gratitude on the part of those who had been in arms against him. There were three things that were aimed at in the negotiations: the protection of the British population within the Transvaal, the protection of the loyal Boers who had no sympathy with Kruger's movement, and the protection of the native tribes. All these were aimed at and were fairly well secured by the convention of 1881. The Dutch of that district sought local self government, and the commissioners on the part of Her Majesty were anxious to know what their views and practices had been with reference to the government of the country in the past. They promised equal protection to all, equality of rights and privileges to all the European inhabitants, no distinction or disabilities as to matters of trade, and that the elective franchise should be extended to all who were above eighteen years of age who were willing to take the oath of allegiance. These statements formed a part of the contract, although not embraced in the convention, and they were the basis upon which the convention proceeded. The right to maintain these had been questioned by the Transvaal Government, but they rest upon the suzerainty of Her Majesty. That was recognized in the convention of 1881, and was not abrogated by the convention of 1884. The convention of 1881 conceded self government, but it based that self government on a franchise that was guaranteed to the inhabitants under the laws that then existed. If the franchise was to be taken away, if no right was to be recognized, in the population who were of foreign birth or who were other than Dutch origin, then self government could not have been conceded, but self government was conceded because it was assumed that certain fundamental principles would be maintained thereafter, and that no attempt would be made to legislate these away. The second was that full liberty of residence, of ownership of houses and warehouses, of trade, of factories and the like. The third, the principle of trade by agents who were of foreign birth, the same as those who were natural born European inhabitants of the country, and the fourth, that all laws must be consistent with the observance of the convention. If the republic impose disabilities upon Uitlanders, then that legislation would be at variance with the conditions of things that had been regarded as the basis on which self government in the country must rest. After the convention of 1881 the direction of foreign affairs was left wholly with Her Majesty: and under the convention of 1884 that was modified and only a supervision was left to Her Majesty, as suzerain of the country. The Boers could not treat with a foreign country under the convention of 1881. They had to apply to the High Commissioner, and Her Majesty's consent had to be obtained—in fact, the negotiations had to be conducted through a British official, but after 1884 the Boer authorities of the Transvaal were allowed to conduct their own negotiations, subject to the Queen's negative, but if they were not disapproved of within six months, then they came into operation. It certainly did, in this regard, enlarge the authority of the Transvaal Government in dealing with other states. They also provided that there should be no interference on the part of the British with the future legislation of the

country, nor would there be any interference if those fundamental conditions, that were supposed to lie at the basis of the constitutional system, conferred upon the Transvaal Republic had been observed, and under this provision there was to be no interference with future legislation. They undertook to impose disability and to take away rights and create inequalities which had not before been attempted, and which, if they had been claimed either before 1881 or 1884, would never have been conceded. There are other provisions of these conventions to which I need not refer, but I wish to call the attention of the House to the way the Transvaal Government has violated this compact. As long as the Transvaal Government felt that they were not secure against the native population—as long as they felt that the native population upon the eastern or northern border, or within their territory, might be successful in waging war against them, they did not wish to quarrel with the English, nor did they wish to impose disabilities upon Englishmen which would array the British authorities in South Africa against them, but when they felt that all danger from the native population was a thing of the past, then they began to impose disabilities upon the Uitlander population, precisely as they had imposed disabilities upon the native population at an earlier period. They disregarded the state boundaries, they drove back the people on the west; they made war on those tribes, and undertook to extend their authority beyond the boundaries that had been stipulated for in the convention, and the British Government had to send Sir Charles Warren, a military officer, there, with a force and compel them to retire within those boundaries which had been recognized by these two conventions. The Boers at this time were fast sinking back into the old system. Their taxes were unpaid. They had a revenue, when the English went into possession, of about £200,000, which they regarded as excessive, and which they refused to pay. In 1886, under their own government, these revenues had fallen to £171,000, but even this sum they were unable to collect. To-day they levy nearly £4,000,000 sterling upon the Uitlander population of the republic. The gold discoveries, the influx of Europeans, especially of the English population which is to-day very large, enabled them to raise a revenue by new devices, by taxes upon other people which were imposed in such a way that they themselves were relieved from these burdens. In the complaints that were made to Sir Alfred Milner, the Uitlander population there say that the taxation averages to-day about £16 sterling per head to every man, woman and child that belongs to the Uitlander population. Under this government the men of the very highest culture, graduates of British Universities, men of high scientific attainments, are made to pay tribute and bow to the authority of men who are barely able to sign their own names. When this new departure began—since the Boers have felt themselves secure from attack from the native population, their government has been characterized by personal outrages, by pecuniary wrongs, by excessive taxation, by political disabilities and by insecurity for life, reputation and property. When the British Government made those concessions which were embraced in the conventions of 1881 and 1884, they hoped to awaken a sense of gratitude and of loyal devotion in the minds of the Boers towards the English population of South Africa. What has since transpired shows how very mistaken this view was, and how far they have failed to accomplish the object that they had in view. The conduct of the Boer population—at least that section of them that constitutes the government of the Transvaal—has been of such a character that, to-day, they have created a feeling of unrest and have awaked aspirations in the minds of the population of Dutch origin in the South African British colonies, that tend to subvert the authority of Her Majesty as sovereign over the territories which are now claimed to be British. There is unrest and distrust, and a desire for independence, a desire to make the population of Dutch origin paramount in authority over the whole of the British possessions in South Africa, and no one can fail to see that, if a check is not had to the conduct of the government of the Transvaal, if some effort is not put forward to establish British authority and to assert the rights of Englishmen with a firm hand on the part of the government, instead of having a conflict with that section of the Boers who reside within the Transvaal, it may be that the conflict will be extended over the whole of South Africa. The Boers, no doubt, look for moral support, and it may be at one time they expected material support from Ger-

many. Every one who has given any attention to German proceedings on the continent of Africa knows that the colonial spirit is abroad in the German Empire—that they have undertaken to acquire colonial possessions—that the German Government aspired also to the possession of Holland. It is well known that Prince Bismarck proposed to the French ambassador, Benediti, that Germany would offer no opposition to the acquisition of Belgium by France if Germany was allowed, as she ought to be, to acquire Holland, and the action of Germany in connection with the Transvaal at one time, and the aspirations that have grown up in the Dutch population there, looking for German sympathy and possibly German support, is due to the hope that if Holland should become a portion of the German Empire, the British colonies of South Africa might become a portion of that same empire. England gave up to Germany the whole Zanzibar coast. It had been in the possession of England since 1840, although British sovereignty had not been formally extended over the country. For the purpose of getting the moral support of Germany in Egypt, this concession was made to the German Government, and Germany was put in possession of the Zanzibar coast. Subsequently, in the year 1890, Germany gave up two islands, Zanzibar, and another beside it, upon the coast, to Great Britain—restored them on condition that Heligoland should be surrendered to Germany, and this was done, but no one who has read the diplomatic correspondence relative to the establishment of German colonies in Africa can have any doubt whatever that when the aggressive policy of the Transvaal Government was begun, the Transvaal Government expected not only the sympathy, but the material support of Germany, in resisting British authority in that country, and in preventing the British Government successfully insisting upon those reforms that the government had endeavoured to bring about. There is scarcely an agreement that the British Government had entered into with the government of the Transvaal that the latter has not violated. On four occasions Mr. Chamberlain said they brought the government of the Transvaal to the brink of war with Great Britian, and there is no doubt that it stands at the brink of war again. If the government of England asserts with a firm hand the authority of England, as far as that authority may be justly claimed and enforced, I have no doubt whatever that British authority will be permanently established in South Africa, and you may have within the next twenty years a South African federation embracing the entire British possessions in that country, including the Orange Free State and the Transvaal, in much the same way, as you have the confederation of the British North American provinces to-day, but until British authority is asserted and the rights of British subjects are supported in the Transvaal country, there will be unrest and there will be no certainty of the permanence of that authority in any other portion of South Africa. You have to-day about 160,000 Europeans in the Transvaal country. Of these 70,000 are Boers, and 90,000 are Uitlanders. Of the Uitlanders, 70,000 are British subjects. Those people are paying the taxes. They possess the wealth. If the country is to be made successful, wealthy and prosperous, they are the people upon whom that prosperity mainly depends, and I do not see upon what principle of political ethics it can be for a moment maintained, that because the Boers happened to be first in the country, although they are not possessed of the wealth—nineteen-twentieths of it is in other hands—they should control the government. You have, it is said, to-day about £170,000 paid for a secret service. You have, of the nearly £4,000,000 that are paid as taxation, large sums stolen by the officials. Nobody calls them to account, because they are all very much in the same position, having the same inclination and having the same necessities. They have in this regard a good deal of spmpathy for each other, but the money comes out of the Uitlander population. It is the British people and others who have capital invested and who are engaged in the production of wealth in the country, who have to bear, not only the necessary burdens of legitimate government, but to bear those extraordinary expenses that, through monoplies and special favours, have gone to enrich a certain favoured portion of the population. You have an educated people constituting the majority of the white population paying nineteen-twentieths of the taxation who are not permitted to apply one dollar of that money towards the education of their own children in their own language. You have men brought from Holland as school teachers who are qualified

to teach those who can speak nothing but English and understand nothing but English, by simply a three months' residence in England. That is the sole qualification they possess. The knowledge of the English language which they acquire in that time is supposed to fit them for giving instruction in English, where any teaching in English at all, is permitted. You have the municipal government of the city of Johannesburg, containing about 70,000 Europeans and as many more of a native population put into the hands of 300 men without property, without education, without municipal experience, without any knowledge of municipal government as it is carried on elsewhere, and the result is, the city is without the ordinary appliances necessary for the protection of health and for the convenience of the population. You have nightly robberies and murders committed in every direction. There is none of the security for life or property that is required elsewhere, and the whole of this system is maintained by means furnished by those who are subject to this opression. You have had recently the executive government declaring itself paramount to judicial authority; you have had newspapers suppressed, men arrested and sent to jail under the authority of the executive government, and who are not allowed the protection of the courts even as they exist there. Lord Randolph Churchill, before his death, visited the Transvaal country and gave a description of it. He relates one incident with regard to the treatment of the native population, which gives one some idea of the character of the government controlled by the Boers. A young Kaffir had committed some trifling offence. He was arrested by a cornet and handcuffed. A rope was put around the links that connected the handcuffs and fastened to the pommel of the saddle, and he started off on a canter to a jail some twenty miles distant. He did not go a great many miles until the young Kaffir was tired out and was dragged along the street. The cornet got off his horse, gave the Kaffir a horse-whipping, compelled him to get up, mounted his horse and started on again, and this process of beating and thrashing the young Kaffir in his custody was continued until he came within five or six miles of the jail. Finding that he could take him no further that evening, he left the prisoner in the custody of a blacksmith until morning and rode into town. In the morning he came back for his prisoner, but found that he was dead.

Hon. Mr. SULLIVAN—What killed him?

Hon. Mr. MILLS—He died from the treatment which he had received the day before. Some two or three persons had seen the proceedings all the way. The murderer was let out on bail, but the parties who were likely to be called as witnesses were sent to prison and no bail would be accepted in their case. The reason assigned was that it was necessary that they should be forthcoming at the date of trial. The day of trial arrived. It was shown that the cornet was a member of the Dutch Reformed Church, that he was a member in good standing, that he was a highly respected citizen, and he was found not guilty. That, I think, is a fair illustration of the manner in which justice is administered towards the native population, and the administration of justice as it respects the Uitlander population does not differ very widely from that which exists as to the natives as is shown in the trial of Edgar's murderers. It is quite right and proper that this dependency of the empire, interested in its unity, interested in the permanence of that unity, interested in the dignity of the empire and interested also in the respect which it earns, it merits, and ought to receive from other states and places in Christendom—it is right that it should not be indifferent to the indignity to which British subjects have been subjected in the republic of the Transvaal. I am sure I express the feeling of every hon. gentleman here when I say that the British Government would fail in its duty if it accepted any compromise which in any degree placed the future liberties and rights of the British population in that country within the discretion of those who have so abused their authority. (Applause.) I say that while we ought not to desire to see the rights and liberties—liberties in the proper sense of that expression—of the people of the Transvaal encroached upon or interfered with, at the same time it is our duty to ask the Imperial Government that they shall give adequate protection to the British population in that country, and to see that in respect to property, in respect to the security to life and to reputation, that the people of British origin should not be placed in an inferior position to the Boers of that country

who were themselves once British subjects. (Hear, hear.) I am perfectly assured of this that so far as the British population in that country are concerned, there is but one way of guaranteeing permanency and security of their rights, and that is by admitting them to the elective franchise, making them eligible for office, giving them authority as respects the government of the country in proportion to their merits, measured by their numbers, by their intelligence, by their wealth and by their contributions to maintain the authority of that state (applause), and anything short of this would be a great misfortune, for it would lower the Imperial authority not only in the eyes of every Boer in South Africa, but in the eyes of every free man in every portion of the British Empire. (Cheers.)

Hon. Sir MACKENZIE BOWELL—After the exhaustive speech of my hon. friend the leader of the government, I am relieved from any lengthened remarks on this very important subject. I may say, however, that for many reasons I second the motion which the hon. gentleman has made with a great deal of pleasure, showing as it does, that Canada as an integral part of the British Empire is in full sympathy with the mother country in her determination to protect her subjects in all and every part of the world. (Hear, hear.) And that when anything which affects Her Majesty's subjects, whether it be in the Transvaal or any other portion of the globe, we in Canada are ready upon all occasions to join with the mother country in giving them that protection which every British subject should have, wherever he may be located. (Hear, hear.) The hon. Minister of Justice has given us a succinct history of the acquisition of the Cape Colony including the Transvaal. He has also pointed out the many disabilities under which British subjects are at present labouring in the Transvaal Republic. He might have gone much further in that direction, and pointed out that they are occupying the position in that country of paying nearly the whole of the expenses of the government, and at the same time being treated as if they were serfs. Notwithstanding the valuable information given by the Minister of Justice to which we have listened, with interest and pleasure, I shall claim the indulgence of the House for a few minutes, in order to call attention to some further disabilities to which the Uitlanders are subjected. Originally white settlers in the Transvaal were entitled under the spirit of the convention of 1881 to vote as soon as they arrived in the country. This privilege was in 1855, curtailed and the franchise restricted to persons born in South Africa, who had paid £25 for the privilege. In 1874 another amendment followed, providing that strangers not possessed of real estate should be residents for one year, but if real estate owners full rights were accorded them at once. This was the state of affairs so far as relates to the franchise, existing at the date of the convention of 1881. In 1882, the period of residence was extended to five years, and a payment of £25. These restrictions were again revised, and in 1890, the qualifications of a voter was a two years' residence, which, however, did not begin to count until the person had been registered in what was called the Field-Cornet books—the payment of £5 and the taking of an oath of allegiance. Then, after ten years had elapsed, he became eligible for a seat in the second Raad, not even then, however, until he had passed his thirtieth year, thus restricting his rights to "acquire the franchise for the first Raad" to the age of forty years. Even this right "was made subject to the first Volksraad resolving to admit the particular alien," pursuant to regulations "to be framed" by the Transvaal authorities. How this concession was made non-effective may be gleaned when it is known no regulations were ever framed. Naturalization even in this restricted sense, did not give full citizenship for no aspirant could ever "get the vote for the president or commander in chief." In 1893, provision was made in the law that no one who received the franchise under these conditions should have the right to vote for the "president or commander general," not satisfied with these restrictions the liberty loving republicans of the Transvaal in 1894, passed a law, declaring that children of aliens born in the Transvaal should enjoy full rights "only after claim and waiting for full fourteen years," and further that even the children of naturalized citizens should not have the right to vote, though born in the country, unless they claimed the right at sixteen years of age. This is not all; provision was made that "all future franchise reform was also barred by declaring that future amendments must be published for one year, and

then should not be considered in the Raad until two-thirds burghers had approved." That all the provisions in reference to the vested rights of those who had entered the country, under the guarantees of the convention of 1881, and the promise underlying it, that equal treatment would be accorded to all, and in the case of those who had taken the oath of allegiance, under the law of 1890, were flagrant violations of the terms of the convention cannot be disputed. It may, however, be proper to mention that president Kruger now proposes to reduce the term of probation for the securing of the franchise by Uitlanders from fourteen to nine years which is not considered a reform at all adequate. This does not as far as I can learn, include the right to vote for the President. Now, let me call your attention to the educational system which prevails in that country. Though it is estimated that three-fourths of the people in the Transvaal are what are termed Uitlanders, "Dutch is the sole medium of instruction in what is termed Standard IV., and upwards in all schools receiving state aid." State papers before us show that £230,000 were voted this year, 1899, and that nearly all that sum came from Johannesburg, but only a fraction spent there, though the white people are nearly all Uitlanders, and that in 1986, £50,000 was voted for Uitlander education, but only a few hundreds were spent owing to the *refusal of the government to allow English to be the medium of education after the III. Standard.* It must not be forgotten in this connection that the Uitlanders, who are compelled to bear almost the entire cost of the *State schools, are maintaining their own separate schools with their own Superintendent of Education.* In Cape Colony under British rule exclusively, the Dutch and English language are as is the French and English language in Canada, equal; while in the Transvaal, under the rule of President Kruger, Dutch alone is the official language of the courts and the public offices, though not understood by a third of the people. This, too, in a land under the suzerainty of Her Majesty Queen Victoria. Bad and tyranical as is the treatment of the Uitlanders in the Transvaal under the presidency of Kruger, in the matter of the franchise and education, the making of the judiciary subservient to the executive is to the British mind, the most objectionable and revolting; destroying as it does the independence of the bench, and the liberty of the subject. So far has this species of absolutism been carried, that official papers show that the "Volksraad and Executive Council have repeatedly attempted to influence the courts by resolutions; in one case actually throwing the plaintiff, in a pending action against the government, out of court. Finally, in February, 1897, in violation of the written constitution, it was enacted that *resolutions of the Volksraad should have the effect of law,* and that their validity should not be subject to review by the court. The bench protested, and Chief Justice Kotze was dismissed; and Mr. Gregorowski, who was appointed Chief Justice *vice* Kotze, declared when the law was passed that no man of self-respect would remain on the bench of the republic while this was the law." It is also stated that jurors are only drawn from the ranks of the burghers, who are mostly ignorant of the English language, and alien in sympathy to and having huge contempt for Uitlanders, especially Englishmen. The result is that most serious crime is rampant, and perpetrators of serious crimes frequently escape punishment, what safety under such a state of affairs have that class of the population who are really making the country what it is. Safeguards under such arbitrary and unconstitutional acts, do not exist. To remove these iniquitous restrictions, and the placing of "the children of the suzerain on an equality in all things, with the Boers, whom, of her own movement, Great Britain has made into a free nation," is the primary objects of the present agitation in the Transvaal, and the desire not only of the Imperial Government, but of every subject of Her Majesty, no matter in what part of the empire he may reside. This state of existence is not compatible with the Anglo-Saxon character, nor, as my hon. friend has said, would it be compatible with the history of our own country if she permitted it to continue for any length of time. I am pleased to see the different outlying portions of the greater empire taking a deep interest in this particular case, for the reason that it shows that there is a feeling growing all through the empire that those of us who live at a distance from the motherland are no longer to be considered as outsiders, or any longer as colonies, but as part and parcel of the empire itself, (cheers), and entitled to all the rights and privileges that those who

live in Great Britain enjoy. That feeling, I am glad to know, is growing amongst British subjects throughout the world. There is a unanimity of feeling amongst British statesmen, as there is, I am sure, a unanimity of feeling in all the outlying portions of the empire, not only of sympathy with our fellow subjects in the Transvaal, but a determination in the mind of every lover of his country, not only to extend his sympathy, but his aid, in a more material form in case it should be required. (Cheers.) No one can have watched the policy of Lord Salisbury and the leaders of the Liberal party upon this question without coming to the conclusion that there is but one feeling, and that is a feeling leading to a determination to put a stop to the outrages which exist in that country. Only the other day in the debate on this question in the House of Lords, Lord Selborne stated that England had put her hand to the plough and she would not go back. Lord Salisbury re-echoed that statement. Lord Kimberley, who was in office at the time of the conventions in 1881 and 1884—and if I were to give an opinion, which is unnecessary at the present time, I should say that there is where England made her greatest mistake——

Hon. Mr. FERGUSON—Hear, hear.

Hon. Sir MACKENZIE BOWELL—The Earl of Kimberley, in discussing this question on the 30th of last month in the House of Lords, made no secret, the report says, of the fact that neither he nor Mr. Gladstone ever had in mind such race conditions and political disqualifications or inequalities as those now prevailing in the Transvaal. I do not suppose that Mr. Gladstone, or the statesmen who were controlling the destinies of the empire at that period of our history, ever contemplated that it was possible that the people for whom England had done so much, and, as the hon. Minister of Justice has said, probably saved from total annihilation during that war, could have proved themselves to be, may I say inhuman in their conduct towards British subjects, and certainly they never could have contemplated, when they provided in the convention that civil and religious liberties should be enjoyed by all incomers, no matter who they might be, that political disqualification would have been exercised simply because the word "political" was not inserted in the convention. It is a lesson for those who may have treaties to make of that character in the future. Had the words "political and civil rights" been used, the difficulty under which the Uitlanders in the Transvaal are now suffering, might not have existed. Be that as it may, we cannot but join in sympathy with those who are desiring to remove those disabilities. I find, also, the same unanimity exists in the House of Commons. It is notable, however, that in this debate, many leading men in the British House of Commons were absent, but Sir H. Campbell-Bannerman, who leads the opposition, spoke very plainly as to what that party, with which he was connected, would do under any circumstance. He said:

> We have come to the conclusion that the grievances of the Uitlanders are substantial, and the situation is a matter of Imperial concern. We have taken up their cause and we are bound to see it through. We shall not rest until a conclusion satisfactory in our estimation has been reached.

I repeat that it is gratifying to find that the leaders of both parties, and in fact the whole of the English people, to-day, are, as they were when the great question arose as to their rights upon the Nile, a unit. The fact of their being a unit prevented a war, doubtless, certainly, difficulties with France at that time: and when England finds that all the outlying portions of the empire, as I have reason to believe and do believe will be the case, are prepared not only to extend their sympathy but to say to them "As part and parcel of the British Empire we are prepared to do our part in preserving the rights of British subjects wherever they may be situated," it will be gratifying to her. I notice that Mr. Chamberlain has spoken very decidedly and plainly upon this question. He said:

> Great Britain will maintain her position as paramount power in South Africa. Under these conventions therefore Her Majesty holds towards the South African Republic the position of a suzerain who has accorded to the people of that republic self-government upon certain conditions.

Sir Michael Hicks-Beach was equally pronounced upon the subject. He said:

> The power and authority of England have long been paramount, and neither by the Snad River Convention of 1862, nor at any other time did Her Majesty's Government surrender the right and duty of requiring that the Transvaal should be governed with a view to the common safety of the various European communities.

Taking the utterances of the statesmen of all classes, in the Commons, with one excep-

tion, Mr. Labouchere, we find that the feeling is so decided that I am in hopes, as every one must be, that Kruger and the Transvaal authorities will see the necessity, without driving the empire to war, to make those concessions which it was understood, when the convention was entered into, should be given to British subjects. Canada has shown Great Britian in the past that she was ready to assist to her fullest extent in the defence of the empire. In 1896 she had an evidence of that when there was a probability of a collision with Germany. When the difficulty arose in another part of the world, Lord Wolseley expressed the opinion that a contingent of Canadian Voyageurs, such as he had when he went to the North-west Territories during the trouble there, would be the very best class of men he could possibly have to ascend the Nile, and we all know a contingent did go from Canada, and some of our best sons laid down their lives in that expedition and earned for themselves a credit and a name that will never die in English history. And so it will be, I am convinced in this case. While it is not our province in this chamber to even suggest an appropriation of money, or the raising of money, to assist in carrying on a war, should a war unfortunately occur, we can at least say that any appropriation that will be asked for by the Commons, no matter who might be in power at the time, would be readily voted by the Senate for that purpose. I have expressed the views which I hold upon this question, and the views which I am satisfied every hon. member in this Senate holds, no matter to what political party he may belong. There is another matter that is gratifying, and it is the feeling that when it comes to a question affecting our country—and when I say our country I mean the empire—we know no party and no creed. I am glad to know also, that in our difficulties—although it is not perhaps immediately pertinent to this subject, but it is pertinent to the point I am endeavouring to make—with our friends across the border in reference to the rights which we believe we have on the Alaskan boundary, we know no party. Many are not in accord with the party in power to-day, but Canada as a whole will justify the course they have taken in defence of Canadian rights on the Pacific coast. There is another pleasing feature in connection with the point I am elucidating, and that is, that some of our brightest young men, graduates of our military college are earning for themselves a name in the service of the country that will not be forgotten. I might mention, as an illustration, the case of our young friend Girouard, who has played so important a part on the Nile. (Cheers.) There are others to whom I might refer. Among them young Stairs of Halifax and Cook of Moncton, who have done noble work for their country. It emphasises the fact, however, that wherever young Canadians go, whether to the mother country or to a foreign country, they, as a rule, not only maintain their allegiance to their sovereign but reflect credit on their native land. I second this motion with very much pleasure, and I hope it may have the effect that we anticipate, that while the English Government have in the past been pursuing a most conciliatory course in trying to accomplish the freedom of our own subjects in the Transvaal, and while at the same time they were almost on the verge of war, the desire of Lord Salisbury and the desire of the government is to maintain peace if possible, have so far been realized. There may, however, have been in the minds of Kruger and those who are governing the Transvaal, the idea that, as one party in England had not until lately spoken out as boldly as they should have, that a change of government which might possibly take place in England, he would have the sympathy and aid of those who would succeed the present government. The utterances of Lord Kimberley and the utterances of the Liberal party being so clearly in conformity with the opinions expressed by the Conservative party, dispel at least that idea, and that alone may bring about a solution of the difficulties which might otherwise end in war.

Hon. Mr. PRIMROSE—It will be in the remembrance of those who were present when this matter was first brought before our chamber, that there was a very laudable desire for information in regard to the matter. I thought at the time it was a pity that some of those gentlemen who wished to have this information had not done, as some of the other members of the House, availed themselves of the opportunity afforded by that admirable lecture given in one of our committee rooms by Mr. Davis. However, I think now that no hon. gentleman in this

chamber can complain of not having a good knowledge of the situation as it exists in the Transvaal at this time. The House is under a debt of obligation to the hon. Minister of Justice for the admirable, concise, lucid and at the same time comprehensive speech which he has just delivered to us upon this subject, and it is all the more worthy of the thanks of the House when we think of the onerous duties which rest upon the shoulders of the hon. Minister of Justice, that he should have been able to find time to prepare such a speech as the one with which he has favoured us this afternoon. I trust that, the effect of what is being done, may be, even upon such an obtuse nature as that of Oom Paul, to bring home to his mind the fact that history is not going to be reversed because he wishes it as far as his ability to reverse it will permit. History is not going to be reversed and Britons, no matter to what branch of the family they may belong, never shall be slaves. I feel convinced that Canada will do her part at any time to emphasize that assertion.

Hon. Mr. GOWAN—It will be presumptuous on my part to attempt to say anything upon the general question which has been so ably and fully discussed by the hon. Minister of Justice, or to say anything about the patriotic features of the matter which have been referred to by the hon. leader of the opposition. There is one thought which occurs to me which, I think, will give the clew to the enthusiasm which existed in the House when the Premier brought the matter before them, and it is this: that no one can have failed to observe for some years past the evident desire manifested upon every occasion to draw closer together the bonds between the mother country and every part of the empire, all over the world. It has shown itself in a number of ways. Two years ago His Excellency the Governor General, the representative of Her Majesty, brought to the attention of the Canadian people the dire distress of the people of India and appealed to Canadians for aid. Although the people of India were not of our blood and not of our race, we all felt that they are our fellow subjects beyond the sea, and the people of Canada responded to that appeal. Quite recently His Excellency Lord Minto, the present Governor General, merely mentioned the fact that that great and noble soldier, Lord Kitchener, had a scheme for founding a college in connection with the memory of that great man Gordon, who was murdered at Khartoum years ago, and the purpose was accomplished. What did all this mean, but the tendency and trend of public opinion and sentiment towards closer union with England, to make her colonies, dependencies and possessions as one whole British people. Like the human body, what is felt by one portion is felt throughout the whole system. That is the secret of the enthusiasm that prevails in this country and in this House. The greatest credit is due the First Minister for bringing this question before Parliament, and I trust it is an augury for good in the future. I wish to express my great indebtedness to the hon Minister of Justice for the lucid and clear manner in which he brought before the House and before the public at large everything in connection with the Transvaal difficulty. It will do good, and the loyal feeling that prompted us to assist the people of the East Indies when they were in dire distress will prompt us to assist a few of our fellow countrymen who are practically held as slaves by the Boers of the Transvaal. We would not have hearts in our bodies if we did not at once rise to assist them. These resolutions have been framed with a great deal of care and will do all that is necessary in the way of moral assistance to the British Government and as a clear announcement of Canada's feelings in this matter. But if the Prime Minister ever finds it necessary to appeal to the people of Upper Canada, I can at all events answer for them. He has but to say "Boys, I want a thousand or so of you to go to the Transvaal and assist our fellow subjects there to discuss this matter with the Boers. It is a wild country and if you have a gun in your hand it will do no harm." (Cheers.) I am pleased to find that there is no difference of opinion, that "all are for the state" in this country, and the way in which the subject has been received in this and in the other House augurs for good in the future. (Cheers.)

Hon. Mr. KERR—I feel as though I could scarcely give a silent vote upon the question now before the Senate. I have no doubt that I not only voice the sentiments of every hon. gentleman in this House, but of every loyal citizen of this noble Dominion. I desire here and now personally to express my profound apprecia-

tion of the services of the hon. gentleman who has so fully and so very ably moved this resolution, and also, of the leader of the opposition who has seconded it in such appropriate and patriotic terms. I am sure that the discussion of this day will awaken a sympathetic chord among all our Canadian people. We have every reason to be in sympathy with our fellow subjects in that remote part of the empire, because I take it—and it is my pride to feel—that in no part of Her Majesty's wide empire do her subjects enjoy in a greater degree the blessings of civil and religious liberty than in Canada. I am sure that the moral effect of this resolution will reverberate throughout the British Empire and awaken a sympathetic chord in the breast of every loyal subject of Her Majesty. Whatever concerns British subjects in any part of Her Majesty's Empire concerns us, and their welfare must be our welfare. I am sure that our action in this chamber to-day will not be misinterpreted, but will receive the hearty thanks and gratitude of the authorities who have charge of this weighty matter. I am exceedingly proud of Her Majesty's advisers and the wise, patient and long suffering course that they have taken in this matter, and I only hope that the man who presides over the destinies of the Transvaal Republic will not misconstrue the action of the British Government and take forbearance for weakness, that he will not press too long upon that apparent forbearance and hesitation to take a bolder step, but that he will be wise in time and see the necessity himself of taking a different course of action and giving to the Uitlanders those rights and liberties to which every British subject is entitled, no matter where his lot may be cast. I am sure that there is a solution of this question, and that the British Government will insist upon finding that solution. I hope it will be a peaceful solution, and I believe the course we are taking this day will strengthen the hands of the Imperial authorities and do very much towards assisting to bring about that conclusion, and will exert a very salutary influence upon the negotiations now pending. I am in entire accord with what the leader of the opposition has said, that moral suasion is powerful and should be sufficient in this case: but if, unfortunately, it should not prove sufficient, there is a suasion that is even more potent if it should be necessary to use it; but I pray that that necessity may not come. It is too late in the Christian era for slaves to exist in any part of the world, and certainly there should be no place where slaves or serfs can exist within the wide bounds of the British Empire. They must be free. Every man is entitled to his freedom and to the full rights of citizenship, and he must not be expected to bear burdens unless he has those rights. I trust, therefore, that our less fortunate fellow subjects in remote Africa will at an early day receive that for which they have been struggling, that which has been denied to them, but that which, I trust, will come to them at a very early day, and that that will all be accomplished by moral means and moral force, and that more extreme steps may not be necessary. I trust that the moral sense of the world will bring such a pressure to bear upon the Transvaal Government as will result in that difficulty being settled, and settled without a resort to harsher or more forcible means.

The motion was agreed to unanimously, the Senate rising and singing "God Save the Queen."

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, 2nd August, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

SUPPLIES OF OIL FOR THE INTERCOLONIAL 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 on the Table of this House, copies of—1. All specifications and advertisements issued in May, 1896, for tenders for supply of lubricating and signal oils for the Intercolonial Railway.

2. All tenders received in response to said advertisements.

3. Analyst's report on samples submitted.

4. Notices to successful tenderers.

5. Order in Council authorizing minister to notify successful tenderers that contracts would not be executed with them.

6. Any subsequent tender made with the Galena Oil Company, with analyst's report on samples furnished.

7. Contracts made with the Galena Oil Company and bearing date the 17th of September and the 23rd of September, 1896, respectively.

Also a return showing the car mileage on the Intercolonial Railway for each of the years 1895, 1896, 1897 and 1898, each year to be computed from the 1st day of November to the 31st day of October following.

Also a statement of amounts deducted, with dates of such deduction from the accounts of the Galena Oil Company to cover the guarantee in the contract.

He said :—It will be in the recollection of hon. gentlemen that a month or so ago I made some inquiry of the government with regard to the supply of oil for the Intercolonial Railway by the Galena Oil Company of Detroit, in the United States. My hon. friend, the leader of the government in this House, gave some information in reply to the questions I put on that occasion. I found then, however, that my hon. friend pointed out that some of the questions were not altogether suited for immediate answer, and that the information would be brought down if the papers were asked for. I now proceed to make a motion to call for the papers which my hon. friend did not find it convenient to give information upon in the former inquiry, and also some other papers, which suggest themselves to me as being of some importance, relating to this subject. I find, by the information which my hon. friend gave me, that this is a subject that requires some further attention, and rather close attention I think. In May, 1896, tenders were invited for the supply of lubricating and signal oils for the Intercolonial Railway; specifications were prepared and several offers were received. My hon. friend gave the names of all the parties that made offers. There was a good deal of competition on the basis of the tenders that had been called for, and the specifications that had been prepared by the department on which the tenders should be based, and it appears that soon afterwards, on the 7th July, the Imperial Oil Company were notified that their tender was accepted. A little later on it appears that the Imperial Oil Company were notified that a contract would not be made with them, notwithstanding that they had been notified that their tender was accepted, and that an Order in Council had been passed to that effect, and on the strength of that Order in Council the Minister of Railways proceeded to make a contract with the Galena Oil Company on a basis entirely different from the specifications that had been drawn by the department and submitted to all the tenderers when the tenders were called for. I do not find that the Galena Oil Company made a tender with the others, but made an offer on different basis from what the specifications pointed out. The specifications called for oil in certain quantities at a price per gallon, while the Galena Oil Company made an offer to lubricate the Intercolonial Railway at a cost of 10 per cent less than the Intercolonial Railway had been paying in the past. It was not an offer which at all conformed to the specifications which had been prepared by the department, and was not an offer which the other tenderers were allowed to make on the same lines. The Minister of Railways made this contract with the Galena Oil Company of Detroit, not on a basis of so much per gallon, but on a guarantee that the Intercolonial Railway would be lubricated in the future, under this contract, at 10 per cent less than it had cost before. Immediately that contract went into effect. Now, I find in the answers given by my hon. friend that for the year immediately preceding the entering into this contract with the Galena Oil Company, that is the year ending 31st October, 1896, the cost of lubricating the Intercolonial Railway was $33,327.75 ; and I find for the year ending 31st October, 1897, or the year immediately following the entering into this contract, the cost went up to $43,174.09. Here was an increase of about 34 per cent in the cost of lubricating the Intercolonial Railway in the face of a contract entered into guaranteeing that it was to be ten per cent less than it had been before. This is the information I received from my hon. friend in reply to the inquiries I made on the subject. Of course, we cannot absolutely arrive at a conclusion as to whether this is all straight and above board unless we take into account the combined car and engine mileage during those years, because it is possible that the mileage may have very largely increased, and that that might account for the extraordinary increase of about thirty-four per cent in the cost of lubricating the railway, notwithstanding that there was a guarantee that it should be ten per cent less than heretofore, but in looking over the report of the Minister of Railways I find that for the year ending 30th June, 1896, the combined car and engine mileage of the Intercolonial Railway was 8,048,643 miles, and I find for the year immediately following that, the combined engine and car mileage was 8,557,163 miles,

an increase of about six per cent in the car mileage. This comparison is not for exactly the same period because in the answers which my hon. friend gave me he compared the year ending 31st October, 1896, with the year ending 31st October, 1897. The figures I am quoting are from the minister's report, which shows what were the combined car and engine mileage for the years ending 30th June, 1896, and 30th June, 1897. They furnish, however, a fair approximation, and enable us to estimate the increase of mileage between the two years. That being so, we have this fact, that the increase in the combined car and engine mileage was only six per cent, while the increase in the cost of lubricating the road went up 34 per cent and that in the face of a contract, as my hon. friend told us, guaranteeing that there would be a saving of 10 per cent in the cost as compared with the way it had been done before. I submit that the information which my hon. friend gives is of a very grave character and calls for a full and complete inquiry with regard to the subject. I am told that the gentleman who represents the Galena Oil Company, Mr. Lichtewhein, from New York, undertook to supervise the lubricating of the road himself, and that, with the permission and consent of the Intercolonial Railway, he set about instructing the officials along the roads as to the methods of using oil leading in the direction of economy. That was, at all events, the proposition, and it was on the alledged merit of that proposition that the new contract was entered into. I am entirely resting on the information which my hon. friend the leader of the House gave in answer to my inquiry, to be found in the official report of the Debates of this year. I want to point out some dates to hon. gentlemen. The dates of the two contracts with the Galena Oil Company were the 17th September, 1896, and the 23rd September, 1896, respectively. These contracts have run on from that time to the present and have been renewed without tender, and this gentleman with the German name from New York, who represents this company, made his first acquaintance with the province of New Brunswick in August of that year in the counties of Sunbury and York when the Minister of Railways was running an election for the House of Commons consequent on his acceptance of the office of Minister of Railways. This gentleman I am told first appeared in that constituency at that time and took some considerable interest in the return of the Hon. Mr. Blair.

Hon. Mr. BAKER—Did he lubricate the machine?

Hon. Mr. FERGUSON—Possibly he did. I cannot tell, but there is no question there was a good deal of lubrication in connection with that election, and it calls for a very full and complete inquiry. The election was held on the 25th August. On the 17th September following that election, a contract was made with this gentleman representing the Galena Oil Company, for lubricating oils, and six days later a contract was made with him for the signal oils, and in consequence of the contract made with him on that occasion he has gone on lubricating the Intercolonial Railway and has been paid $99,000. Whether he did any political lubricating before or since that, I am not in a position to say, but these are the facts—and I am indebted to my hon. friend the Minister of Justice for information with regard to them—that as a consequence of this new departure in lubricating the Intercolonial Railway, on the first year of its operation, the cost of lubrication went up thirty-four per cent, while the increased mileage was only about six per cent. In making these comparisons I am using the only data before me. I am comparing two years in one case ending 30th June, and in the other case ending 31st October. I do not pretend that the comparison can be absolutely accurate, but it furnishes a very fair and approximate basis for comparison. It certainly is a matter requiring explanation why it is that a contract made on this guarantee of a reduction of 10 per cent should lead to an increase of 34 per cent, while the car mileage had only increased to the extent of 6 per cent. There is another matter which requires explanation; and that is why a contract should be awarded on this basis of the 10 per cent reduction without notice having been given to the public. It is possible that other companies might have been prepared to offer a 20 per cent reduction, and it is not at all impossible that there might be those willing to offer a 50 per cent reduction if they had an understanding, or had reason to hope there would be no reduction made from them, but on the contrary that they would have been paid a larger amount than had been paid hereto-

fore, which appears to have been done in the present case. Not only that, but the unfairness in awarding a contract to the Galena Oil Company, not on the terms of the specification which was put before other contractors, but on an entirely different and new basis upon which there was no competition, making this contract with these gentlemen at that time, and continuing the contract year after year since that time without calling for any further tender requires explanation.

The motion was agreed to.

PACIFIC CABLE BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (176) "An Act to provide for the establishment of direct submarine telegraphic communication between Canada and Australasia." He said:—The proposal to lay a submarine cable from Canada via the Pacific Ocean to the Australian colonies is by no means a new project. It has been discussed at various times during the last fifteen or sixteen years. The first official meeting that took place on the subject was in London in 1887, when Canada sent two delegates in the person of the late Sir Alexander Campbell, who was then Lieutenant-Governor of Ontario, and the present Sir Sandford Fleming. The subject was discussed very fully at that convention. It was presided over by Sir Henry Holland, who was then the Secretary for the Colonies. No definite form or shape was given to the conclusions of that conference, as they really were not in possession of sufficient information to lay down any proposal. The resolution that was adopted was in the following words:

> That the connection of Canada with Australia by direct submarine telegraph across the Pacific is a project of high importance to the empire, and every doubt as to its practicability should without delay be set at rest by a thorough and exhaustive survey.

That was the only result of the conference. From 1887 to 1894, the subject was kept alive, largely by the then existing Federation League which, at their annual meeting and on every suitable occasion, drew attention to the importance of having an all-British cable connecting all dependencies of the empire. The next formal official gathering that took place on the subject was in June, 1894, in this chamber, when the delegates from Australia assembled here under the presidency of the Earl of Jersey. My hon. friend, the leader of the opposition, took a very important part in that conference, and he was one of the delegates representing Canada.

Hon. Mr. FERGUSON—Has not the hon. Secretary of State made a mistake in saying that that conference was under the presidency of Lord Jersey? I thought the hon. leader of the opposition was president of the conference.

Hon. Mr. SCOTT—Perhaps I have made a mistake. Lord Jersey represented the Imperial Government. I withdraw the statement. The Imperial officer, as a rule, assumed the presidency of the other gatherings, and the idea in my mind was that Lord Selborne presided at the last conference, as Sir Henry Holland presided at the former one, and that as Lord Jersey represented the Imperial interests, and took a very leading part, it came to my mind that he had presided.

Hon. Sir MACKENZIE BOWELL—There is just this difference, if my hon. friend will permit me to call attention to it. The conferences to which he has referred took place at London, and were at the instance of the Colonial Secretary The conference which took place here was at the instance of the Canadian Government, and the Imperial Government was asked to send a delegate, with which request it complied, and sent the Earl of Jersey.

Hon. Mr. SCOTT—I am very glad indeed to stand corrected, because I think it redounds to the credit of Canada that so important an official step was conceived by a Canadian statesman, and that Canada took later the larger part not only in the discussion of this question, but, as appears by the resolution that was adopted at this conference, the duty of keeping this subject alive and of putting it in practical form and shape, was allotted to the Dominion of Canada. The resolution which resulted, after a very full discussion having been brought up on very many occasions, was moved by the Hon. Mr. Thyne, who represented Queensland, and seconded by Sir Henry Wrixon, who was the delegate from Victoria, and reads as follows:—

> That the Canadian Government be requested, after the rising of this conference, to make all necessary

inquiries and generally to take such steps as may be expedient in order to ascertain the cost of the proposed Pacific cable, and promote the establishment of the undertaking in accordance with the views expressed in this conference.

It seems to have been conceded by the various representatives of the sister colonies, and by the Earl of Jersey himself, that Canada should be allotted the place of honour in developing the proposal which was to result in what I hope, within a very short time, will prove to be an all-British cable connecting all parts of the empire. From time to time the subject was again discussed, but the next meeting that developed any practical results was that held in London in 1896 and the beginning of 1897, at which Lord Selborne, I think it was, presided. Lord Strathcona and Mr. A. G. Jones, of Halifax, were the Canadian delegates. They went into the practical question. They took up the feasibility of the scheme. They had the advantage of the opinions of very many scientific men in London, Lord Kelvin among the rest, and they discussed the question of whether, the depth of the Pacific being so much greater by the route which was proposed, and the route being so much longer than the cables now crossing the Atlantic, whether there would be any difficulty on that score. They also discussed very fully the particular route which the cable was to follow, and the cost. Tenders were called for, or had been previously called for, and were thoroughly examined and analysed. They also discussed, from the information at hand, the cost of maintenance, the cost of keeping up the cable and the probable revenues arising therefrom. That information, of course, largely as to the revenue was predicated on the existing business that is now carried on by what is known as the Eastern Extension Cable Company. The result of that conference was, I think, very satisfactory, although no actual arrangement was then decided on, either as to the proportions that the various colonies should assume, or, in fact, as to the colonies that would take part, nor as to the proportion that Great Britain would assume. Great Britain up to this time had given it favourable consideration, but had never definitely stated what substantial aid, or what subsidy would be granted to the proposed all-British telegraph and cable across the continent of America and through the Pacific Ocean. The route decided on was from Vancouver via Fanning Island or the Island of Palmyra. I think Fanning Island was the one that was preferred. From Fanning Island it was to go to the Fiji Islands, from Fiji to Norfolk Island and from Norfolk Island there was to be a branch to New Zealand and another to Queensland. The distances from Vancouver to Fanning Island, were computed at 3,561 nautical miles. From Fanning Island to Fiji 2,093, from Fiji to Norfolk, 961, and the two branches, one to New Zealand from Norfolk Island, 537 miles, and from Norfolk Island to Queensland, 834, making a total of 7,986 miles, allowing in that, however, for ten per cent of what was considered slack owing to the depth of the cable to be laid. It had been discussed that a considerable amount might be saved by taking another route via Necker Island. But unfortunately in the last few years—I do not know exactly the date, but six or seven years ago, Fanning Island was taken possession of by the Hawaiians. Up to a recent period the island had been simply a bald rock in the Pacific Ocean, suitable of course for a cable, but it had not practically been claimed by any power. It was 200 or 300 miles from the Hawaiian Islands proper, and therefore not strictly in that group. However, Fanning Island, the island now settled on, is a British possession, and by following the route I have named the cable will touch British territory exclusively. That is the condition that has been expressed as necessary in all the conferences that have taken place on the subject, that it was to be an all-British cable. That was the essential part of it. The estimate of cost, gathered at the time under the presidency of Lord Selborne, varied from one and a half million pounds to one million eight hundred thousand pounds. In the bill before us the amount is fixed at £1,700,000. It is thought that there will be a margin even at that, which of course can go to maintain it for a time, if the whole amount is raised. Canada's share, reduced to dollars, of the whole amount of £1,700,000, is $2,285,555, and if interest were calculated at two and a half per cent it would amount to an annual charge of $57,138. The committee that met in London went thoroughly into all the practical features of the project. They made an analysis of the cost of maintenance on the basis of a capital of one and a half million pounds sterling, and their calculation was that the interest at two and a

half per cent, which it was assumed would be the interest for which the debentures would be floated with Imperial assistance, would amount to £37,500; sinking fund £15,300; working expenses £22,000; and maintenance £70,000, a total of £144,000 annually. To meet that, of course there would be the revenue from the enterprise, calculated on a basis of dividing at least a proportion of one-third to one-fourth, even the first year, of the business that is done now by the Eastern Extension Company, and that I think is a rather low estimate, for this reason, that Australia owns the cables throughout the Australian colonies. They naturally would be interested in sending all the business over the cable in which they themselves had an interest, and I think I am safe in saying that, with the feeling that is now developed in England, there would be a decided preference to send messages over the Canadian route. The development of Imperial unity has made very rapid strides, and the sentimental feature is one that should not be at all ignored in discussing a question of that kind. On the very moderate basis, that in the first year only a diversion of about one-third of the messages would be sent over the British cable, it would amount to a very considerable sum in reduction of the £144,000, bringing Canada share of the cost, if any had to be paid, within very reasonable limits. Of course it is impossible to speculate on what it may be, because, after all, it is only a speculation. We can only estimate matters of that kind on what we assume will be the result. There would, of course, be the attraction of the lower rate, unless the present company put down its rate, which probably it would. If I am properly advised, the Eastern Extension Company has been very successful. It has been paying very handsome dividends, and has a large amount of rest account. Hon. gentlemen know that the late Mr. Pender, who was knighted before he died, was a very successful man in developing the interests of that company, and he, perhaps with a great deal of prudence and wisdom, had his stock distributed in quarters where strong influence was brought to bear in the development of the business of that company. One of the difficulties Canada has had to contend with in past years in dealing with this question, has been the feeling of intense animosity on the part of the Eastern Extension Company. Of course, it meant cutting into their business. They, being a monopoly, charged high rates and paid large dividends, and anything that was going to interfere with handsome dividends in the future necessarily encountered their opposition. The rates, I believe, have continued up to the present time from England to Australia at four and nine pence a word. The rate from Great Britain to Vancouver at the present time is one shilling and six pence a word. It was proposed to start the Pacific cable rates at three shillings and six pence a word, that would be two shillings for the cable proper, allowing that there was no reduction even in the charges from Great Britain to Vancouver. It is highly probable that these charges would be reduced. They have been from time to time reduced, until they are brought now to the figure I have indicated, and with a view to diverting a considerable amount of business, it would be in the interest of all the cable companies in France, Great Britain and this continent to divert a considerable amount of their messages via the Canadian route as they would then get a share of the business, and there would be that strong inducement. Besides, no doubt they would have very strong influences both in Great Britain and in France, and therefore we may count pretty strongly on the fact that the business would be assisted by the cable companies connecting this continent with Great Britain. The business, too, is largely increasing. The development is extraordinary. In 1891 the number of words over the Eastern Extension was 1,110,000; in 1895 it was 1,948,000; in 1896 it was 2,236,000. So, hon. gentlemen will see what a rapid advancement there is in the business of the ocean cables. There has been a constant increase, and therefore it would be a very modest assumption to say that the Pacific cable, with all the advantages it would have of support in Australia and Great Britain, could only in the first year carry 750,000 words. Hon. gentlemen know Sir Sandford Fleming has given a great deal of thought and attention to this subject in the last ten or fifteen years, and has himself expended a good deal of time and money, too, I might say, because he had paid his own expenses on several occasions in crossing and recrossing the Atlantic ocean, and once crossing the Pacific in furthering this project, and has made it a study, and therefore his conclusions are entitled to very con-

siderable weight. His estimate of the revenue is as follows :—

In 1902	£114,000
In 1903	153,000
In 1904	197,000
In 1905	249,000

Of course that would pay the interest, maintenance and cost of repairs and leave a surplus in addition. As this is a cable, not for the purpose of obtaining dividends, but really for the development of the unification of the empire, if the rates were only kept at a figure that would pay expenses and pay the sinking fund, and the interest, we should be all amply satisfied. No other company could possibly compete, that is, if we were successful in laying the cable. With the revenue developed in the figures that I have mentioned according to Sir Sandford Fleming's view of it, and it certainly seems a reasonable basis on which to found the statement, it would not be many years before it would be on at least a paying basis—that is, there would be no charge on either Great Britain or Canada. As hon. gentlemen know, it is only recently that definite answers have been given by the parties chiefly interested in the construction of this cable. So late as March of last year at the Postal Conference held in the Australian colonies at Hobart, this resolution was adopted :

That this conference reaffirms the opinion that, in the interests of Australasia, the Pacific cable project should be consumated as speedily as practicable and that the governments of the various Australasian colonies be requested to represent to the Imperial and Dominion Governments the foregoing opinion, together with the proposal of the Premiers as agreed to at their recent conference held in Melbourne, viz. :—That if Great Britain and Canada would each contribute one-third of the cost, the colonies would be prepared to contribute the remaining third.

Subsequently the colonies in Australia that decided positively to take any individual interest came to that conclusion in August of last year at a conference held at Sydney. This is the cable extract :

Pacific cable. Conference of Premiers, New South Wales, Victoria, Queensland, just held Sydney, agree that if Great Britain and Canada pay five-ninths and New Zealand one-ninth, then New South Wales, Queensland, Victoria will contribute one-ninth each.

That was the first occasion on which any positive and definite proposition was made. Up to that time New Zealand had only spoken in a general way. Following that, in November last, the subject came up in the legislature then sitting in New Zealand and the Public Accounts Committee, to which it was referred, made this report :

1. It is desirable that telegraphic communication between England and New Zealand, via Canada and the Pacific, should be established.

2. The colony of New Zealand should agree to join with such of the Australian colonies as are prepared to do likewise upon the basis of a guarantee of four-ninths of the cost of construction and annual deficiency (if any) by such colonies, New Zealand's proportion of the guarantee not to exceed in any case one-eighth of the whole cost.

That is the first time that New Zealand has put herself on record as being willing to contribute a specific and definite sum. When all the colonies had agreed, unfortunately, as hon. gentlemen know, the mother country hesitated about joining the partnership. After considerable discussion, they agreed to give a contribution subject to conditions which, I believe, were adverted to in this House when the subject came up in the early part of the session. They were such conditions that Canada did not feel warranted in accepting them, and when the Press of Great Britain heard that, they came out very manfully in support of the views of Canada and of the Australasian colonies, and under pressure of public opinion, Great Britain was then induced to change her attitude, to join the partnership and contribute five-eighteenths of the cost. So that, as it now stands, with the assurances to which I have referred, the proportion would be New South Wales two-eighteenths of the cost, Queensland two-eighteenths, Victoria two-eighteenths, New Zealand two-eighteenths leaving ten-eighteenths to be divided between Canada and Great Britain, making five-eighteenths each. Though, as I have explained to the House, in the opinion of those who have given this subject thought and attention the project will not be a tax upon the people of Canada or Great Britain, or at the worst will be so only for a very limited number of years, that has not been the motive which has prompted either this country or the Australasian colonies to press for the completion of this project. It is rather upon the sentimental idea and with a view to stimulating the trade between all parts of the empire—trade within the empire. That has been the moving influence at all times and at all the conferences—the unity of the empire. Now that the empire had spread over all parts of the world, men in all the colonies and Great Britain who have given this sub-

ject much thought feel that the time has come when there ought to be communication throughout the empire by an exclusively British cable. The action of this House yesterday is proof of the desire that Canada has to share with the other colonies in maintaining the unity of the empire and sustaining the fraternal feeling that ought to exist between British subjects in all parts of the world. But, apart from that, no doubt the cable will be the means of opening up a considerable trade, in addition to what we have now, with China and Japan, and although there are obstacles intervening, as the Eastern Extension Company have monopoly rights from Hong Kong northward, still I believe that the feeling that has prompted the action of the parties to this present proposal, in giving it form and shape, will be sufficiently strong to either induce Great Britain to pay the penalty, if it is necessary to annul that monopoly, or if that is not done, that the Eastern Extension will find it in its own interest to give special rates to the Pacific cable over its line from Hong Kong northward. China is just now the objective point of very many countries of the world—Germany, France, Great Britian and Russia are all looking to trade with China. China has an enormous population—more than one-fourth of the whole population of the globe—and the possibilities for development in that country are very great. I am glad to know that we in Canada are exporting to China. We occasionally hear of exports of cotton from Canada to China. They may not be large items, still it is the nucleus of trade that is sure to develop and grow. The only other point to which I need call attention is the method by which the scheme is to be floated. It is proposed that eight commissioners are to be appointed, two representing Canada, three the Australasian colonies and three Great Britain. It will be giving Great Britain a larger proportion than Canada. It is impossible to divide the appointments so that each country shall be represented in the ratio of its financial assistance, but as the board will sit in London, as we hope, now that the Imperial Government have consented to become partners in it they will take such an interest in it as will be of value to the enterprise, there can be no objection to Great Britain having one more representative than Canada. To that board will be delegated the floating of debentures which are to extend over a period of twenty-five to fifty years. The limit of interest named in the bill is 3 per cent. It is not at all likely that the bonds will have to bear that rate of interest, as it is thought that a lower rate of interest will float the bonds at par.

Hon. Mr. POWER—How much does the hon. gentleman say we shall have to pay every year?

Hon. Mr. SCOTT—I gave the figures, fifty odd thousand dollars a year would be our proportion. Supposing the whole loan were floated—and it may not be necessary to do so—£1,700,000 is considered an outside figure; but asuming the whole of that amount was absorbed, our proportion would be $2,285,555 and 2½ per cent interest on that would be $57,138 but, as I have said, certainly after the second year there could be very little that would be chargeable against Canada, or, in fact any of the colonies. It may be assumed that the enterprise will be self-sustaining from at least the second year. I do not know that I need add anything more than further to express my gratification that all parties in this country concur in the propriety of the step the government is now taking. It is a natural growth, the developing of a feeling that we ought all to respect. It is not a recent proposition. It dates back for the last fifteen years, and has been steadily growing stronger and stronger each year until it has taken the shape in which it appears to-day, in which shape I hope it will meet the unanimous approval of the members of the Senate.

Hon. Sir MACKENZIE BOWELL—I have listened with no little interest to the speech made by the hon. Secretary of State upon this very important question, one that has been agitating the country for some years. While it had its ardent supporters, we also know that it had its doubters, and not only doubters, but had opponents who are now friends to the scheme, and its most ardent admirers were at one time its oppenents. However, we have to deal with the question as it is presented to us to-day. My hon. friend has given a synopsis of the history of this scheme in which, if you will permit me to say, I do not think he has given sufficient credit to Canada for the part she has played in the great

undertaking. The first meeting that took place, as the hon. gentleman has already intimated, was in 1887, at which we were represented by the late Sir Alexander Campbell, then a member of the administration, and Mr. Sandford Fleming, to whom I shall take the liberty of referring at a later period in connection with this subject. Very little was done, as has been already indicated by the hon. gentleman, at that conference. There was grave doubt in the minds of electricians, and those connected with telegraphy, and more particularly with cable operations, as to its practicability. It was thought that the length of the cable from point to point, and the depth of the ocean were insuperable barriers to success. However, Mr. Fleming, whom I look upon in connection with this subject as the head and front of the whole enterprise, never lost faith in the undertaking, nor did he ever cease to advocate it in this country as well as in England. In 1893 the government of Sir John Thompson sent a delegate, as hon. gentlemen know, to Australia in connection with the development of trade between the Australasian colonies and Canada. One of the subjects which was to be discussed in those colonies was the question of telegraphic communication between this continent and Australasia. Mr. Fleming at that time, to his credit be it said, volunteered to accompany that delegate, who, as every hon gentleman knows, was myself, to Australia and assist in bringing this great question before the people of these colonies. I am not saying too much when I assert, that it was through his advice and through the knowledge which he possessed of the subject, that success, to a very great extent, followed our mission. It has been said on many occasions that Sir Sandford Fleming was sent to accompany me at that time at the expense of the country. Such was not the case. I take this opportunity of placing that gentleman upon record as having this question so much at heart that he volunteered his services, valuable as we all know they have been, and at his own expense, and that he never received one dollar, even for the expenses incurred in the trip to Australia, or his expenses while in that colony. I say this because I think it is only justice to a Canadian who has taken such deep interest in this great enterprise. That delegation to Australia induced the Australasian colonies to send a delegate to Canada, where the representatives from the different colonies could meet and discuss the question without the difficulties which presented themselves in Australia. I found when I arrived in Australia and began to discuss these different questions, that I had five or six different governments with whom to negotiate, and to do that and arrive at any proper conclusion as to the course which should be pursued, would have taken months and perhaps a whole year. The governments of the different Australian colonies, with the exception of Western Australia, acceded at once to the request which was then made, and after communication with Sir John Thompson, then Premier, it was decided that an invitation should be extended to them as coming from the Canadian Government. The result you all know. In 1894 that conference met in this city, and it is a notable fact that in the history of the empire it is the first conference of that kind that was ever inaugurated by a colony, the colony inviting the Imperial Government to co-operate in carrying out this and other great schemes in connection with the unification of the empire. I know it was thought at the time—this may be a little history that is not known to all—that it might be looked upon as presumption on the part of the Canadian Government to invite the Imperial Government to send a delegate to co-operate with the colonial representatives from the different parts of the empire, but it is gratifying to every Canadian to know that as soon as the invitation was received, it was acquiesced in at once and the Earl of Jersey, an eminent English statesman, who had knowledge of the requirements, and who had also a knowledge of the feeling of the people in the Australian colonies, was selected as a gentleman acquainted with Australia from the fact that he had been governor of New South Wales some years before. With that fact in the minds of the government of the day in England, they selected him although he was not in accord with the political sentiments of the government of that day. It was at that meeting in Canada where the information was obtained as to the feasibility of the route and as to the cost of laying a cable, and not at the conference in London presided over by Lord Selborne. If any one has taken the trouble to read the despatch of the late Sir John Pender, it will be found that he took strong objection to

the construction of the Canada and Australian line. One reason that he urged was that it would interfere with the vested rights of a company, which he said, was purely a private enterprise and had not received any governmental aid. That despatch was referred to the Canadian Minister of Trade and Commerce of the day, who prepared a reply which will be found in the proceedings of the conference held here, in which it was pointed out that the whole Eastern Extension scheme had been largely subsidized in the way of guarantees and in other ways, that it had been paying to a remarkable extent, notwithstanding the fact that its stock had been watered over and over again. To that despatch neither Sir John Pender nor those who were connected with the Eastern Extension Company made any reply. To those who take an interest in this question it is worth reading. There was another peculiarity in connection with this gentleman, who was at the head of the Eastern Extension Company, he declared it to be impracticable to lay a cable between the American continent and the Australasian colonies. But, strange to say, when he found that the people of Canada and Australia, and the commercial community to a great extent in England, were in earnest on this question, he urged that if the cable was to be laid, notwithstanding the fact that he had declared it impracticable, his company ought to be permitted to carry out the project. It only shows the extent to which the opposition against this enterprise has been carried. At the Colonial Conference in Canada it was left with the Canadian Government, as has been indicated by my hon. friend the Secretary of State, to ascertain the probable cost, and whether tenders would be sent in by reputable capitalists in Europe, for the construction of the line. Advertisements were published in the English newspapers, the *Times* among the number, and the tenders that were sent from the most eminent capitalists and electricians and those whose business it is to lay cables, in England, were much below even the cost which Sandford Fleming, now Sir Sandford Fleming, had estimated, and it was upon that basis that Canada still continued to urge upon the Australian colonies, and also upon England, the necessity of joining together for the purpose of completing this work. Sir Charles Tupper, then the High Commissioner, aided materially in educating the people of England through the press, and also with that energy which we all know characterizes him, of forcing the question, if I may use that expression, upon the attention of the Colonial Office. In 1896, after what had been done, as I have indicated, through the conference of 1894, which was held in Canada, another conference was held in London. That conference was presided over by Lord Selborne, and the representatives from the colonies were the High Commissioner, Sir Saul Samuel, from New South Wales and Mr. Gillis, from Victoria, and Sir Donald Smith and myself from Canada, Lord Selborne, and one of the officials, I forget his name, from the War Department, constituted that conference. Very little result followed that meeting, for many reasons. The Imperial Parliament was then in session. It was in the middle of summer, when gentlemen in England like to take holidays, and unfortunately a telegraphic convention was held at Buda Pesth, in Austria-Hungary, which the Australian delegates had to attend, through instructions from home, and the result was the conference was postponed. I may say, in connection with this, that the Imperial Government refused to increase the number of the commissioners from the different colonies, notwithstanding that, Mr. Fleming was asked to accompany the Canadian delegates, in order to act as their adviser upon this question. In 1897, another conference followed, at which Lord Strathcona, and the Hon. Mr. Jones, of Halifax, were the Canadian commissioners, with Mr. Sandford Fleming, acting in the same capacity that he did when he attended in 1896, as assistant and adviser of the commissioners of that day. The hon. Secretary of State has pointed out what occurred at that meeting. Nothing positively resulted, but they reached a comparative agreement, if I may use that expression, upon the question. Still it remained in abeyance, and nothing was done until 1899; and here I think we may fairly take credit to Canada, and to this House for having urged not only upon the Imperial authorities, but upon the Australian people, the necessity of taking hold upon this question more vigorously than they had done in the past. My hon. friend will remember that, upon a question which I put to the present ministers as to the effect of a certain despatch which had lain hidden, as it were—certainly hidden

from the world, since 1893—by which Canada was ostracized to the extent that she was not to be allowed to land a cable at Hong Kong for twenty years, unless either England or Canada, who might desire to tap the trade and the business of China, would consent to pay the total amount which had been incurred by the Eastern Extension Company in the extension of their line to Hong Kong. It was another evidence of the unanimity of feeling which exists among all public men in this country that Canada must not be so treated even by the Imperial authorities, where her interest is at stake.

Hon. Mr. MILLS—Hear, hear.

Hon. Sir MACKENZIE BOWELL—When the contents of that despatch were laid before the Senate, no one spoke more decidedly upon the question than the Minister of Justice himself, to which was added the remarks of strong condemnation by the hon. Secretary of State, of the course which had been pursued; and the strong expression of opinion in this Senate by members of the government and by members not supporting the government, and by the press of Canada, led to an agitation in England which has resulted in the Imperial Government receding from the position which they had taken, through, we have reason to believe, the influence of Sir Michael Hicks-Beach, from the position of granting merely a subsidy, leaving the whole responsibility upon the colonies to construct this line. Another conference followed, since this question was discussed in this House, which resulted in the present agreement, and while I hesitate not to say that I think Canada is paying her full share and probably a little more than her share——

Hon. Mr. POWER—Hear, hear.

Hon. Sir MACKENZIE BOWELL—Still she is willing to take the responsibility upon her shoulders to accomplish that which I believe to be the wish of every British subject, the solidification and unification of the British Empire. I have been taking some little interest, as most hon. gentlemen know, in this question, and I am pleased to find that those who threw obstacles in our way when it was first inaugurated, those who sneered at and condemned the whole scheme when it was discussed in the House of Commons, are now the most ardent supporters of the scheme for connecting all portions of the empire by means of a cable. It is another evidence, as I have already said, that when the interests of the country are at stake, we should, and we do forget those little party bickerings that take place upon less important questions. I congratulate the government upon the fact that they have taken this matter seriously in hand. I congratulate them on the fact that they have suceeded in arriving at a final conclusion as to the construction of the line. I am also glad to know they have followed so closely, upon this question at least, in the wake of their predecessors, and I can truly add, let them continue in that direction, and I am quite sure, as far as that is concerned, they will meet with the approbation of the people. My hon. friend referred to one or two schemes, and particularly that of France. It is known that there is a cable now laid by Mr. Hartly Coutts from the French penal island of New Caledonia to Queensland; and any one who will examine the terms and conditions of that contract with Mr. Coutts will find that the French Government have laid down a principle which it were well for England and Canada to follow as far as at all practicable; no man can be employed, in connection with that cable, less he is a Frenchman, or with the consent of the French Government. The operators and every one connected with it are strictly under the surveillance of the French Government. And why? Because they look upon it not only as a protection to their country, but from a national standpoint in case of difficulties, and that is one reason why we, as Canadians, and why the Imperial authorities have come to the conclusion that the sooner we have an all-British cable surrounding the whole world, touching British territory only, the better it will be for us in case of difficulty, and for the promotion of commercial enterprises. I am fully in accord with the sentiments of my hon. friend when he spoke of the reasons why this cable should be owned and controlled by the governments and not by a company. It was some time before, I may say without any breach of confidence, some of my own colleagues could believe that this scheme was better than placing it in the hands of a company. We are not socialisitic enough in this country yet, to come to the conclusion that everything should be done by a government; but when

you take this question into consideration and when you consider that it is an enterprise involving an expenditure of some $8,000,000, and perhaps a little more, before it is through with, and that if a company had to place their debentures upon the market they could not be disposed of, in all probability, unless at a good deal below the par value, and when you reflect that a company going into an enterprise of this kind must, of necessity, look to the interests of its stockholders, and that they would expect a return from their investments, you could not expect the same benefits to accrue to the commercial community, or the building up of the trade commercially between the whole empire as if it were owned by governments who can borrow their money at from 2½ to 3 per cent at the very outside rate, and control it without any prospect, or any desire, as indicated by the hon. Secretary of State, of making a profit out of the operation. I know the Premier of South Australia, in discussing this question, said that South Australia could not enter into the scheme, or become a party to it, for the reason that they had large investments in the Overland Telegraph running from Western Australia into their own colony, and he intimated to me—which I think was an error—that their profits amounted to £40,000 a year. I then put the question to him "Do you tell me that the profits, over and above the interest on your investments, brings £40,000 a year which you put into the treasury of the colony." His reply was "Yes." And I said "And you keep up the rates as they are now?" He said "Yes." I then said "If you were in Canada you could not do that over one session, because the principle of governments is to tax the people only for the requirements of the government."

Hon. Mr. MILLS—Hear, hear.

Hon. Sir MACKENZIE BOWELL—I am not going to be led off by the hon. member's "hear, hear." I know what he means. I said to him, "If you receive this amount of profit from your investment, your duty is to lower the rate of telegraphic communication between Europe and the colonies, and between the different parts of the colonies, so as to simply pay your interest." However, I think the hon. gentleman was mistaken as to the profits, but there is no question about it, that if we had a company in charge of the line, they would seek to obtain profits, and if they acquired profits, there would be a combination, which the hon. gentleman from Rideau objects to, with the Eastern Telegraph Company, and the rates would be kept up. If the governments own and control it, they have no such object in view. They should have, and will have, I am quite sure, governed as it will be by practical men and statesmen, no other object in view than to take from the commercial community a sum sufficient to pay the interest upon the investment and give the balance to the country through the charges which are paid for telegraphy. They charge four and nine pence per word from Australia to England. I think I made the statement to this House before, that my friend, Mr. Fleming, when in Sydney, N.S.W., sent two words to his friends in Ottawa, and it cost two pounds eleven and two pence, and they would not record his name in the book unless he first paid them ten shillings. That is the kind of monopoly the people of that country have to submit to, and those are the charges to which all people trading and doing business in this country have to submit through the extortion of the Eastern Extension Company, presided over by the late Sir John Pender. The rate was reduced afterwards to the four shillings and nine pence to which my hon. friend referred. But why was it reduced? There was a guarantee on the part of the different colonies that if there was any deficit at the end of the year they were to make it up out of the public chest. Queensland refused to go into that agreement, and Queensland consequently was subject to a charge of nine shillings and four pence for each word, while New South Wales, just across the border, as the results of the guarantee which was given, paid only four shillings and nine pence. I said to the Premier at that time laughingly, "I suppose you gentlemen know enough when you want to cable home to go across the line and do it." He intimated that many did do that, and did not think it any harm. I have taken the liberty, on this occasion, of giving this short history, if I may so term it, of the inauguration and final completion of this work, in addition to the information which my hon. friend gave in connection with the matter. There is a little history in connection with that Neckar Island which is not generally known, but I do not know that I should be quite justified in repeating the whole facts. I say this much,

however, that it is to Canada's representatives that credit is due for bringing that island to the notice of the Imperial authorities. It was not then under the control, sway or ownership of any country, so far as was known at the time, and more than that, Britain would have succeeded in hoisting her flag over that island, which is useless except for the purposes indicated, because it is a rock, had it not been for the, shall I say stupidity, I do not like to use strong words speaking of colonies abroad, of some people from Australia when they arrived at Honolulu keeping their mouths shut; which led Dole the President of the Hawaiian Republic at that time to despatch a ship at once and hoisted a flag upon that island, and by that means we lost it. That is as far as I am at liberty to go on this question, but that is really the fact. I am in hopes that we may all live to see the completion of this great work. I look upon it in the light that was indicated by the hon. Secretary of State. I look at it from a commercial as well as from an Imperial standpoint. If we ever expect to build up a trade with the Australian colonies and the islands in the Pacific in their different products, and to supply them with that which we produce and which they do not, it can only be accomplished, in this age, by means of telegraphic communication. The days of writing and giving orders by letter are passed, and if a man wants to order his million pounds of sugar, as is done in Canada to-day, he must be enabled to take advantage of the markets in the different sugar producing colonies and islands of the Pacific, or he has to lag behind his neighbours and lose accordingly. I have placed upon record what I think, as far as I understand the question, is the true position which Canada occupies to-day in connection with this matter, and I still repeat that to the bold and manly utterances that were made in this House by members on both sides of politics, we may attribute the outcome which we are now considering. That exposure of the terms of the despatch was of such a character as to rouse not only the people of this country, but the people of Australia, and the press and commercial community of England, and has resulted in England's changing her policy and becoming a party to the whole scheme as propounded by the colonies, and joining in the ownership of this cable, which, I am quite sure, so far as my information extends, and from the thought and study that I have given it, will not only prove remunerative from a pecuniary standpoint, but will do much to knit together the different sections of the empire and make us still more British, if that be possible, than we are to-day.

Hon. Mr. POWER—The measure before the House is an indication of the strength of the Imperialistic idea at the present time. I do not think that any one will pretend that Canada is directly and materially interested in this cable scheme to the extent of the interest which she has undertaken to pay. The general feeling throughout the country has been, and the feeling is well founded, that while Australasia and England are very greatly interested, the interest of Canada is a comparatively subsidiary one.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. POWER—People in England, and some people in Canada, have taken the ground that the government of Canada—and by the government of Canada I do not refer to the present government alone, but the present government and the past government—have not shown enough of the Imperialistic spirit. I think that in relation to this cable project, Canada is showing more of that spirit than the mother country or than the Australasian colonies, because I am perfectly satisfied that if the Australian colonies had no deeper material interest in this undertaking than Canada has, they would not have become parties to this arrangement, which they have done rather slowly and with some hesitation. Here we have the mother country, with a revenue of over $500,000,000, hesitating about paying the same proportion yearly of the cost of this undertaking which Canada had cheerfully agreed to pay. It is desirable that attention should be called to that fact, I am not questioning the policy now, whether Canada is wise in being so willing to assume more than her natural and reasonable proportion of the burdens of an undertaking of this sort. I am not questioning that policy. It may or it may not be wise, but it shows how strong the feeling in favour of Imperial unity is in Canada, and goes far to remove any reproach that may have been attempted to be cast on this country for her action in connection with Imperial defence and other questions.

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

The bill then passed its final stages under a suspension of the rule.

DRY DOCKS CONSTRUCTION BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (177) "An Act to encourage the construction of Dry Docks."

(In the Committee.)

Hon. Mr. SCOTT—One or two hon. gentlemen were desirous of getting some fuller information than I was able to give yesterday when this bill was up for second reading. I find that the only graving dock in Canada which is receiving a subsidy is the Halifax dock. We have been paying a subsidy of $10,000 a year for four years. The Esquimalt dry dock and the Lévis and Kingston dry docks are the property of the Dominion. Any other graving docks that there may be—I have no knowledge of them—would be of course private graving docks, which were constructed before the Subsidy Act was passed, or at all events do not receive a subsidy. The government have the Esquimalt, Lévis and Kingston docks, and they give a subsidy to the Halifax graving dock. The cost of maintaining the Esquimalt dock last year was $11,700, and the revenue derived from it was $6,227. The cost of the Lévis dock was $6,000 and the revenue $19,829. The cost of maintaining the Kingston dock was $4,700 and the revenue from it was $7,298. I am advised that the only graving dock that was in view at the time this bill was being prepared was the one at St. John, New Brunswick. The province of New Brunswick has, I understand, given a subsidy, and the city of St. John too is given a subsidy.

Hon. Mr. POWER—Does the hon. gentleman know how much the province is giving?

Hon. Mr. DEVER—$2,500.

Hon. Mr. SCOTT—And from the city how much?

Hon. Mr. DEVER—$2,500.

Hon. Mr. SCOTT—That is $5,000 from the two. This is a general bill.

Hon. Mr. POWER—Yes, it is a general bill, but it is intended to cover that particular case.

Hon. Mr. SCOTT—I am not aware that it is in contemplation to build any other graving dock.

Hon. Sir MACKENZIE BOWELL—You have not the cost of the different docks?

Hon. Mr. SCOTT—No, I have not.

Hon. Sir MACKENZIE BOWELL—If you had, you could tell the interest they are paying on the total investment.

Hon. Mr. SCOTT—The Halifax dock must have cost $1,000,000, because we are paying annually the full $10,000.

Hon. Mr. McKAY—How long does that continue?

Hon. Mr. SCOTT—For twenty years is the life of the subsidy, and last year was the eighth year.

Hon. Mr. McCALLUM—You repeal the former Act, chapter 17 of the statutes of 1882. I see that under that Act we were to give only $10,000. Now, you want to double that amount.

Hon. Mr. POWER—That is because the city of Halifax paid $10,000; the city of St. John is paying only $2,500.

Hon. Mr. McCALLUM—This has nothing to do with the city. The government take power now to double the expenditure. It is in keeping with the way they have been going on with the expenditure of the country. I do not know whether this item is right or wrong. I have listened with great pleasure to the speeches in this House the last two days. You would think we were a mutual admiration society, the way we agreed on everything. I should like to know why the government doubles the subsidy—raising the amount from $10,000 to $20,000 by this bill? I want that explained. It is very desirable that we should have dry docks where our ships can be repaired and taken care of. The question, in my mind, is, have you works at St. John where you can do that work before you expend the money? Do they build steel vessels in St. John? Have you shops that can do this work? That should be considered by the government before spending the public money.

We should have full value for the money we are going to pay. I am in favour, as far as possible, of having dry docks in order that when vessels meet with disaster, they should get repaired as soon as possible, but I want to know if they have the facilities for it in the harbour of St. John. If they have not the government should see that they have such a service before they pay any of this money. The policy of doubling this subsidy and the government having the power to pay it as they please is what I object to.

Hon. Mr. SCOTT—We are increasing the amount because the dry docks to be built hereafter will be on a very much larger scale than those in the past.

Hon. Mr. McCALLUM—Larger than the dock at Halifax?

Hon. Mr. SCOTT—No, but the dock at Halifax is receiving a gratuity of $20,000 a year, $10,000 from Canada and $10,000 from the Imperial authorities, inasmuch as the navy of Great Britain has a refuge there, and it is utilized occasionally by the ships of war. That is the chief reason—the docks that will be built in the future will be very much larger. The hon. gentleman knows very well that vessels are being built larger now and will require larger docks, and that is, I am advised, the real explanation.

Hon. Sir MACKENZIE BOWELL—I think the hon. gentleman from Monck could arrive at a reason why this bill has been introduced without dealing with general principles. He must not forget that there is a very energetic gentleman at the head of the Department of Railways and Canals just now, who represents New Brunswick. Perhaps he is preparing for himself a seat in St. John, which will be required in a very short time, hence they are expending a very large amount of money there. They are building large and extensive wharfs and they think they require an elevator, whether that elevator will ever pay one per cent on the investment as far as the Intercolonial Railway is concerned——

Hon. Mr. McKAY—It is suppcsed to elevate Mr. Blair some.

Hon. Sir MACKENZIE BOWELL—That is a suggestion that did not occur to me. One thing is very certain, he is looking very well after the interests of his own province. Halifax may be satisfied if they get only $10,000 from the government. St. John, which is a rival just now, is getting $20,000. The fact is the country is paying pretty dearly for what they expect to receive in the city of St. John in the near future.

Hon. Mr. DEVER—St. John itself contributes $2,500 per annum.

Hon. Mr. McKAY—For how long?

Hon. Mr. DEVER—Twenty years. They also give as a site for the dock a valuable piece of property.

Hon. Mr. LANDRY—Is not that in the water.

Hon. Mr. DEVER—Further, as to the wharfs and the elevator at St. John, and the improvements that are going on there, I wish to say before these were thought of by the government the city of St. John itself contributed over a million dollars for wharfs and facilities for establishing a winter port. With reference to the mention made of the representative of New Brunswick in this cabinet, it has been said that an elevator was about to be constructed at St. John for the purpose of elevating that gentleman to a higher eminence than he holds at present. We at St. John, and I think in New Brunswick generally, do not think there is any necessity to elevate him above the position he has always held. He has been Premier of New Brunswick for fourteen or fifteen years without an intermission, and I am prepared to say that during that period he has given such satisfaction that the slightest fault has not been found against him generally. Some personal feeling may exist in the minds of his opponents, but it would have been better to allow him to take his position without personal interference.

Hon. Mr. McKAY—Is he a Tory or a Grit?

Hon. Mr. DEVER—Well, he is a gentleman.

Hon. Mr. ALMON—You mean to say he is a Tory.

Hon. Mr. DEVER—Since he came here to represent his province he has done what is fair to New Brunswick. He has done for his province what should have been done by other gentlemen, who assumed to represent that province for thirty years. New Bruns-

wick contributed to the confederation of Canada steadily for thirty years. They contributed their share for the Intercolonial Railway, which cost New Brunswick its proportion of $50,000,000. Might I ask this Senate and the country what New Brunswick has got for that contribution?

Hon. Mr. LANDRY—Cheap rates.

Hon. Mr. ALMON—Two-thirds of the railway.

Hon. Mr. DEVER—Halifax got something, I admit, but the government of Canada invariably manipulated the larger portion of this Dominion, no doubt for political purposes, but they took very good care to ignore the rights of New Brunswick. It is only since the present government came into power, since the Minister of Railways became our representative, that New Brunswick has reason at last to be proud that she has a son able and willing to look after her true interests. Therefore I feel that I would not be doing my duty if I allowed that hon. gentleman to be disparaged in the slightest degree in this House, because, after all he is only doing that which is right on behalf of an important province. Canada could not have been a Dominion had it not been for that province that the Minister of Railways represents. What would you be in Canada? Why, you were nothing but a back ccuntry. You were nobody at all.

Hon. Mr. LANDRY—We would not be in it.

Hon. Mr. DEVER—No, you could not be in it to-day. You would be wholly dependent on a foreign country for an outlet and for that very reason the expenditure that is now going on at St. John is intended to develop western business. Therefore I trust that we shall not hear much more of this bickering about St. John. St. John is getting a very slight portion of that which she ought to have got for the last fifteen or twenty years at least, but instead of that she has been steadily neglected by men calling themselves statesmen.

Hon. Mr. PRIMROSE—That is the blare of a trumpet and a trumpet for Blair.

Hon. Mr. MACDONALD (P.E.I.)—One would suppose, to hear the hon. gentleman speak, that New Brunswick was the means of bringing about confederation. Other provinces assisted in the work and contributed equally with New Brunswick. Looking at the bill which we have before us, it would appear, from the observations made by the hon. Secretary of State, that this bill is intended to establish a dry dock, which is to be built in the harbour of St. John, New Brunswick, and in looking through the provisions of the bill we find that $20,000 a year for twenty years to come is to be provided for that purpose. I observed, in looking through the press, that the municipality of St. John is contributing $2,500 a year for the same purpose. The provincial government gives $2,500 and the Imperial Government is to contribute for the same purpose the sum of $12,500, making in all $40,000 a year. Part of it, I believe, is to run for forty years, and the contribution from the Federal Government for twenty years, so I presume it will be a very good investment for the gentlemen who are embarking in the enterprise, when they get the site for their dock given to them free and a contribution of $40,000 a year for all this time from the Imperial Government, the Federal Government, the local government and the city. But this bill goes very much further than we would suppose from the remarks of the hon. Secretary of State, because while it says that it is the intention to confine this to the harbour of St. John——

Hon. Mr. SCOTT—No, I said that was the only one thought of at the time; it is a general bill, of course.

Hon. Mr. MACDONALD (P.E.I.)—It is competent for the government, under the authority of this bill, to pay $20,000 a year to any company building a dry dock in any harbour throughout the Dominion. We should confine the application of the bill to certain places to be named in the bill. I have no objection to confining it to the harbour of St. John, if it is desirable that this dock should be built there, and probably it is; but it seems to me we should not place it in the power of the government to sanction the building of a dry dock in any harbour throughout the Dominion. We should specify in the bill the particular place it is to be in the power of the government to build these docks.

Hon. Mr. SCOTT—The hon. gentleman has, I am quite sure, unintentionally made

a misstatement. He assumed that the government will give a subsidy of $20,000. The subsidy will be two per cent on the cost, and it is not to be assumed that the limit of $20,000 will be reached.

Hon. Mr. ALMON—Can the hon. gentleman tell us the size of the largest vessel that can enter the harbour of St. John? Then we will know what size the dry dock ought to be.

Hon. Mr. SCOTT—I am not aware that plans have been prepared even. This bill is a general bill. I was asked where it was going to apply. I said I understood as St. John and the province of New Brunswick were giving a subsidy, they had it in their minds to build a dock there, and this subsidy would be applicable. I do not know any other place, but the limit is $20,000, and the subsidy can only be two per cent on the cost per year.

Hon. Mr. ALMON—Is the hon. gentleman aware that a large man of-war could not get into the harbour of St. John. Some warships of considerable size managed to get in, and the captains were as proud as if they had crossed the Atlantic in six days.

Hon. Mr. DEVER—I wish to say to the hon. gentleman and to this Senate that the parties who have this work in contemplation intend to make it one of the best, if not the best dry dock on the continent of North America. It will be superior to that of Halifax, and equal to that on the coast of the United States, and in case a man-of-war from Great Britain, or from the United States, or any other country should choose to come to the harbour of St. John, they will find that they have provision made at that dry dock for repairs to the largest vessel that sails the ocean. Of course, we cannot say we will accomplish this, but that is the object in view in coming to Parliament for the subsidy. We know what Halifax can do. We have no jealousy whatever, but we feel she made a mistake in building a dry dock there that is not sufficient for the requirements of the shipping interest.

Hon. Mr. POWER—Excuse me, the dock is big enough for any vessel that has ever required to use it.

Hon Mr. DEVER—Before we build we shall have plans and specifications.

Hon. Mr. PRIMROSE—The hon. gentleman must know that the dry dock at Halifax can accommodate the largest vessels afloat.

Hon. Mr. DEVER—I would not have spoken, only the insinuation was thrown out that the harbour of St. John was deficient in natural requirements to enable ships of any size or dimensions to approach that city. I say, on the contrary, the harbour of St. John is the only harbour in British North America that is open the whole year round on the Atlantic coast.

Hon. Mr. ALMON—Hear, hear.

Hon. Mr. DEVER—We know that Quebec harbour is frozen over a great portion of the year; so is Montreal, and so has Halifax been.

Hon. Mr. POWER—Twice in fifty years and on neither occasion in such a way as to seriously impede the movements of steamers.

Hon. Mr. DEVER—It is not so with the harbour of St. John. It is open the year round, and has never been known to have an impediment in the shape of ice; as for the quantity of water, at present we have at low tide in some of our docks thirty feet, and at high tide some sixty feet of water. It is wholly wrong when hon. gentlemen, who have their own objects in view, try to injure the winter port of Canada. The port of St. John is well known all over the whole shipping world; therefore it is hardly right that an insinuation should be thrown out that is certainly injurious to an important port of the Dominion, one that is, as I said before, open the whole year round, and the only one that I know of that can supply the wants of Canada without going to a foreign country. At present we know that Portland, in the state of Maine, is doing all it possibly can, with the assistance of the government of the United States, to injure Canada. We know that a short time ago the United States Congress gave some $800,000 for the purpose of improving the shipping facilities at the port of Portland, the only one that at present is taking Canadian trade from the Dominion, the very trade that ought to come to the port of St. John. The promises that were held out at confederation, had they been carried out as they ought to have been, would have brought us that trade. That trade, on the contrary,

has been going to the United States. It goes to Portland through the medium of the Grand Trunk, which is doing all it can to make Portland the winter port of Canada. Therefore it behooves us to see to it that the port of St. John is made more prominent to the shipping interests of the world, and in that way we can do a large amount of good to the Dominion. If we have not shipping ports in our own country what are we? No country can be great without a seaport open the whole year round. St. John should not excite the enmity or envy of our own people, or of any portion of our own people, and I hope that henceforth there will be no such thing as this jealousy. St. John should be allowed to take that natural and right position she is entitled to.

Hon. Mr. CLEMOW—This bill is altogether too general in its terms. Dry docks nowadays must of necessity be of an expensive character. If a dry dock is required in St. John the government should come down and say so, but, as I understand, there is a dry dock now in Lévis and one in Halifax. If they have performed all that is required of them by vessels in the past, is there a necessity for a new dry dock at the present time at St. John? As I understand, the dry dock in Halifax is at the service of all vessel owners, and has been so for many years, and I have never heard of any difficulty with respect to getting vessels repaired when they come to dock at Halifax or Lévis. Therefore, I do not think it is a proper time, just now, to agitate for the building of additional dry docks, until we find that the dry docks now in existence are insufficient to meet the requirements of the trade.

Hon. Mr. McCALLUM—This bill repeals the Acts of 1882 and 1888 and substitutes another for them, and the only alteration that I can see is the change of $10,000 to $20,000. I would not for a moment think of opposing the building of a dry dock any place where it is required. I am not opposing it in this instance because it is the harbour of St. John. I am not here to talk parish politics, but the government should tell us whether they have an application to build a dry dock in the harbour of St. John. They should say in this bill what they are going to do and what they are going to give, and not ask for power to make bids for support all over the country, on the promise of building dry docks. I am opposed to anything of that kind, but I am perfectly willing, if the government say what they want and show the necessity for a dry dock, that they should be in a position to assist such works. At the same time there are a great many things to be taken into consideration. I have never had an answer yet as to whether there is a ship yard at St. John. Nobody seems to be able to give the information. Even the hon. member for St. John cannot tell if they build steel or iron vessels at St. John.

Hon. Mr. DEVER—We have built the best ships in the world for the period.

Hon. Mr. McCALLUM—Years ago they used to build wooden vessels in St. John, and built them of spruce and hemlock too, and sent them all over the world. But in place of building vessels of spruce, pine and hemlock now, ships are built of steel and iron. Have you a ship building yard at St. John to build steel vessels?

Hon. Mr. DEVER— Yes and we are going to.

Hon. Mr. McCALLUM—The only place west of Montreal that I know of where they do it is Toronto. The government should make it a condition that the docks shall only be built where there is a yard for building steel vessels. We should not spend money where it will be of no use to the country. This bill is in keeping with the general policy of the government. They are doubling the expenditure. They are doubling the expenses on the dry docks, and the same way with every expenditure in the country. I hope it will soon stop. If it does not, I do not know how the poor people of this country will bear the burden. I hope the government will confine this bill to the harbour of St. John. They should not keep it in their hands to offer inducements to people to build docks.

Hon. Mr. MILLS—This is a proposition to give aid to the extent of 2 per cent on the capital. That is a little more than half the lowest rate at which money can be obtained.

Hon. Mr. McCALLUM—You can borrow at 3 per cent.

Hon. Mr. MILLS—Well, that is two-thirds of the rate. No man in his senses is going to invest money in a dock of any kind that will only pay him two per cent on the investment, and if a dock is erected at a place where there is little or no shipping to repair, no party would be induced to undertake the construction of it by any aid or assistance that is proposed in this bill. I hope hon. gentlemen will keep that in mind, that there is nothing in this bill that will encourage any man to invest his capital in the construction of a dry dock for the sake of the aid that the government is going to give towards it. Let me say this with regard to St. John harbour. St. John is becoming an important winter port. It is a place of considerable commerce, because it is a terminus practically for two Canadian railways, so that vessels are likely to come there, and vessels that come there in the winter season are liable to be sometimes damaged, as they are in going into any other port of commerce in the world, and it is a matter of great convenience in such a port to have a dry dock into which vessels may go for the purpose of repairs. I think hon. gentlemen will see that that is a reason, and a very substantial reason, for having a dry dock at the port of St. John.

Hon. Mr. McCALLUM—Confine yourselves to that and it is all right.

Hon. Mr. MILLS—If, in addition to what the parties may earn in the ordinary way, they are aided to the extent of two per cent by the government, the dock may be built at a far less cost, and as a consequence, to that extent relieve the public treasury from the charge that otherwise might be required to be made upon it. Leaving that out of view, is there anything in the bill that would induce parties to undertake to invest their money in the construction of a dry dock where a dry dock is not needed.

Hon. Mr. McCALLUM—Then you do not want the power?

Hon. Mr. MILLS—It cannot possibly be any harm and so it may do a positive good.

Hon. Mr. McCALLUM—In what way?

Hon. Mr. MILLS—Let me suppose, for instance, we were building a railway within a year or two from Kitimat Harbour northward, and that a very considerable trade should spring up at that point, it would be possible under this bill to at once begin the construction of a dry dock at that point that might be needed if parties felt that is was a profitable investment.

Hon. Mr. McCALLUM—Are you going to commence within a year?

Hon. Mr. MILLS—But if it was not a profitable investment, they would not undertake to expend their money in that way. We have over and over again proposed to aid railways for a long series of years. There were propositions to aid railways by land grants in the North-west Territories, and without any definite points of beginning or any definite points of ending. Upon what ground was that policy defended or justified? My hon. friend did not ask for a specific declaration at that time, did not insist upon the same view or policy which he is now proclaiming with regard to this Why? Because in his opinion—and I am not saying that that opinion was not justified by the events—if the road were constructed it would be an evidence that the people who undertook its construction believed that they would ultimately make the capital they invested in that undertaking pay them a fair remuneration. What is the declaration in this bill?

If an incorporated company approved by the Governor in Council as having the ability to perform the work, enters into an agreement with Her Majesty to construct a dry dock for the reception and repairing of vessels, at a place, and according to a plan and specification (such specification providing for all proper and necessary equipment, machinery and plant), approved by the Governor in Council on a report by the Minister of Public Works as sufficient for the requirements of the public at such place, and to be completed within a time to be limited by such agreement, then, provided the company performs the work according to such agreement and to the satisfaction of the Minister of Public Works, under the supervision of whose department the work shall be done, the Governor in Council may authorize the payment, out of any unappropriated moneys forming part of the Consolidated Revenue Fund, of a subsidy not exceeding two per cent per annum on the cost of the work, during twenty years from the time of its completion and acceptance by the said minister.

I put the question again—does any hon' gentleman believe that, for the sake of getting two per cent per annum on the cost of a public work for a period of 20 years, which would amount to 40 per cent extended over the whole period, that any body of capitalists would undertake to invest their money in the construction of a public work? If they believed it would pay and they saw

it was likely to be made remunerative, then they would do it. But would it not then be justified, because if it would be remunerative there would be a sufficient justification? There is the absolute protection given to the public in this that no man in his senses would invest his money in this way unless he saw that it would be remunerative, and it could not be remunerative unless it were to the advantage of the public.

Hon. Mr. McCALLUM—Has the hon. minister received any application to build a dry dock anywhere in this country? He can draw on his imagination as much as he pleases, but he cannot show where there is an application for a dry dock in this country except at St John. He wants to provide for years hence. Let me tell the hon. minister that he ought to get the power from year to year when the applications come in. Parliament meets every year. We could deal with every one as it comes up. He says he might build a railway here and a railway there and they might want dry docks. It is giving the government a power which they had not before. The subsidy was placed at $10,000, and now they have made it $20,000. It is in keeping with all the rest. They want to double expenses, but I wish to impress on the mind of the hon. gentleman now, that even if there is an application made to build a dry dock at St. John, he should not ask the power to grant a subsidy except when an application is made. Then he could go to Parliament and ask a subsidy for that work. He should tell us what is to be done and what capacity the dry dock would have at the time, and I am sure, as far as this Senate is concerned, they would always be willing to give the government the power to spend the money, but I do not think we should give the government power to make offers to the people all over the country and say to them, "If you build a dry dock the government will assist you." The hon. minister says that no people will invest their money in a dry dock unless it is a benefit to the public. I want the security of Parliament on that point to look after the expenditure of money every year. Do not give the government power to pay money to whomsoever they wish for their support at elections. We should have the control of Parliament over the expenditure of the public money. We only deal with a fringe of the expenditure. We can restrict some of the expenditure, but we have nothing to do with the details; if we had, it would be much better for the people.

Hon. Mr. MILLS—My hon. friend will see that he has been discussing the principle involved in the bill. In 1882 my hon. friend agreed to a bill exactly the same in point of principle, that $10,000 a year might be paid as the maximum sum paying two per cent. My hon. friend did not insist on exercising that control over every transaction. The government could go on under that former Act just as is proposed to be done under this bill.

Hon. Mr. McCALLUM—But you just make it double.

Hon. Mr. MILLS—Yes. Experience has shown that two per cent on an investment could in no case build a work adequate to the requirements of modern commerce. My hon. friend knows well about ships and shipbuilding, and he knows that the proportion, as it stands, is not likely to be practically of very much service. The proposition is to increase the aid of the government to the extent of two per cent up to $20,000 a year instead of $10,000. If it is right to give aid to the extent of $10,000, there is no difference in principle. You might make it $50,000 for that matter, if the requirements of the country were such that $50,000, at the rate of two per cent, was necessary for the construction of a dry dock. The increase in the size of the vessels that are used to-day in carrying on the commerce of the country renders necessary a larger and more expensive dry dock than that which was adequate before the very large ships of recent years have come into use.

Hon. Mr. McCALLUM—Do you mean sea-going vessels?

Hon. Mr. MILLS—Both classes of vessels. A 10,000 ton vessel to-day is as common as a 4,000 ton vessel was ten years ago. In point of principle there is no difference whatever between the bill now proposed and the law on the statute-book.

Hon. Mr. McCALLUM—If the government would state what they want and where they want it I would not object.

Hon. Mr. MILLS—It was not done before.

Hon. Mr. McCALLUM—That is no reason why it should not be done now. The object of fixing the amount at $10,000 was that we had small vessels on the lakes and we had several dry docks in this country and the object was to help them if they wanted it.

Hon. Mr. POWER—I do not think the objection raised by the hon. gentleman from Monck to the form of this bill is well taken. The hon. gentleman cannot reasonably find fault with the present government for bringing in a measure couched in the same terms as the measure introduced by the government which he supported in 1882. At the same time, I think that this is one of those questions which it is just as well to discuss a little freely, and I hope hon. gentlemen will leave out of sight the fact that I happen to come from Halifax. I want to discuss this question as though I came from Ontario, or some other part of the western country. One of the faults which I find with the way in which the bill is framed is that the government have no discretion in the matter. If the bill provided that, when the government were satisfied that it was in the public interest, and that the necessities of the commerce of the country required that a dry dock shall be built in any place, then they should advance this money and give this guarantee, I should not object to it, but that is not the case. It is provided that if any company proposes to construct a dry dock, no matter where and no matter whether it is necessary or not, as soon as the company can assure the government that they are prepared to construct a dry dock they are bound to give them a guarantee. That is not business. The government should insert in this measure some provision to the effect that when the government are satisfied that the public interest requires that a dock shall be constructed it shall be done.

Hon. Mr. MILLS—It is in the first clause of the bill.

Hon. Mr. POWER—No, the first clause reads :

1. If an incorporated company approved by the Governor in Council as having the ability to perform the work, enters into an agreement with Her Majesty to construct a dry dock for the reception and repairing of vessels, at a place, and according to a plan and specification (such specification providing for all proper and necessary equipment, machinery and plant), approved by the Governor in Council on a report by the Minister of Public Works as sufficient for the requirements of the public at such place.

The government have no discretion. The government have not the discretion to say whether or not the dry dock at that place is necessary.

Hon. Mr. MILLS—Oh, yes. I think there is no doubt whatever on the question; it is sufficiently clearly expressed in the first clause. Supposing there is nothing required by the public at such a place, my hon. friend will not contend that the bill does not give the government discretion to say whether the work shall be built or not. If my hon. friend contends that in a case where the minister reports that there is no trade and nothing to justify such an undertaking at such a place, the government, notwithstanding that report, are obliged to go on and aid the work, then my hon. friend is mistaken.

Hon. Mr. POWER—If the meaning of this language is that which is attributed to it by the hon. minister, there are several hon. gentlemen who differ from him, and I presume the government will have no objection to make it clear. The Governor in Council has only to be satisfied that the plans and specifications and so on shall be sufficient for the requirements of the public at such a place. They may be in excess of the requirements, but the government have not the right to say "You shall not build there," as I understand it. That is the first point that I wish to make, that I think the bill should be amended in such a way as to give the Governor in Council a right, and throw upon the government the responsibility of deciding, that the public interest calls for a dry dock in the place in question, because it means a possible expenditure of $20,000 a year for twenty years and it would amount to a half million dollars. I think the bill should be amended in that way. Let us look at this question from a business point of view. Where should there be dry docks in this country? One can understand why there should be a dry dock at Quebec. It is the port of the St. Lawrence. All the steamers coming to the upper provinces have to come to Quebec, and Quebec is the natural and convenient place for a dry dock. Where else should there be a dry dock, and what are dry docks used for? In the first place, dry docks in this country—at least the dry docks in the lower provinces—are used by vessels which get into distress on the ocean, and put into the most convenient place

where there is a dry dock and where they can make repairs. Take the vessels on the Atlantic, which is the only ocean we have to deal with. There is a large dry dock at St. John's, Newfoundland, and a large dry dock at Halifax, and any lame duck, as they call it, puts in at St. John's, Newfoundland, or Halifax. The hon. gentleman from St. John said something about the size of the dry dock at Halifax, but no vessel has yet come to Halifax which has found the dry dock too small.

Hon. Mr. DEVER—There is no use of their coming if they cannot get in.

Hon. Mr. POWER—Any vessel can enter the port at any season of the year. Would any vessel on the Atlantic go round the Cape and up the Bay of Fundy for the purpose of going into St. John? I think it is absurd on the face of it. It should be first established that there is a necessity for a dry dock in St. John. Supposing a dry dock is constructed, who should own it? My belief is that if the government propose to pay two per cent on the cost of that dock it would be better that the government should own it. The city of Halifax pay $10,000 a year, the Admiralty pay $10,000 a year, and the Dominion Government pay $10,000 towards the dry dock at Halifax. In this case it is proposed that the Dominion Government shall pay $20,000 a year. The city of St. John pays $2,500 a year and the province of New Brunswick pays $2,500 a year. That makes $25,000 a year. If the statement of the hon. gentleman from Charlottetown is correct, the Admiralty will pay another considerable subsidy, and the whole cost of that dry dock will be paid by the public in one form or another. Having got that far, I want to know where the force of the argument of the hon. Minister of Justice comes in, that you could not get anybody to invest their money in the undertaking on the mere guarantee of two per cent. The company need not put a dollar in it, because the Dominion Government, the city of St. John, the province of New Brunswick and the Admiralty will foot all the bills. If we are to have a dry dock in St. John, I think it should be constructed by the government, if the government are going to pay a large proportion of the cost. I am quite sure the Admiralty would give the subsidy to the Dominion Government instead of giving it to the private individual or the company, and it would be much better that the dock should be owned by the government. Our experience with the bridge at St. John would, I think, go to indicate that that was the wiser plan. What was the history of that railway bridge across the St. John River? A company was incorporated who had put practically almost none of their own money into the undertaking. The country invested over $400,000 in that bridge, and unless I am misinformed, at the present time the freight cars going over the Intercolonial Railway and going down to the shipping point at the west side of the harbour at St. John are paying each $3 toll for going over a bridge built by public money. We had better avoid making a similar mistake in the case of this dock. If the country is going to pay for such a dock, the government had better own it. The measure should at least be amended so as to provide that the government will have to assume the responsibility, and that they shall have the right to pronounce whether or not the place where the dry dock is proposed to be erected is one where a dry dock is necessary and in the public interest, and that I think is not asking too much. If the government are going to pay so large a sum as $20,000 a year they might better undertake the work themselves, because hon. gentlemen know that it means that we will have to pay the whole amount. That always happens. When we say in a bill that we shall not pay more than that, it means that the country will pay the $20,000 a year; and they ought to get a very good dock for that money and the dock ought to be a very necessary one, and I trust the bill will be so amended as to put the control of the matter in the hands of the government. The fact is, as everybody knows, that a gentleman from St. John has been living here for months engineering the matter, and the bill represents the result of that gentleman's energy and probably not very much else.

Hon. Mr. DEVER—It is unfortunate that men will speak on subjects they are not really familiar with. I have great respect for the last speaker. I feel very much annoyed to think that I have to contradict him, but when he makes the assertion that the government built the St. John bridge with the money of this country, it should be contradicted, if it is not true.

Hon. Mr. POWER—I call the hon. gentleman to order. He has no right to use

such language. It is not parliamentary, even if my statement were not correct.

Hon. Mr. DEVER—I wish to say it is not correct. The government loaned to a certain company an amount of money for the purpose of enabling a bridge to be built, but they are getting interest for it. They are bankers in this case, and are getting very large interest for it. They were getting 5 per cent for money which they could borrow at two and a half per cent. Therefore, the government are not contributing to that bridge. The hon. gentleman said that the government of Canada virtually built the bridge which charges a toll of three dollars per car on every car going over that bridge to St. John, and I think he meant to Halifax also. We are paying for getting the privilege of going over a bridge built by that company, whether with their own personal money or not is not the question. At all events it was their own money, so far as the government are concerned, because they did not give it as a bonus to the company. On the contrary, they have been charged a high rate of interest and I am credibly informed, and I believe I have a right to state, that the company are not behind in that interest. They are paying it regularly, annually, and therefore it is a misstatement for the hon. gentleman to try to make it appear that this subsidy or percentage that the present government is about to give for the construction of a dry dock at St. John is of a similar nature. The company at St. John and the people of St. John, before they ask for a subsidy or a grant of any proportion from the government of Canada, in the first instance show that they are serious and that they believe that a dry dock at St. John is essentially necessary, because they give themselves $2,500 per annum, and also the valuable site for that dry dock that is worth a quarter of a million dollars. Therefore, hon. gentlemen need not be so excited about this bill, because when they will consider the matter, there are not so many parts of this Dominion of ours that require a dry dock. I do not wish to say anything disparaging of any of the ports outside of the port of St. John, but I must tell the facts. The other ports, with the exception of Halifax—and I do not think Halifax is quite clear — are frozen up in the winter time, and St. John is the only port that faces the Atlantic and has open water in it the year round. Therefore, it is the best place for a national dock and will answer the purposes both winter and summer. There would be no interruption at that dry dock because it is just as free during the winter as during the summer. Therefore, hon. gentlemen will see that there is no necessity for thinking that there will be general calls on the government for contributions for dry docks, because other portions of the Dominion have not the facilities to build dry docks that we have, and therefore on these conditions I think it is hardly fair to compare the port of St. John, with all its advantages, with other ports of minor importance. I do not wish to say too much on behalf of St. John, but unfortunately the representatives from New Brunswick are few in this chamber, and therefore on that account I have to say more in defence of the port of St. John than, perhaps, should fall to my share, and I trust the hon. gentlemen will excuse me if I have tried to set forth before the Senate the requirements of the winter port of Canada, and the justification for this expenditure. The people of St. John and the local government have contributed towards the cost of the work before we ask the Dominion Government to give the assistance which we feel is necessary to induce a solvent company to come and build a dry dock at St. John. At present we are not quite sure that we can accomplish it, but we have promoters whom we have authorized to go to the markets of the world to ascertain if we cannot get capital to accomplish it; and when we have got parties who will be able to carry out this great undertaking, we will expect the government of Canada to give the contribution provided for in this bill. I think hon. gentlemen will see we are not asking any more than what is reasonable, and I do not think we are asking anything in the way of a bonus which will be extravagantly and foolishly laid out. If we did so, I am sure this government of Canada have commercial knowledge enough to say they are not prepared to meet us as we expect.

Hon. Mr. MACDONALD (P.E.I.)—Can the hon. gentleman give an assurance to the Senate, in the event of a dock being built at St. John equal to the one at Halifax, that it will not be necessary, in order to accommodate large vessels, to have the harbour dredged, as there is only thirty feet of water?

Hon. Mr. DEVER—Bonaparte regretted very much that no port in France was able to admit his fleet and save them from his neighbour's fleet. He had the port of Cherbourg. At that time it could only hold twenty-five vessels; but France has developed the port known as Cherbourg which has cost millions of dollars, which was a national necessity, and I do not see why our government should not establish a national port. Then it was said that England was an island, and by nature England would always conquer on the seas. That wise and far seeing man Bonaparte saw painly that if they had not ports in France they could not compete with Great Britain, and another Bonaparte carried out the old gentleman's ideas and secured this port called Cherbourg.

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

The bill was then read the third time on a division and passed.

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, 3rd August, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

CANADA'S GOLD EXHIBIT.

Hon. Mr. PERLEY—I should like for a few moments to call the attention of the hon. senators to the display which Canada should make at the Paris exposition. The Yukon district attracted considerable attention during last session. So great a country should be kept constantly before the world, and especially its importance as a gold producing territory. At the World's Fair in Chicago, in 1893, Canada was very well represented. Her agricultural products from all the different provinces made a fine display, and attracted very great attention. The products of the forest, the rivers, the sea, in fact everything which Canada exhibited at the World's Fair, attracted universal attention. But there was one exhibit in which we were deficient, and that was our gold. We must all admit that the gold exhibit is a very important feature at any international exposition. Only one province had any gold there, that was the province of Nova Scotia. Its small exhibit of gold was very creditable, but was not very large. We are now in a position, with reference to the exposition to be held in Paris next year, not only to show the various products of Canada to great advantage, but we can take a foremost place as a gold producing country. In view of the attention that the Yukon country has attracted, nothing would be more becoming to Canada than to place a gold exhibit at the Paris exposition. I have before me a letter signed by Mr. Ogilvie, the commissioner in the Klondike, which is as follows :—

COMMISSIONER'S OFFICE,
DAWSON, Y.T., 15th June, 1899.

TO WHOM IT MAY CONCERN :—

This is to certify that Frank R. Miles, who has been for some time in the vicinity of Dawson, has interested himself in trying to get up an exhibit of the products of the Yukon Territory at Paris. He has, I know, discussed this with many people of standing in Dawson and very fully discussed it with myself.

A programme has been arranged between him and myself which I think would be desirable in the interest of this country to have carried out. I would, therefore, commend Mr. Miles and his scheme to all those taking interest in this matter.

(Sgd.) WILLIAM OGILVIE,
Commissioner.

PROGRAMME OF EXHIBIT.

Samples of gold dust from each creek, bench and hillside to the amount of $1,000.

A general exhibit of gold dust, coarse and fine, with nuggets, large and small, not limited in amount or value.

Samples of bedrock containing gold, also gold and copper ores, platinum and all other minerals to be found here.

One cubic foot of pay drift irom each creek, viz., Bonanza, Eldorado, Dominion, Sulphur, Hunker and Bear, to be exhibited in glass cases, showing at least two inches of bed rock. It is also proposed to have one cubic foot adjoining this intact sample washed out and exhibited with its proceeds in dust, together with the affidavit of the man from whose claim it is taken.

It is also proposed to have an exhibit of the formation of different layers of muck, gravel, &c., from the surface to bedrock, in a glass tube in sections of five feet each.

Specimens of agricultural products, native grasses, wild flowers, fruits, &c.

Specimens of game birds, animals and fish, furs and fur-bearing animals.

Samples of all kinds of timber found here.

Photographs of scenes and scenery from Skagway to St. Michael's. Also pamphlets containing reliable information for tourists as well as investors of capital; large photographs showing general topography of mining districts, correct maps of mining districts, showing locations of all mineral locations and reservations.

An exhibit of fossil remains, in the interest of science.

Any person having samples of ores, nuggets of gold in quartz or rare samples of minerals of any kind from the district that they wish to have exhibited at Paris can leave the same with Governor Ogilvie, who will receive and receipt for the same.

All fossil remains, viz., ivory tusks, bones, skulls with horns attached, &c., found in the mines should be carefully preserved.

Specimens of Indian works and relics.

That is the programme that has been suggested by Mr. Ogilvie, and I think it would be very desirable for the government to see that there is a good gold exhibit from the Yukon country at Paris. It will attract very great attention. It will confirm the glowing reports and rumours that have gone all over the world about the great gold production of that country, and no doubt many thousands of people will take great interest in viewing the samples sent there for exhibition. Large nuggets of gold would be very attractive, and would have a tendency to confirm the reports of the richness of the Yukon. The project is one which all could reasonably support. We have heard a good deal of late about suppressing party feeling when the interests of the empire are concerned, and I should think we ought all to be of one opinion in securing a good gold exhibit from the Yukon country at Paris in the interest of the development of that great mining district. I bring the matter to the notice of the government and ask them to give it their favourable consideration. I am willing, as one member, to support any reasonable expenditure for making such an exhibit at Paris.

Hon. Mr. MILLS—The subject has engaged the careful consideration of the Minister of Agriculture, who is looking after this exhibition, and I have no doubt that he has gone carefully into the matter. The report which my hon. friend has read is one that was brought specially to his attention, and if any hon. gentleman has suggestions to make upon this subject to the Minister of Agriculture, with a view to improving the exhibit determined upon, it will be well to see him on the subject. He is not here to-day; he has gone to Toronto to attend the funeral of the late Speaker of the Commons, but I shall mention the matter to him. At the same time, I would suggest to my hon. friend, and his friend who is here, to take the opportunity of discussing the matter with the Minister of Agriculture, who no doubt feels a great interest in making the exhibit of Canada in every way worthy of the country.

Hon. Sir MACKENZIE BOWELL—Might I ask the hon. gentleman whether steps have been taken to secure a proper exhibit of the minerals of the Dominion, independently of the gold which is being secured in the Klondike district? It is well known that we have very large copper deposits, very large coal industries, galena, and what is of still greater importance to the world at present, a large output of nickel in the immediate vicinity of the Ottawa. It is known to those who have taken an interest in the development of minerals, that the principal place from which nickel has been procured in the past, has been New Caledonia, in the South Pacific. I have noticed lately that a large quantity of nickel ore has been exported from that country to the United States. The question brought before the Senate by the hon. senator from Wolseley is one of very great importance to the country. I was under the impression, from what I had read in the newspapers, that the subject was being looked after by the Department of Agriculture. If not, I am quite sure my hon. friend from Wolseley will act upon the suggestion made by the Minister of Justice, and see the Minister of Agriculture and furnish him with the document that has been placed in his hands.

Hon. Mr. KERR—I am very much pleased that the hon. gentleman from Wolseley has brought this matter thus prominently before the Senate, and through the Senate before the country at large. We, no doubt, have one of the largest countries in the world, and my theory is that we have one of the richest. I have always thought, and especially of late that we have a rather inadequate conception of the mineral wealth of the Dominion. Although not specially interested in mining, still, as one desiring to see the resources of the country developed to their utmost capacity, I feel a very great interest in the question that has been brought up by the hon. senator this afternoon. As far as mining is concerned, we have, comparatively speaking, simply been scratching the surface, but I believe we are about entering upon a mineral development greater than we have hitherto seen, and it is my view that we have not the faintest conception of the wealth that has been stored away, for our prosperity and happiness, in the bowels of

the earth. I have heard it stated, and I have come to that conclusion myself, from seeing the number of bills brought before the Committee on Railways and Canals, that we are only on the eve of railway development in this country. If we are only on the eve of railway development, we are certainly only on the eve of mineral development. We have in our mines, in our forests, in our lakes and in our rivers untold wealth, and the great consideration is that these resources should be brought before the business world and before the thinking world, and I trust that what has been done this afternoon will be a substantial contribution in that direction. There is nothing attracts like gold, and these minerals, gold especially, were not placed in our country by Providence for an unwise, but for an all wise and beneficent purpose. I hope we will rise to the full measure of our appreciation of all this wealth by seeing that our resources, which are so various, are developed and cultivated to the utmost extent. We not only have a country rich in minerals, rich in its rivers and its fisheries, but also rich in its forests. It seems to me—and perhaps my view is not singular—that as Canadians we have not yet begun to realize the immensity and the greatness of our timber resources to the north and west, and that is an encouraging view of our country. We certainly have in our arable lands everything to attract immigration and settlers; in fact, if managed aright, every man who owns a good farm in this country has a miniature Yukon. So that, taking all our resources together, beginning with our gold and running through the list we have perhaps as proud a boast in regard to our resources as any people on the globe. I hope that this matter will be productive and bear good fruit, and, if it does, we shall be obliged to the hon. gentleman who has brought the matter so forcibly before us this afternoon. I am quite sure we are all pleased to learn from the hon. Minister of Justice that he is in full sympathy with this movement, and that so far as the government are concerned, in their arrangements for the approaching Paris exposition, everything that can reasonably be done, will be done to place Canada before the world in the proud position which she so deservedly occupies.

Hon. Mr. MILLS—I understand that not only a gold exhibit, but a very complete mineral exhibit will be prepared for the Paris exposition.

Hon. Sir MACKENZIE BOWELL—The gold interest will not therefore be forgotten.

Hon. Mr. MILLS—No.

DISMISSAL OF EMPLOYÉS.

Hon. Mr. SCOTT laid on the table of the House a return to an address of the Senate passed 28th of April last in reference to the dismissal of employés.

Hon. Sir MACKENZIE BOWELL—I have glanced for a few moments at the return which has just been laid on the table of the House. The 4th paragraph of the motion for the return reads as follows :

4. The names, ages, offices and salaries of all employés in the inside or outside service of the government, whether temporary or permanent, who since the 9th April, 1897, have been removed from office by dismissal, superannuation, or otherwise, whether on a report of a commission or otherwise, specifying in each case the grounds of dismissal, and the amount of superannuation or gratuity granted, if any; also, the age, office, salary or remuneration of any and every person appointed in the place of, or as a consequence of every such removal.

I find, in running my eye over this elaborate return, that on the first page seventeen names placed under the head, "Why dismissed." The only information is, "By order of the department." I never supposed they would be dismissed except by order of the department; that is scarcely the information that was sought. I asked the cause of the dismissal. I find the cause given, "By order of the department," and "ditto," and then "By Order in Council," and "drunkenness and insubordination." On the second page, twenty-six were removed or dismissed by order of the department; on the third page, twenty-one; and on the fourth page twenty-eight; on the fifth page thirty-nine; on the sixth page twelve; and on the last page two. I would ask my hon. friend whether he thinks that is the kind of return which should be laid before the Senate in response to an order passed by the House. I think it would be more in accordance with the dignity of the Senate, and of the government if we were to say at once, that those were matters that should not be laid before Parliament, and that they declined to give them. We would not then be treated with what I regard as contempt. These dismissals are merely with reference

to the railways. I have not had an opportunity of examining the returns with reference to the Rideau and other canals.

Hon. Mr. SCOTT—If the hon. gentleman will return it, I will send it back to the department and tell them that the information is not in accordance with the order of the House.

BRITISH AMERICAN PULP AND PAPER COMPANY'S BILL.

FIRST AND SECOND READINGS.

A message was received from the House of Commons with Bill (172) "An Act to incorporate the British American Pulp and Paper Company."

The bill was read the first time.

Hon. Mr. POWER moved the suspension of the 41st rule as far as the same relates to this bill. He said:—This is probably the last railway bill of the session, and it is somewhat important in its character. The promoters of the bill propose to erect a pulp mill in the Lake St. John district, which I fancy is one of the best place in Canada for a pulp mill, and they propose to build several miles of railway in connection with it. I suppose there will be no objection to the suspension of the rules in order to allow it to go to committee to-morrow.

Hon. Mr. OGILVIE—There is an electric railway in connection with it?

Hon. Mr. POWER—Yes. The bill is to incorporate a company with a capital of $3,000,000, for the purpose of carrying on in Canada and elsewhere the business, in all its branches, of manufacturing pulp, pulp wood and paper, and all other business incident thereto, including the manufacture of timber, lumber and all articles of which wood shall form a component part and all products from wood or wood material.

Hon. Mr. McKAY—Is this the same bill that was originally introduced in the House of Commons? It may have been changed over there, and we may be passing a different bill.

Hon. Mr. POWER—The gentleman promoting the bill said he would have a sufficient number of copies of the bill before the committee to-morrow morning.

Hon. Mr. DEBOUCHERVILLE—I see by the last clause that the Railway Act is made to apply to the company and its undertaking.

Hon. Mr. POWER—That is the usual thing. In clause eight they are authorized to construct and operate a railway from Ha Ha Bay to Roberval, and to construct and operate branch lines to connect their mills.

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

DELAYED RETURNS.

INQUIRY.

Hon. Mr. FERGUSON—I should like to ask the hon. leader of the House whether it will be possible before prorogation to bring down the papers which I moved for yesterday, with reference to the supply of oil to the Intercolonial Railway. In answer to my question some weeks ago, he informed us that these papers were being prepared and would be furnished upon a motion for an address. That being so, I concluded that the papers were prepared and would be ready, and my motion covers very few other papers apart from those that were promised by my hon. friend.

Hon. Mr. MILLS—I am unable to answer the hon. gentleman, but I will inquire of the Minister of Railways whether they are ready yet.

Hon. Mr. FERGUSON—The hon. gentleman will be able to let me know to-morrow?

Hon. Mr. MILLS—I cannot say, but I will try to.

Hon. Mr. FERGUSON—The hon. gentleman will make the inquiry?

Hon. Mr. MILLS—Yes, I will.

VACANT JUDGESHIP IN PRINCE EDWARD ISLAND.

INQUIRY.

Hon. Mr. FERGUSON—Can the hon. Minister of Justice inform us whether a judge has been appointed for Queen's County, Prince Edward Island, and, if so, what is his name?

Hon. Mr. MILLS—I made a report to council and that report was sumbitted to

His Excellency, but whether that has been approved of yet or not I cannot say. Until that approval takes place, I am not in a position to make any announcement.

Hon. Sir MACKENZIE BOWELL—Then it is quite evident that the hon. minister has found a lawyer in Prince Edward Island who is willing to take it?

Hon. Mr. MILLS—Yes. We never have much difficulty in that respect.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman intimated that he had the other day.

Hon. Mr. MILLS—I had received no intimation of the vacancy until the question was put to me.

Hon. Sir MACKENZIE BOWELL—Then the hon. gentleman acted promptly.

Hon. Mr. MILLS—I did.

The Senate adjourned.

THE SENATE.

Ottawa, Friday, 4th August, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

THE SENATE DEBATES.

THIRD REPORT OF THE COMMITTEE ADOPTED.

Hon. Mr. BERNIER, from the Standing Committee on Debates and Reporting, presented their third report. He said:—As prorogation is expected to take place shortly, I move the adoption of this report.

Hon. Mr. POWER—There is lots of time.

Hon. Sir MACKENZIE BOWELL—I overheard some hon. gentlemen say that this was a new proposal. It is not new, except that it imposes greater duties upon the reporter. First, we pay him the same as we have been paying for this work for years; and, secondly, under this agreement we compel him to prepare a synopsis as the proceedings take place in the House. He has agreed to employ a typewriter and send out his copy so as to have it ready at least an hour after the House rises in the afternoon. If we sit in the evening, he is to pursue the same course and have the copy in the hands of the newspaper reporters in attendance at the session of Parliament an hour afterwards. The reason we insist upon this being done is, because in the past the reports of the proceedings of this House have been delayed sometimes until nine and ten, and occasionally eleven o'clock at night, before being handed to the press. The reporters are compelled, nine times out of ten, to make a synopsis of the summary furnished them, and the result has been that improper reports have been published, conveying sentiments and opinions of members quite contrary to that which they uttered here, and we thought if we could make a provision that the reports should be placed in the hands of the newspaper reporters at an earlier period in the evening, they would be more likely to be published, as the representatives of the press would not have forwarded to their papers in the different sections of the Dominion sufficient matter to fill their columns for the next morning. Once they have sent the reports of the proceedings in the House of Commons and its committees and all the news that they can pick up in the afternoon, there is no room for the Senate debates. This arrangement it is hoped will obviate, to a great extent, the difficulties which have arisen in the past. In addition to that, the reporter is required to attend and report the principal committees without extra remuneration, unless we should happen to think we are justified in paying him extra when the session is over, if we think he has had too much work, but there is nothing in the agreement compelling us to give him one cent more. Every hon. gentleman knows that it is at the committees where the different private bills are sifted, criticised and amended, and the committee thought that it was just as important that a synopsis of the proceedings of the committees should be sent to the press, as those of the proceedings of the House. So that if the reporter carries out his agreement, we shall have a great deal more value for the money we have been paying for this service, than in the past.

Hon. Mr. POWER—The speech of the hon. leader of the opposition has removed any difficulty which might have presented

itself in reference to the immediate adoption of the report. Hearing a report read at the table does not give one all the reasons pro and con, unless he is particularly acute intellectually. But after hearing the observations of the hon. leader of the opposition, I am satisfied that the arrangement which the committee have been able to make with Mr. Holmden is very much better than the arrangement we had before. We are not paying any more for it, and I think the committee are to be congratulated.

The motion was agreed to.

THE POSTMASTER AT UPPER MAUGERVILLE.

INQUIRY.

Hon. Mr. PERLEY rose to:

Ask the government on whose recommendation Mr. Shields, postmaster at Upper Maugerville, in the province of New Brunswick, was dismissed from office; also, the cause of complaint that lead to the dismissal? Also, who was appointed postmaster of said office, and if the newly appointed postmaster serves the office personally or by deputy, and if by deputy, the name of the deputy? Also, what hours said office is required to be kept open for the service of the public, and if during said hours the postmaster or his deputy are in the office to receive and distribute mail matter?

Hon. Mr. MILLS—I may say in reply to the hon. gentleman's inquiry that—1. The change in the postmastership of Upper Maugerville was not consequent upon the dismissal of Mr. F. P. Shields, but upon the removal of the office to what was considered a more convenient site. His successor, Mr. Emery Sewell, was appointed on the recommendation of Hon. A. G. Blair. 2. It is not known at the department to what extent the duties of the post office are performed by Mr. Sewell and by such assistants as he may employ respectively. 3. The regulations of the department require that a post office should be kept open during ordinary business hours, and it is not known that the regulation is not observed at the Upper Maugerville office.

The Senate adjourned.

THE SENATE.

Ottawa, Monday, 7th August, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

TRANSVAAL RESOLUTION.

MOTION.

Hon. Mr. CLEMOW moved:

That fifty extra copies for each senator of the portion of the Senate *Hansard* containing a report of the debate on the "Transvaal Resolution" be printed.

He said:—It is highly desirable that the information contained in this debate should be circulated as widely as possible. I know the people of the country are quite anxious to be possessed of this information, and therefore I have made this motion.

Hon. Mr. FERGUSON — Before this motion is put I wish to say two or three words in reference to it. I am opposed to the motion. The publication of a debate of this character is altogether unprecedented in the history of either branch of this Parliament. The House of Commons publishes each year, in addition to other documents containing its proceedings, the speech of the Minister of Finance, and beyond that no authority, as far as I can ascertain, has ever been given either by this House or by the House of Commons for the publication of a debate, or any particular speech, in the way that is indicated by this motion. I think, therefore, that it will establish a bad precedent. This House in many ways publishes its debates and proceedings. First we have the regular minutes of proceedings, then we have a summary report, then we have the *Hansard* report of the debates, and all these are provided for the purpose of publishing our proceedings. The debates and proceedings all come before the public in these ways. In addition to that, the newspapers are watching our deliberations and publicity is given in that way to everything that is said and done in this chamber. That is quite sufficient, and we should not set any precedent with regard to the publication of any particular speech, or set of speeches. For my own part, since I have been a member of this House, in addition to what is done officially by the House, I have taken some little pains to publish and distribute

my own speeches and the speeches of other hon. gentlemen, and have expended a considerable sum every session, not only in paying the printing department for speeches delivered in both branches of Parliament, and also paying clerical assistance for distributing these speeches. I have been drawing heavily on the *Hansard* envelopes—that is all Parliament contributed for it—and I understand it has been a matter of comment in the Contingent Accounts Committee, of which I am not a member, that I have been drawing largely on the funds of this House in the supply of *Hansard* envelopes. I am not alone in this matter, however: I know that my hon friend from Queen's and the hon. member for Murray Harbour have also contributed in the same way to the distribution of speeches, and other members of this branch of Parliament have done the same, and at their own expense. If we begin to order, in addition to the regular publication of the proceedings of this House, the publication of speeches of members on any particular question, we will have a precedent that perhaps we may hereafter be asked very often to follow, and I think it would be just as well to stop now and not establish any such precedent. With regard to this particular debate that is proposed to be published, there must be one of two objects in view—to educate our own people on the subject and stir up a patriotic feeling in their breasts, or to show to foreign nations that we are at one with our fellow subjects in all parts of the empire. That is very laudable, but I doubt if it will be reached to any extent by this resolution. Members will have to undertake the distribution themselves, and hon. gentlemen who have packed up and are ready to go home will not find it pleasant to undertake the distribution of those speeches in the closing days of the session, others have gone home and cannot do it at all. I doubt if they will be extensively distributed in the first instance, and I doubt if by this means we will attain the object of stirring up and increasing the patriotic feeling that exists in the minds of our own people and the minds of the people of the empire with regard to this question. These speeches have come out in the official report of the Debates since we discussed this subject before, and I have looked over the speeches and they are very good ones. The speeches of the gentlemen who followed the mover are all brimming with patriotism, and I have no doubt expressed the views of hon. members of the House and of the people of Canada generally. The speech of the hon. leader of the House on the subject is very exhaustive. My hon. friend begins at the beginning generally when he makes an explanation. I remember what has been said about the people of Nuremburg, that when any of them speaks of the city of Nuremburg or undertakes to relate its history, he begins at the beginning of the world. My hon. friend began with a historical synopsis which would have been very good if the hon. gentleman had given a little more attention to the subject, but I fear other duties pressed more upon him and he was not able to give as much attention to the preparation of the subject as he ought to, and if the publication that is desired should be decided upon, the hon. gentleman should make some corrections in his speech. I find he states in one place that £4,000,000 sterling have been raised by taxation from the Uitlander population of the republic, and he states that Sir Alfred Milner reports that the average taxation per head of the Uitlander population is £16 per head. A little further on my hon. friend gives the Uitlander population at 90,000. Multiplying this 90,000 by £16 per head would give £1,440,000 as their contribution, whereas my hon. friend states they contribute £4,000,000. There must be something out there. There must be something wrong. These figures do not correspond.

Hon. Mr. SCOTT—Those figures, I might say, were taken from Mr. Chamberlain's speech the other day in the House of Commons. He states that the taxes in the last two years had increased to nearly £4,000,000.

Hon. Mr. MILLS—The exact figures are £3,980,000. I gave round numbers.

Hon. Mr. FERGUSON—So much the worse for the hon. gentleman's estimate of the population. I have the Statesman's Year Book for 1899 before me, and I find that according to the census of 1896 the white population was 245,397, whereas by my hon. friend's figures given here, the white population is stated to be 160,000.

Hon. Mr. MILLS—Where? In the Transvaal?

Hon. Mr. FERGUSON—Yes, in the Transvaal.

Hon. Mr. MILLS—I gave the figures from quite as high an authority as that from which the hon. gentleman quotes.

Hon. Mr. FERGUSON—I am quoting from the last issue of the Statesman's Year Book, which draws its figures from the census of 1896. The Statesman's Year Book quotes from the State Almanac, giving the whites as 347,398, which is 100,000 more than given in the other set of figures, but by adding males and females together, I find that is an error, and the State Almanac gives the census figures, and the population in both is stated at 245,397. Then my hon. friend spoke, in another part of his speech, of the town of Johannesburg having 70,000 Europeans and as many more of a native population. I again refer to the same authority—the census—where the population of Johannesburg is given and instead of 140,000, the population is 102,078 of all races and all nationalities and colours, 50,907 whites, not 70,000, 952 Malays; 4,057 Chinese; 42,553 Kaffirs and 2,789 mixed races. Altogether the population is 102,078, of which 50,000 are whites. I find that my hon. friend, while he has over-stated the population of Johannesburg to the extent of 40,000, has understated the population of the Transvaal to the extent of over 85,000 and my authority is the census of 1896.

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. FERGUSON—I know the hon. gentleman will at once agree with me that if such publication as desired is given to these speeches, we should certainly not show that we are misinformed.

Hon. Mr. MILLS—The hon. gentleman is very much troubled for fear that any statement of mine would misinform the public. My figures are at least as accurate as those in the book from which he has read, and my authority is just as high.

Hon. Mr. FERGUSON—My hon. friend makes that general statement. With due deference to the authority from which he has drawn his information, it can hardily be any better than the census anyway, and there is a very wide discrepancy, overstating the Johannesburg population by over 40,000, and understating, according to the census, the population of the whole Transvaal, by over 85,000. Some correction should be made, I do not know what my hon. friend would be willing to do, but this House at least, if we authorize the publication of the speeches, should not mislead our own people, or send inaccurate statements to the Cape or to England, to make us the subject of comment as not being possessed of very accurate or recent information upon this question. Of course, these are errors that could be very easily corrected. The time for revision has not yet expired. But, apart altogether from these errors in regard to the population which I find in these statements—and these are very elementary subjects upon which there ought to be at least an approximation to accuracy. I still adhere to the view that I expressed before, that it would be establishing a very bad precedent to publish, with the authority of this House, in addition to the regular publication that is made. this special issue of a particular debate. These are my views; whether they will meet with the approval of hon. gentlemen or not I cannot say, but I am quite satisfied, if we adopt this motion now, that we will have other motions at some future time which may be just as distasteful to the hon. gentleman as this is to others, and you may have a precedent which it will be difficult to steer clear of in future.

Hon. Mr. CLEMOW—I am surprised at the hon. gentleman from Marshfield. He above all men in this House should be the last to refuse giving information to the public. What are we doing in this case? We are merely increasing the number of copies of the Debates, upon a certain subject. Each senator receives only two copies of the Debates, which will not go very far. I cannot understand why the hon. gentleman should object to giving this information to the public. Upon many occasions the hon. member gives us long-winded speeches upon subjects of far less importance than this one, and if I found it was necessary to apply to the House for the publication of those speeches I should do it with great pleasure, but to find fault with this motion because it happens to emanate from the leader of the

House is beyond my comprehension The very remarks he has made show the necessity of this. Very few people in this country know about this matter. I have read the newspapers, but I cannot gather from them any vivid conception of the state of affairs in South Africa. I contend that this does give us great information, and I believe the public will be pleased to receive it. I have had applications from several people in this town.

Hon. Mr. McCALLUM—What is the cost?

Hon. Mr. CLEMOW—I do not care about the cost. I would rather pay it myself than not have it done; but I want it to emanate from this chamber, and I want to show the people that this chamber is loyal to the core, and not afraid to give expression to its views through proper channels. I hope the hon. gentleman will see that he has been rather hasty in this matter, and that he will recede from his position and allow the motion to carry without a division. I think that is the feeling of the majority of this House. We are masters of the situation, and we are judges of what we ought to be, and whether it is a precedent or not I am willing to have a precedent established for all time to come if it is a good one.

Hon. Mr. LANDRY—If it were only to have the people well posted on the resolution that the Senate has passed, I would not have any objection to the printing of additional copies of such a resolution. But it is not merely to acquaint the people with the resolution which was carried here that this motion was made; it is to convey to the people the speech of the hon. leader of this House and the debate that took place upon that occasion. That debate was not as extensive as it should have been. Many assertions laid down by the hon. Minister of Justice might have been controverted, and I do not think it is fair to let them go abroad with the speech of the hon. Minister of Justice. The question is more debatable than one would think. England itself is divided on that question. A large mass meeting was held not long ago in the centre of London, at which the question was debated, and in the House of Commons the majority of the Liberal party are taking issue against Lord Chamberlain. The leader of the opposition himself is putting questions every day to Lord Chamberlain.

Hon. Mr. SCOTT—No.

Hon. Mr. LANDRY—I say: Yes. In fact, the extreme policy of Mr. Chamberlain and Cecil Rhodes such as advocated in the House of Commons, is rather kept back by Lord Salisbury. In Cape Colony the legislature is now sitting, and that question has been brought up there and the Prime Minister of Cape Colony sides with the Boers.

Hon. Mr. POIRIER—He is a Boer himself.

Hon. Mr. LANDRY—He is a Boer himself, but not of the Transvaal, and the Prime Minister Sir Alfred Milner. That Prime Minister has written over to England and told the government in England that the last proposals made by President Kruger, at Pretoria, were most acceptable, and that there is only a difference of one thousand in the number of the Uitlanders to be enfranchised by the proposition of President Kruger compared with the number covered by the proposition laid down by Sir Alfred Milner at Bloemfontein. Under these circumstances he hopes England will accept the last proposition made by President Kruger. I observe in the press that the question is debated. There is no objection to printing the resolutions proposed in this House, just to show the people abroad that we are a unit, as we have all been carried away by that wave of Imperialism that is passing over this country, but I think we should not go further in publishing a speech of a minister on a debatable question which has not really been fully discussed in this House. For instance, we have never decided and we have not to decide a question of constitutional right which is pointed out in an article in the *Contemporary Review* which deals with the question. It is written by an Englishman, and it says:

> But the question is what right we have to interfere? The famous convention of 1884 recognized the autonomy of the South African Republic, and the late Lord Derby, who was then Secretary of State for the Colonies, declared that the sovereignty of the Queen, preserved by the convention of 1881, has been abandoned. It is true that the representatives of the public bound themselves not to conclude treaties with foreign powers without the ratification of the British Government, and promised equal rights to all residents in the country, but equal rights are not alleged to include the franchise, and no state in the world gives

the suffrage to foreigners on precisely the same terms as to the natives.

That is what is done in England. In England what have the Jews in Whitechapel? Have they the franchise? What is the state of things in India? Have the inhabitants of India the franchise? Here is a dilemma which I put to the hon. minister: either the participation in the government by the exercise of the franchise is a strict right due to the inhabitants of a country, as seems to be the case since Great Britain asks the Transvaal to give the franchise to British subjects in the Transvaal, and if that is so, why is that same right not given to the inhabitants of India? or that right of franchise is not supreme but might be subjected to circumstances which changes the case, as in India? No doubt it is the case and if so why not conclude that in the Transvaal, there might be circumstances which should be studied before having a strict rule to apply there when it is not applicable to India? This is a dilemma that I am putting forward for the hon. Minister of Justice himself, and if he cannot answer it, I think he will see that there is something wrong in his whole speech, which then should not be printed. There is another question which arises here: I do not know that we have power to deal with such a motion as this. I know that when a petition is presented here asking for an expenditure of public money, it is always ruled out of order, because it involves expenditure, and here is a motion made by a member of the Senate which has not been submitted to the Crown and which involves the expenditure of public money.

Hon. Mr. PRIMROSE—How much?

Hon Mr. LANDRY—I do not know; the question is not the amount. If I have not a right to spend any sum, the amount matters little, be it large or small.

Hon. Mr. PRIMROSE—It is a very trifling matter.

Hon. Mr. LANDRY—It might be a trifling matter but the question of order is raised. I think the motion is out of order.

Hon. Mr. MILLS—If the hon. gentleman's view is correct, when you introduce a bill here you would have to get a governor's message in order to have it printed.

Hon. Mr. LANDRY—That is part of the routine business, but this is outside of the routine of the House. It is not an expenditure of money in the way public money should be expended.

Hon. Mr. MILLS—What does the hon. gentleman say about passing an order to get a certain sum to have the Debates published?

Hon. Mr. LANDRY—That is brought in in the regular way by the recommendation of the committee.

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. LANDRY—Is not that the case?

Hon. Mr. SCOTT—The committee is superior to the House!

Hon. Mr. LANDRY—It is first recommended by the committee which has the duty of looking after such public expenditure, and then reported to the House whose action confirms or rejects the report.

Hon. Mr. MILLS—The speech of the hon. gentleman from Marshfield (Mr. Ferguson), although addressed to the House, was intended as a speech purposely offensive to myself. I saw the hon. gentleman come in the other day loaded down with blue books and other papers, and he did not speak on this question. Of course, time was very short. Hon. gentlemen know that His Excellency came here for the purpose of giving his approval to the election which had been made in the House of Commons of the Speaker, and our time for discussing the subject was very limited, and I felt it my duty to take less time in dealing with it than I should like to have taken if it had been discussed earlier. The hon. gentleman says it would be discreditable to have my speech given to the public with the sanction of the House with all the blunders that it contains. The hon. gentleman has mentioned the blunders. The first is with regard to the European population in the Transvaal. I took the very latest figures. I took those which were given to the British public in a pamphlet by Sir Ashmead Bartlett, who had given a good deal of consideration to the subject, and who was as likely to be well informed as the hon. gentleman himself. Then I looked at the publication on behalf of the Uitlander population, the author of which stated what their numbers are in Johannesburg. That was a very few weeks ago, and I think that those people who are

specially interested are quite as likely to be well informed on that subject as the hon. gentleman. So I might go over all the figures I have given. I know the population is not very accurately ascertained, but I gave those figures which I believed were, on the whole, most reliable. For instance, it is stated that the native population of the Transvaal is somewhere between 730,000 and 800,000. If I gave it at all I gave it as somewhere about three quarters of a million, and so with regard to all these matters, the information which I gave was as accurate as could be obtained, and as safe a statement as one could well make. Now, upon that question, no thing particularly depends. We were considering here the condition of the Uitlander population of British origin in that country. The hon. gentleman has referred to the statement I made with regard to the revenues. I gave that, both upon the statement made by Mr. Chamberlain himself, who, I think, is not likely to be misinformed on the matter, and also the figures with regard to the individual taxation per head which the hon. gentleman says is very much less. The individual taxation referred to the taxation that was borne specially by the people of Johannesburg, and if hon. gentlemen will look at that they will see that the statements with regard to the aggregate amount and with regard to the individual amount are perfectly consistent with each other. I need not go into that discussion further. Unfortunately, the hon. gentleman did not make his speech. The hon. gentleman said it would be a great misfortune to introduce so bad a precedent as the publication of the discussion on this question. I am not pressing the matter. I have not pressed for the publication of a single copy. It did not matter to me. There was a general expression of opinion in the House that the speeches should be distributed, and I acquiesced, but, whatever the hon. gentleman may think, it is not a matter to which I personally attach any great importance. In saying this I care very little whether the views of the hon. gentleman are accepted or the views of the House generally. The views of the House in this matter I think ought to prevail over the views of the hon. gentleman. With regard to the publication of documents, when we employ a gentleman to give a summary for the press of the proceedings of this House, you are violating the last principle which the hon. gentleman referred to. Let me take, for instance, the publication that took place in the House two or three years ago of a report made by some one with regard to the dairy business. There were some 75,000 or 80,000 copies of that report published. There was a departure from the rule which the hon. gentleman has laid down.

Hon. Mr. FERGUSON—No, no; it was not a parliamentary speech.

Hon. Mr. MILLS—It does not matter whether it was a speech or not. It does not matter whether it is in the form of a document prepared outside, or a speech delivered inside. Why did you give the document to the public? Why was the document published, containing a report of an officer upon a particular subject? Instead of publishing the usual number of three or five thousand you ordered 75,000 or 80,000 copies printed, because you considered it was a matter of public interest which you would be justified in making generally accessible to the public. That is the whole point, and the point in every publication in regard to which you feel justified in departing from the rule. It is not a matter of the slightest consequence to me, what course the House may be prepared to adopt, whether it is the particular view the hon. gentleman has expressed or whether it is the view entertained by my hon. friend who has made the motion. I have risen only for the purpose of answering the criticism of the hon. gentleman with regard to my facts and figures. I need not say anything with regard to the observations addressed by the hon. gentleman opposite in respect to the right of this House, because every hon. gentleman knows that if the House chooses to give such an order it is within its right.

Hon. Mr. PRIMROSE—I had very little idea that the innocent motion of the hon. gentleman from Rideau on Friday last would have provoked such an amount of elaborate research on the part of the hon. gentlemen who opposed it in this chamber this afternoon. The object which the mover had in view, and the object which I had in view in seconding his motion, was this: I held, and I hold now, that in the speech of the hon. Minister of Justice there is a com-

pendium, a gathering together of an immense amount of knowledge which should be made available.

Hon. Mr. FERGUSON—Hear, hear.

Hon. Mr. PRIMROSE—The hon. gentleman from Marshfield laughs. It is quite evident that some of the statements which the hon. gentleman has made in the chamber this afternoon are open to contradiction, but that is the view which we hold, and there was in the speech of the hon. Minister of Justice a gathering together of a large number of facts with regard to a very important subject indeed, and we think that the information which it contained should be made available to the people of Canada. That is the whole matter in a nutshell, and even if questions were to arise, debateable questions perhaps, such as to bad precedent and constitutional right and so on, I think that, under the circumstances, we might well afford to ignore these for the present, in the light of the information which would be conveyed to the people by having that speech in their hands. We wish the people to have extended knowledge in regard to this most important subject. We wish the people to have their loyalty stirred up in regard to this matter, and I cannot think of any better way than that proposed in the motion, to circulate copies of the speech of the hon. Minister of Justice. As far as expense is concerned, it is a mere bagatelle and, under all the circumstances, the House might well afford to take the course suggested in the motion of the hon. gentleman from Rideau.

Hon. Mr. LOUGHEED—I had not intended making any observations on the motion to-day, owing to my having expressed my views on a former occasion, when the matter came up for our consideration, but owing to some observations which fell from the hon. gentleman from Rideau, I feel bound, in vindication of the course which I am taking on this subject to repel the innuendo, or insinuation, made in regard to the reasons why any opposition has been expressed by my hon. friend to the left and myself on this motion. My hon. friend the Minister of Justice also made an innuendo, somewhat along the same line, that this opposition was largely due to the fact that he had made a speech upon a particular question. I say, with all sincerity to my hon. friend, that had any one else, particularly any members on this side of the House, made a speech along the same line, I would have been more emphatic in the opposition I have expressed to the printing of this debate than had that speech been made by one differing from me in politics. I yield to no one in this House in regard to my appreciation of the efforts of my hon. friend, the Minister of Justice, in the speech in question. There is no doubt it is a very useful compendium of knowledge on this particular question, and undoubtedly indicates an amount of industry, labour, and loyal feeling which should receive the commendation of this House, but that was not the question at issue. The question was whether it was wise to establish a precedent of this order which, so far as I can learn, has never been recognized in Parliament upon any previous occasion. My hon. friend from Rideau says that it is an indication of loyalty on the part of those who desire to have this debate printed and circulated, I presume, conversely he means it would be an indication of disloyalty on the part of those who oppose it. Loyalty should be somewhat more deep seated than in the mere fact of making a speech and distributing it. However, probably my hon. friend from Rideau, with the zeal which usually characterizes him in speeches, was not serious in the appeal that he made to members of the House to support the motion. I did take occasion to say, when my hon. friend from Rideau first suggested the printing of these speeches, that in my judgment, owing to the fact of the popular branch of Parliament, viz., the Commons, having taken no step in this direction, it would not be in good taste for this body to have our debate printed and circulated. Had they shown any wish to do so, it might have been politic and wise for us to follow in the same direction; but surely we leave ourselves open to be attacked for immodesty in printing and circulating a debate on a subject which, to say the least, has received quite as much attention in the House of Commons as in this branch of Parliament. Then, on the other hand, when this matter was first brought up very serious doubt existed in the minds of many members as to whether the questions should be dealt with by Parliament. We know there is a deep seated feeling against dealing with subjects which are not germane to those subjects with which the Parliament of Canada has to do. Very strong opinions were expressed at

one time on the introduction of the Home Rule issue into Parliament, and the passing of a resolution on the subject. If this Parliament is to take into consideration all Imperial questions that may arise from time to time and pronounce upon them, I can assure hon. gentlemen that they will have assumed a responsibility which they had not bargained for in entering on this precedent; therefore, my view was that a precedent of this kind should not be established, because, in the first place it was a doubtful question as to whether Parliament should have been invaded by a question which did not particularly pertain to the business before it. So far as precedent is concerned, it is well known that the Finance Minister's speech is the only speech published and circulated by Parliament. That has been recognized as a precedent and followed year after year, and it is limited to that. Consequently if we open the door to the publication of debates such as we have before us now, hon. gentlemen can, with very good cause, in the future ask Parliament to print and circulate any debate. As to the expressions which have fallen from the other side of the House with reference to the hon. gentleman from Marshfield, I think the House should feel indebted to my hon. friend for having directed the attention of the Senate to what seemed to be inaccuracies in regard to some statistics given. I know very well that statistical books differ on the subject of the Transvaal. I have been comparing Whittaker with the Statesman's Year Book, and I can well understand that a difference of opinion does prevail with regard to the figures that have been mentioned. This House should not condemn any member because he directs attention to what he considers inaccurate statements. Instead of hon. gentlemen finding fault with him, and attributing his opposition to captious criticism, it seems to me that a member who makes himself familiar with the statistics on any important question should receive the thanks of this House instead of receiving hostile criticism. I merely mention these facts to indicate the position I have taken on this question and the opinion which I still hold in regard to the printing and circulation of particular debates by this House. With regard to the precedent mentioned by the Minister of Justice, in relation to the reporting of the debates of this House by an outside reporter, I have always expressed myself as being opposed to that. If the expressions of opinion, or the speeches which are made in this House are not of sufficient importance to receive the attention of the press, it is beneath the dignity of the Senate to resort to any means to circulate, through the press or otherwise, the speeches made by hon. gentlemen on public matters.

Hon. Mr. MILLS—That is departed from in both Houses by the publication of the Debates. Both Houses are supposed to publish every speech made in Parliament, and so, even in the case which the hon. gentleman mentions, of the Minister of Finance, it is simply a difference in numbers and not a difference in principle.

Hon. Mr. LOUGHEED—The principle of circulation has never been recognized in the *Hansard*. It is a record of the proceedings.

Hon. Mr. MILLS—My hon. friend is mistaken, because copies of *Hansard* are sent to all the newspapers in the country.

Hon. Mr. LOUGHEED—It is not a wholesale circulation of the debates.

Hon. Sir MACKENZIE BOWELL—It is not my intention to prolong this debate. I should not have risen only for the remarks of the hon. gentleman from Stadacona (Mr. Landry), which were somewhat of a surprise to me, when he read from the *Contemporary Review*. I know, and I think most of those who have read anything on this subject are aware, that there was a discussion as to whether the preamble of the convention of 1881 was repealed when the convention of 1884 was held. Some were of the same opinion, at that time, as was expressed by the late Lord Derby in the article just quoted by the hon. senator, but if my recollection serves me right, that question has been referred to the Law Lords of the Crown, and the Law Lords have decided that the preamble to the convention of 1881 was not repealed by the convention of 1884. If my recollection be correct, and I think it is, then the preamble gives the suzerainty of that country to the Queen of England, and under that power, she now seeks, through Parliament, to restore the rights which she thinks her subjects have been deprived of. If the statement were true, that the convention of 1881 which gave the suzerainty to the Queen of England had been repealed, then there

would be not only much force in the statement made by my hon. friend for Stadacona, but it would show an interference on the part of England with the independence of the Transvaal. If that suzerainty exists, as I am under the impression it does, for the reasons I have given, that the Law Lords of the Crown have decided that that portion of the convention is not repealed—and I think the Minister of Justice will agree with me on that point—then the Queen of England, through her government, not only has a right, but it is her imperative duty to look after the interests of her subjects in the Transvaal. Otherwise, I should be very much inclined to agree with my hon. friend; but in looking casually at this question, I think there is quite enough evidence to show that an interference on the part of England at the present time is an absolute necessity, unless she has made up her mind to have her subjects ill-treated in parts of the world where she has some control and some power. If the speeches on this question are to be printed, I shall take the liberty, not of changing anything I said—because in reading over my remarks I do not see that there is anything to change so far as the sentiments which I have uttered are concerned—but I shall take the liberty of adding a little information. In reference to the point of order raised by my hon. friend, I shall not discuss that further than to state what my recollection is of the procedure in the House of Commons and also in this House. When the Minister of Justice called attention to the fact that we employ a reporter here to report for the press and pay him without a Governor General's warrant, he must have forgotten that there is a certain sum placed in the estimates, called the contingent accounts, over which this House has full control; and if this printing is to be paid out of that fund, and the recommendation comes from the proper source, we have a right, without a message from His Excellency, to expend this sum of money. I do not think the recollection of the Minister of Justice is accurate with respect to the procedure of the House of Commons. It is true the Committee on Agriculture recommended to the House the publication of 60,000 or 100,000 copies of a report, and when an independent member of the House rises to ask for the printing of any document, as has been done by my friend opposite to-day, the suggestion is at once made to refer it to the Printing Committee, and the Printing Committee recommend to Parliament the carrying out of the suggestion made by the member of the House of Commons, they having the power to do that, a sum having been placed in the estimates to cover the cost, Parliament approves and it is done. Most hon. gentlemen who have been on the Printing Committee for any length of time will remember that that is the course pursued. I have a distinct recollection, on a number of occasions in the House of Commons, when a motion of that kind was made, of a reference of it to the Printing Committee, and the fact that the House recommended the printing of a certain document which has been suggested in the House, is taken as an indirect order to do it, and it is always done. That is the procedure in the House of Commons, and my hon. friend is aware that we have in the estimates every year a sum placed at our disposal, called the contingent account, to be used in such a manner as the House may deem proper.

The motion was agreed to.

CONDITIONAL LIBERATION OF PENITENTIARY CONVICTS BILL.

AMENDMENT CONCURRED IN.

A message was received from the House of Commons returning Bill (T) "An Act to provide for the Conditional Liberation of of Penitentiary Convicts," with an amendment.

Hon. Mr. MILLS moved that the amendment be concurred in. He said:—The amendment consists in the addition of the following as clause 12:

It shall be the duty of the Minister of Justice to advise the Governor General upon all matters connected with, or affecting, the administration of this Act.

It was not stated precisely in the bill to what department the administration of this Act belonged, nor whether the regulations should be made as departmental regulations, or in council, and in the discussion in the House of Commons they seem to think that the matter should rest with the Minister of Justice, and that the responsibility should be his personal responsibility in the discharge of his official duties. The reason was that in all pardons, except those in capital cases,

the Governor General acts upon the advice of the Minister of Justice alone, and so this applies that rule with regard to the granting of the tickets of leave, or conditional pardon, or freedom on parole.

Hon. Sir MACKENZIE BOWELL—Would that go beyond the question of ticket of leave? I am aware that in cases of capital punishment, questions affecting life and death, that the council always act upon the advice of the Minister of Justice.

Hon. Mr. BAKER—Not always.

Hon. Sir MACKENZIE BOWELL—I will withdraw that expression. I did not intend to imply that. They always act upon the advice of the Minister of Justice, but they do not always confirm it. They consider the recommendation of the Minister of Justice, and I may say further, that it is very seldom departed from. I have known occasions, however, where his recommendation has not been concurred in, as to carrying out the sentence, and sometimes as to reprieving. But does this amendment go beyond these two points; first, the recommendation, so far as affecting life and death, and the ticket of leave, or does it place the whole responsibility in the hands of the Minister of Justice when he makes any change in reference to salaries, or in reference to appointments to office without recommending to council?

Hon. Mr. MILLS—There is no provision with regard to offices of any sort in the bill. There is no creation of offices in the bill. It simply relates to the granting of tickets of leave and the conditions upon which they are granted.

Hon. Sir MACKENZIE BOWELL—I thought it was dealing with the other bill.

The motion was agreed to.

BILLS INTRODUCED.

Bill (182) "An Act respecting Departments of Customs and Inland Revenue."—(Mr. Scott.)

Bill (175) "An Act further to amend the Act respecting roads and road allowances in the province of Manitoba."—(Mr. Scott.)

Bill (170) "An Act respecting the safety of ships."—(Mr. Scott.)

Bill (187) "An Act respecting the city of Ottawa."—(Mr. Scott.)

GENERAL INSPECTION ACT AMENDMENT BILL.

FIRST READING.

A message was received from the House of Commons with Bill (156) "An Act to amend the General Inspection Act."

The bill was read the first time.

Hon. Mr. SCOTT moved that the bill be read the second time to-morrow. He said:—The General Inspection Act is being changed in a few particulars. There has been a good deal of discussion affecting the standard of Manitoba wheat, and this bill gives the result of the various reports of the boards with reference to it. The proposal is to do away with the present mode of having inspectors who are paid by fees, and to appoint two inspectors, one at Winnipeg and one at some eastern port, to inspect the grain. It elevates the standard of Manitoba hard. It provides that the proportion of hard red fife wheat in every bushel shall be raised from 66⅔ to 75. These are the principal points in the bill. I will explain it more fully on the second reading.

The motion was agreed to.

REDISTRIBUTION BILL.

INQUIRY.

Hon. Sir MACKENZIE BOWELL—Before the House adjourns I should like to call the attention of the hon. Minister of Justice to a cablegram which appeared in the Toronto *Globe* of Saturday last and reads as follows:

LONDON, ENG., OFFICE OF THE GLOBE,
222-225 STRAND, W.C., August 4.

The Senate having thrown out the Redistribution Bill on the ground that it is unconstitutional to legislate in the direction of altering the electoral divisions except upon the occasion of the regular decennial adjustment, the following opinion is interesting. It speaks for itself:—

Our opinion is asked whether it is competent to the Canadian Parliament to legislate as proposed, and independently of the decennial adjustment. We are of the opinion that it is competent.

(Sgd.) EDWARD BLAKE,
R. B. HALDANE,
Canadian Agent under the late Government.
W. H. ASQUITH,
Formerly Home Secretary.
EDWARD CARSON,
Solicitor General for Ireland in the last Salisbury Government.
ROBERT CECIL,
Son of Lord Salisbury.

What I should like to ask the hon. minister is, whether this opinion was sought from these gentlemen by himself, or by the government of which he is a member; and, if so, whether he will be prepared to lay upon the table the question which was asked these legal gentlemen? I do so for the reason that the manner in which the question was put to these legal gentlemen was not correct, presuming that this cablegram is true. The reason for rejecting the redistribution, or Readjustment Bill, is given in the motion which I made in amendment to the motion for the second reading, and that does not affirm that Parliament had not the right to legislate upon that question if it thought proper to do so. I was very careful in drafting that resolution not to have that question involved. If hon. gentlemen read the remarks which I made they will see that I pointed out very distinctly and positively that it was inexpedient for the reasons which were given in the amendment, and not that it was unconstitutional. I quite agreed with the remarks of the hon. gentleman from St. Boniface, who put that question succinctly and very pointedly. He said that while he was of the opinion that, as the British North America Act did not prohibit legislation upon this subject, he did not think that it was unconstitutional. That was the view also taken by my hon. friend who sits in front of me, except that he goes a little further. My hon. friend from Montarville, (Mr. DeBoucherville) voted against the amendment simply because he thought that we had a right to legislate upon the subject. That point I never disputed. What I pointed out, and what most of those who spoke upon the question pointed out, was, that while the Confederation Act gave the power to the local legislatures to change, alter and amend the representation in the legislative assembly, and also to change the constitution by the abolition of the Upper House, that had the fathers of confederation, when they drafted the clauses affecting the readjustment of the representation not intended to confine it to each decennial census, they would have given the same power to this Parliament as they gave to the local legislatures, and, therefore, inferentially they did not intend it to be exercised, and that equitably it should not be done. That was the ground upon which this House rejected that bill, and not for the reasons given in this telegram. I am led to suppose, from what has taken place in another branch of this legislature, that in all probability this question was put to Mr. Blake, and the other gentlemen in the manner indicated in this cablegram to the *Globe*: We know that a very short time ago, when certain charges of a very grave character were made in the Lower House against one of the ministers, Reuter telegraphed, under instructions, so he said, this important statement, that the member who had made these charges had withdrawn them, when in fact there was not a scintilla of truth in the statement. On the contrary, he placed his own position in the House in jeopardy if he failed to substantiate the charges before a committee. The only deduction to be drawn from these two instances are these: first, a desire to mislead the public mind in England, both as to the charges to which I have referred, and which were made in the Lower House, and also as to the action of the Senate. If Mr. Blake held the opinion which this cablegram indicates he holds, it is a most singular thing that when Sir John Macdonald, in the Lower House, made the statement that the Senate had prevented a violation of the Constitutional Act in preventing the Tuckersmith Bill from becoming law, that Mr. Blake never answered it. Hon. gentlemen may read that debate from beginning to end and they will not find a single word by Mr. Blake's dissenting from the propositions laid down by Sir John Macdonald at that time. If Mr. Blake had had the strong opinions that he now holds, knowing him as we do, and knowing how positive he is in every instance where he expresses an opinion, more particularly against a political opponent, it is but fair to assume that he would have taken issue with the Premier at that moment. However, that is a matter which I shall not discuss just now; but what I should like to know is whether that was the representation made to these legal gentlemen in England by the Minister of Justice, or by any of his colleagues; and if so, whether he will be prepared to lay upon the table of the House the communication, whether it be by cablegram or letter, in order that we may know exactly what representations were made to them, and then we will be able to judge and act accordingly. It is suggested by my hon. friend beside me (Mr. Landry) that the Solicitor General is at present in England,

and probably the submission may have been made by him. If that be the case, I should like to know whether he was acting on his own responsibility, or whether he acted under instructions received from ministers in Ottawa.

Hon. Mr. MILLS—I have had no communication with anybody in England with regard to the Redistribution Bill, nor do I know that any of my colleagues have had. My impression is that the opinion was one perhaps obtained at the instance of the newspapers.

Hon. Sir MACKENZIE BOWELL—For its own purpose?

Hon. Mr. MILLS—Yes.

Hon. Mr. LANDRY—Does the hon. minister think that Mr. Blake and the other gentleman would have undertaken to have addressed that to the *Globe* if they were not asked for it?

Hon. Mr. MILLS—I did not say that they would do it without being asked. All I said was that I had not asked it, nor was I aware that any of my colleagues had asked it.

Hon. Mr. LANDRY—Does the hon. minister consider Mr. Fitzpatrick one of his colleagues?

Hon. Sir MACKENZIE BOWELL—He is a member of the government, but not of the cabinet.

Hon. Mr. MILLS—I am not aware that Mr. Fitzpatrick has put any such question. I think he is on the continent.

Hon. Mr. LANDRY—Has he gone to Rome?

THE ALASKAN BOUNDRY QUESTION.

INQUIRY.

Hon. Sir MACKENZIE BOWELL—As we have a little time at our disposal, there is another matter to which I should like to call the attention of the hon. minister, because there is no saying what the results may be. We may be involved in international difficulties and troubles through the actions of our Premier, and it is a matter of very serious consideration, and a matter which I think it behooves not only every member of the Senate, but every man, woman and child in the country to take into serious consideration. From an article which I hold in my hand it appears that the Premier of this country has been treated rather cavalierly by some newspapers in the United States, and that being the case we cannot tell what may be the result. His sunny ways may have to give way to a Saskatchewan musket for all we know. I shall read this article and ask whether there is any truth in it:

WASHINGTON, Aug. 5.—F. W. Fitzpatrick, of the treasury department, has returned to Washington from Ottawa, where he went at the instance of the committee of citizens of Chicago, in charge of the ceremonies of laying the corner stone of that city's great post office building, next October, by President McKinley, to arrange for the formal invitation and expected acceptance of an invitation from Chicago's citizens to the Governor General, and cabinet of Canada to participate in these festivities. Mr. Fitzpatrick is the assistant United States architect for the Chicago building.

To an Associated Press representative he admitted that his official reception at the Canadian capital was slightly chilly, Sir Wilfrid Laurier very candidly telling him that under the present conditions it would be impossible to accept or even to consider any social invitations to this side of the border. Mr. Fitzpatrick says than in substance Sir Wilfrid's voluntary statements and answers to questions were as follows: "As a friend in whom I am deeply interested I am very glad to see you, but, frankly, as a representative of the federal or any government in the United States, your visit could not have been more untimely. When I received your first letter I took up the matter with His Excellency the Governor General and he expressed a sincere desire to visit Chicago, and seemed as anxious to accept the invitation as I was. We would have been delighted to go, and were looking forward to the day with much anticipation. But since then the tone of your press has become so harsh in dealing with the Alaskan boundary question, such misrepresentations have been made about our government, and particularly about me, that it would be undignified for us to visit you, and I cannot advise His Excellency to go."

Mr. Fitzpatrick said that Sir Wilfrid intimated that in the present state of public feeling in the United States, as indicated in the press, it would not be entirely safe for the Governor General and himself to visit Chicago, as he feared that they might, in a great gathering of such a character as a Chicago ceremony, be subjected to some unpleasantness or indignity by thoughtless persons. Sir Wilfrid expressed as strongly in favour of arbitrating the Alaskan boundary dispute, and concluded the interview as follows: "No, much as I regret it, I could not go to Chicago under present conditions and shall certainly, however painful a duty it may be, also advice His Excellency to decline the invitation that I know and feel has so kindly been extended to us by the city of Chicago."

Mr. Fitzpatrick secured Sir Wilfrid's promise, however, to reconsider the matter.

THE PREMIER'S CURT REPLY.

In the House of Commons on Saturday night Mr. Davin called attention to the foregoing:

Sir Wilfrid Laurier made curt reply: "I have nothing to say," he made answer: "I beg to move the adjournment of the House," which motion carried.

What I should like to know is, whether the Minister of Justice could inform us if any such interview took place, and if so, whether the Premier of this Dominion ever gave expression to sentiments of this kind. They are unseemly, and out of character with the high position that he holds. If the statement is untrue, he ought at once repudiate ever having uttered it. It seems incredible that the Premier of this country should tell a United States official, whoever he might be, that because there is an international dispute existing between the two countries as to the Alaskan boundary, it would prevent him accepting a public invitation, and still more that he should for a moment have given as a reason that the press of the United States had been abusing Canada and particularly himself · ergo, it would not be safe for him or the Governor General to go to Chicago. It struck me, when I read it, that I should ask whether the friendly relations that have existed in the past still exist, or whether there is a probability that all negotiations and friendly intercourse between the two countries shall cease.

Hon. Mr. MILLS—I suppose it is a question of tobacco and pistols.

Hon. Sir MACKENZIE BOWELL—I do not understand that. As I do not use tobacco, I do not see the application of it. If it is simply a case of pistols for two and coffee for one, it would not be a matter of very great importance even if the duel took place between the Premier and this gentleman, Mr. Fitzpatrick, or some one of the editors who has been abusing our Premier. Seriously, a statement of that kind going to the world as coming from an official of the United States should be sufficient to warrant a denial of it on the very first possible occasion. If true, I do not hesitate to say it is not only impolitic, but undignified on the part of the Premier of this country to talk in that manner to any official coming here to extend to him a friendly invitation. It is so ridiculously absurd that I cannot for a moment believe that the Premier would commit himself to that extent, and I hope that the hon. gentleman may be in a position, if not now, at least when we meet to-morrow, to give it an emphatic denial.

Hon. Mr. MILLS—I think it is very much to be deprecated that we should make it the custom to discuss, in Parliament, all sorts of rumours that are put in the newspapers, and give them a dignity and importance that otherwise they would not possess. Our position upon this boundary question was for a number of days systematically misrepresented by a portion of the press of the United States with a view to influencing public opinion in favour of the United States contention and against the view that the Canadian people entertain, but I do not think it is good policy for us to undertake to transfer that discussion, which in the United States is carried on in the newspaper press, in this country to Parliament. If we have anything to say it should be said through the newspapers of the country, and let it be a newspaper discussion instead of making it a parliamentary and official discussion on our side. I know nothing about the matter to which my hon. friend has referred. I can express no opinion with regard to it. I formed the opinion, when I read it, that it was made up very much in the same way that the Waterford Editor made news. He was informed by his printer that they wanted about two inches of a column to complete the page of a newspaper and asked what to put in. The editor said "put in a paragraph that there was a boy drowned in the harbour." The paragraph was put in, and the printer returned and said, "That has filled up one-half the space, but we want as much more." "Put in a second paragraph, said the editor that it was a mistake, there was no boy drowned in the harbour." In that way the material was furnished to finish out the column. Some penny-a-liner may have written to a New York paper professing to give an interview with the Prime Minister. Certainly from what the hon. gentleman read, it has been pretty well spun out, but I never made any inquiry with regard to the matter from the Prime Minister, because I did not suppose there was a particle of foundation for the supposed interview.

Hon. Sir MACKENZIE BOWELL—It is of interest to every citizen of the Dominion to know how far the Premier has committed himself to statements of this kind. I am speaking seriously now. The hon. gentleman may make light of it. This is not written by a penny-a-liner; it is given on the authority of the gentleman who came here himself. If he has told a falsehood, let

us know it. I would not have brought up this matter if it affected any one but the head of the government of the country. When the Premier of this country speaks, he speaks for the whole Dominion, and not for an individual, and if he has made the statement reported, I say it is undignified on his part. I doubt very much whether he ever did say it. Let us fasten the lie upon Mr. Fitzpatrick, if it is a lie.

Hon. Mr. POWER—It might not have been Mr. Fitzpatrick.

Hon. Sir MACKENZIE BOWELL—It says Mr. Fitzpatrick. There could not be a more positive statement made. It does not appear at all like the work of a penny-a-liner.

The Senate adjourned.

THE SENATE.

Ottawa, Tuesday, 8th August, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

DEPARTMENTS OF CUSTOMS AND INLAND REVENUE BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (182) intituled "An Act respecting the Departments of Customs and Inland Revenue." He said :—I need say little with regard to this bill. The measure is a very brief one, and the object is specifically stated in the bill. It has for its object the increase of the salaries of the Controller of Inland Revenue and the Controller of Customs to $7,000 a year, the same as the other members of the cabinet. At the time that the salaries of the Controller of Inland Revenue and the Controller of Customs were reduced, it was when a different arrangement was made, the object being to exclude these officers from the cabinet, although they were members of the administration, and so a smaller salary was fixed. Sir John Macdonald stated that the object in making the change was to furnish an opportunity for bringing men into the administration who were young members of promise, in order that they might receive training which would fit them for offices where great responsibility would attach. It was a proposal to some extent to introduce the English system. It never seemed to me that it was a plan that could be, without going much further, satisfactorily worked out in this country. There were two systems in vogue in two countries of Europe where parliamentary government subsists, either of which was capable of being practically worked out. There is the Italian system, which gave to each department of government a single head, the same as our system does, but which gave to the minister an opportunity of following his measure into the House to which he did not belong and there speaking in its defence, so that each House might be fully informed as to the policy had in view in the proposal of the measure. I am not aware that the system has been tried elsewhere than in the Kingdom of Italy. In England every department of the government has an assistant head, as well as the chief, the assistant being a member of the administration but not a member of the cabinet. This, to some extent, introduced that system, but only to a very limited extent, and Sir John Macdonald, after putting the measure on the statute-book, did not bring it into operation, although it was there for some time while he remained Prime Minister. At a latter period it was brought into operation, my hon. friend on the opposition (Sir Mackenzie Bowell) who had been Minister of Customs for a number of years, retired from that department and took the position of Minister of Commerce, and the Controller of Customs was created and discharged the administrative duties which had before belonged to the Minister of Customs. I do not think that this system could be considered as a successful or satisfactory one. It either went too far in being called into existence, or did not go far enough in not being extended to all the other departments of government. At all events, the next administration thought proper to return to the old system and to the practice of creating a chief who is the head of the department, and who is also a member of the cabinet. It was proposed that these two officers should continue to receive the salaries which had been paid to the Controller of Customs until there could be a reduction in the number of cabinet ministers. That reduction has not taken place. There has been a

rapid extension of the Dominion, during the past two years, in population and in the area over which that population extended. The Yukon, which is as large as an ordinary province, and which contains a very considerable population producing a large amount of wealth and of revenue being distant and somewhat inaccessible, has made it, up to the present time impossible to reduce the number of cabinet ministers, as was suggested at the time this change was made. I would say to the hon. gentleman that I have never spoken in favour of a small number of cabinet ministers. I never believed that you could undertake to engraft the policy of the United States, with regard to the executive government, upon the parliamentary system of the country. A Prime Minister in England, some years ago said, that it was the duty of the administration to make a House and keep a House, and that is, under our parliamentary system, in a large measure one of the duties and one of the sources of anxiety to the Prime Minister and to his government. You may adopt a public policy that is acceptable to a very large number of people, the majority of the people of the country, but that is not sufficient. A government, like Parliament itself, must be in touch with the people of the country if there is any very large area that is not brought in contact in some way or other with some one or more members of the administration. Every one knows, who consider the subject, that when an Imperial federation of a representative character is spoken of one of the first insuperable difficulties that presents itself to the mind of a statesman who is called upon to reflect upon the subject, is that with an empire so extensive—with portions of the country so widely separated from each other, if you had a parliament sitting for any length of time at London, say, or an administration and responsible government created sitting there, that that government would soon be out of touch with all the more distant portions of the empire, because it could not be sufficiently in contact with them to know how they view matters to fully appreciate the constant changes that public opinion is undergoing that would always require, if Parliament is to remain in harmony and the country to be duly reflected in the House of the empire, and in the administration of the empire, and in the administration itself, so that we in this country as a cabinet, occupy a very different position from a cabinet in the United States under the United States system. They are not ministers. They are simply chief clerks under the president. Under the constitution the whole executive government is in the hands of a single person. It is in the highest degree monarchy, a simple monarchy, whereas under our system the executive government is represented, and the Crown is the dignified head and is the organ for the expression of the executive government of the country. Now, that is our position, and even if it were possible that a government composed of a very small number of ministers could efficiently carry on the executive government, it would altogether fail as a portion of Parliament to keep itself in touch with the people, to control, if I may so use that expression in its legitimate and proper sense —to control Parliament and to retain its confidence, and to give to the advisors of the Crown something like permanence in the conduct of public affairs. There is nothing of that kind required under the United States system. It is necessary under ours, and so, under our system, you require ministers of the Crown not merely who are engaged in the efficient work of the administration, but ministers also who have leisure to consider all those important questions which come up, the consideration of which is necessary to keep the government in touch with Parliament and with the country, and to see that the work of legislation is properly and duly prepared for the consideration of Parliament, so far as the Crown or the advisors of the Crown may think it necessary to take charge of that work. So you have in England, for instance, the first Lord of the Treasury who is leader, at the present time, of the House of Commons and who is for the most part usually the first minister. You have no executive or administrative work at all associated with his office. The leading of the House of Commons and the control of the business of government in the House are considered of sufficient importance to engage his entire attention; and so with regard to the office of the Chancellor of the Duchy of Lancaster. There are no administrative duties associated with his office. So with regard to the Lord President of the Council. In all these cases you have cabinet ministers, who are invariably in every government, and yet who have no par-

ticular administrative labours to undertake, and the duty which they have to discharge is to assist their colleagues whose time is otherwise occupied in discharging legislative functions which are of paramount importance, under our system, while Parliament is in session. I say that being so, in a country like this, containing between three and four millions of square miles over which the population is spreading, a population of diverse interests who are brought into close contact with each other, it is a necessary thing, if you are to maintain parliamentary government, that the number of ministers should be considered and that you do not at all answer, or successfully attack, the system by showing that the executive government of the country could be carried on with a smaller number. It would be no advantage to the government of the country to have a political crisis during every session of Parliament, and if you had a very small number of ministers they would find it impossible to keep themselves in touch with public opinion in every part of the Dominion. You would have practically that state of things. Now, avoid that by having a cabinet sufficiently numerous so that ministers may, during the vacation or otherwise, and by their association with members of the House, keep themselves fairly well informed of all the political currents that are flowing, sometimes in opposite directions, through the various populations that make up the people of the country, that the number of cabinet ministers is not unduly large, and that certainly amongst those who have important duties to perform, few hold offices involving greater leisure and greater responsibilities than the Minister of Customs. I, therefore, approve heartily of the measure I am now submitting to the House for its consideration.

Hon. Mr. MILLER—I am very sorry that I am not in the state of health to do justice to the task which I have undertaken, but having promised a number of my colleagues in this House to make a motion in opposition to the second reading of this bill, I feel that I have no way of avoiding the responsibility that I have assumed. With regard to the speech of the mover of the bill, to which hon. gentlemen have listened, I desire to say—and I say it with the greatest respect for my hon. friend the Minister of Justice—I have never heard in this House an address which was more completely intended to cast dust in the eyes of the Senate and to draw away the minds of hon. gentlemen from the actual subject before them than this long address of the hon. minister. The hon. gentleman commenced by talking to us about the system of government prevailing in Italy and elsewhere, and ended by describing the system created by Sir John Macdonald, which was no longer in existence. I do not see the purpose in discussing these measures in connection with the motion before the House. The hon. gentleman went into a long dissertation as to the necessity of a large number of ministers to govern this country, but that is not the point that he has to defend in moving this bill. I intend to show, before I resume my seat, that this bill on the ground of economy, on the ground of political morality and on the ground of public decency, should not receive the sanction of this House. The position assumed by my hon. friend was clever, as everything he does in this House shows intellectual ability of a high order, but it was ability prostituted to the purpose of fooling the House. I am passing over, in starting, all this irrelevant matter which I do not intend to answer. The position my hon. friend assumed was that the government required a large number of ministers, and that he had never advocated the United States system; that he believes a large cabinet is necessary for the government of the Dominion. The hon. gentleman is perfectly correct in these statements. He is not sufficient of a demagogue to have wasted his talents, either on the floor of Parliament or in agitation on the hustings of this country in tricky and dishonest contentions. But I say here, and I say it fearlessly before this House and before the people of this country, that if there was one question upon which the great Liberal party went to the country at the last general election, it was on the question of extravagance in the administration of public affairs of this country.

Hon. Mr. McCALLUM—Hear, hear.

Hon. Mr. MILLER—The hon. Minister of Justice may have kept his skirts clear of being soiled by such demagogism, but I say the leaders of the party, the men who spoke from every platform of this country, the men who spoke upon the floors of Parliament, as the representatives of the great Liberal party,

used as one of the chief arguments against the late administration that the government of this country was carried on too extravagantly. They pointed to the great nation to the south of us, and said: "There is a country of sixty or seventy millions governed by one-half the number of ministers which this poor country of ours, with four or five millions of population, require to govern us. It is monstrous." I appeal to the sober, solid sense and judgment of every political opponent I have in this House if that was not the canvass these demagogues made for years and years throughout the length and breadth of this land—the extravagance of the late government. It was pointed out that in no respect was that extravagance more palpable than in the administration of the departments. Therefore, although my hon. friend may clear his skirts from this demagogism with which his colleagues did not hesitate to smear themselves, I say the great party to which he belongs got into power by telling the people of this country that they could be governed with half the number of ministers and at half the cost. What was the first thing they did after they got into power, with these denunciations of their opponents fresh in the minds of the people? The first thing they did was to create a cabinet with twelve portfolios, with salaries ranging from $7,000 to $8,000, and three subordinate cabinet positions, at $5,000 a year, taking in besides two non-salaried officers, creating a cabinet of seventeen members. This was the first act of these gentlemen while their denunciations I say were still ringing in the ears of the people of this country at the absurdity of a cabinet of fifteen or sixteen members (thirteen salaried members all told) being required to conduct the public affairs of this country. Are these not the facts, hon. gentlemen? These are the facts upon which I am going to ask this House to consider the bill before us. I say, as soon as they got in they created one of the largest cabinets the country ever saw. Consistent with their conduct on every public question, they falsified their pledges and broke their promises, cast them to the winds, trampled them under foot and treated the people as if they were too ignorant or imbecile to understand or to resent the deception which had been practised upon them. More than that—and I just mention it in this connection because it is consistent with their course from the first—they denounced the late government when in power for expending $38,000,000 upon the public service of the country and said that it could be reduced by $4,000,000 or $5,000,000. I ask if they did not do this from platform to platform in every province of the Dominion? Their record is there and any man who wishes to see it can examine it. And what have we to-day? We have sixty odd million of a budget providing for the expenditures of the present year. I do not know what these gentlemen must think of the public intelligence of this country in view of such facts as these, but I say, bad as this comparison is which I have just made with regard to the general expenditure, in point of political morality, it sinks into the shade when compared with the bill they are now trying to force upon this branch of Parliament. In 1897 this government passed a bill virtually abrogating the system of Sir John Macdonald, creating two ministers instead of the controllers existing under the old system, and took them into the cabinet with a salary of $5,000 a year, and in asking Parliament to make that change—to create the two controllers ministers, they put a provision in the bill which is as solemn a contract as ever was enterd into between a government and a Parliament or a people, as to the salaries of these two ministers. My hon. friend took very good care to avoid the Act of 1897; he took very good care not to allude to it in his clever address to-day. He never alluded to this fact. But, hon. gentlemen, it was then provided as the Act clearly shows that until the cabinet was reduced these officers should not receive any further salary than they were then receiving until the number of ministers was reduced to thirteen, and then they would receive like other ministers the same salary. I will read the bill carried by this government, and I ask this House if they can fancy a more unblushing act of administration than for the same government to come down here in the face of this solemn contract that they entered into with the people of this country in 1897 and ask to do the thing which is being condemned. Clause 2 of the bill reads as follows:—

The offices of the Minister of Customs and Minister of Inland Revenue which, under the provisions of the said Act, ceased to exist when the said Act was brought into force, are hereby revived; and hereafter the Department of Customs shall be presided over by the Minister of Customs for the time being, and the Department of Inland Revenue by the Minister of Inland Revenue for the time being.

2. The salary of each of the said ministers shall be five thousand dollars per annum and shall continue at that rate until a readjustment of the departments of government shall reduce the number of ministers holding departments to thirteen or less, whereupon and thereafter the salary of each of the said ministers shall be seven thousand dollars per annum.

That is the compact they made with the country. That is the compact they entered into with Parliament. Those are the terms under which these two gentlemen entered the cabinet and accepted portfolios as ministers of the Crown. There is as solemn an obligation upon them as if they had signed it under hand and seal and there is a solemn obligation upon the government to-day which this bill is intended to frustrate.

This bill is brought in by a government that has been condemning the extravagance of its opponents and lauding its own principles of economy for years past. These men disregard their own legislation, disregarding this obligation solemnly entered into, come down with a bill to abrogate it, and the Minister of Justice in submitting that bill to this House make a long irrelevent speech to you about other matters which did not concern the bill at all and never once referred to the Act of 1897. He knew his weak point. He is an adroit fencer. Bad as the bill is, so far as I have gone, there is something else, which is its worst feature; it not only is intended to give these gentlemen $7,000 a year—not only intended to place them on the same footing as other members of the cabinet—but it actually has a retroactive effect, and contemplates giving them the increased salary for one year back. That is these men who have no more claim to it than I have to-day, by this bill are intended to be enabled to put their hands in the public treasury and take, each of them $7,000 instead of $5,000 in violation of the stipulations of their agreement with the country in taking their present office. We have heard the word boodle used frequently in parliamentary discussions in this country, but when you find, in the recesses of the cabinet, two ministers ready to do such an act as that, having unblushing hardihood to submit it to Parliament for its approval, what will they do on the sly? If this bill becomes law and these two gentlemen are enabled to take $7,000 each out of the public treasury, it will be as complete an act of legalized larceny as could be perpetrated. Still, this is what we are asked to sanction. The hon. gentleman by his bill will establish fourteen ministers with $7,000 or $8,000 a year, against the contentions of his party for years, that half that number should be sufficient, and, on that ground, I ask that this bill be rejected. But I claim that it be rejected on the ground that the expenditure is quite sufficient now and should not be increased, and further when hon. gentlemen comply with the conditions imposed by Parliament in 1897, by reducing the number of ministers, they have the power to do what they want, without a bill of this kind. With regard to these officers, I am not going to discuss the policy of making the change a few years ago, or the policy that altered it. I think myself that $5,000, with an indemnity of $1,000, is a very handsome salary for the work that either of these gentlemen now perform or are capable of performing, as one of them especially is said by his own party friends to be good for nothing—a mere ornamental nonentity. I doubt if we were to put either of them at anything else, if he would be able to earn half the money; therefore, their present salary is quite sufficient. There is no hesitation at extravagance in anything where this government is concerned. But if any word is said with regard to increasing the trifling allowance which members get as an indemnity, at once their hands go up and we are told that the country would not be pleased with anything of that kind, but you can shower thousands on the ministers and there is nothing against that. The ministers can get all they want and the country is called upon to pay their extravagant bills in public junketing, and conferences, and antics of every sort besides. I take it for granted that the duties of the Minister of Customs to-day are not what they were a few years ago. The duties devolving on the Minister of Customs in the early days of 1878, 1879 and 1880 were very onerous indeed. It was then that the National Policy was created and brought into existence, and during that period of years, until it was being trimmed to work smoothly and meet the exigencies of the various industries of the country, there was a great deal of work in connection with it. For years after the adoption of that policy the position of Minister of Customs or Minister of Inland Revenue might justly be placed, in regard to claims for salary, on the same footing as other cabinet positions. But

latterly what are the duties of the Minister of Customs or the Minister of Inland Revenue, particularly in comparison with the duties they had to perform before? They are nothing more at the present day than soldering or tinkering an old boiler, in comparison with making a boiler new, which their predecessors had accomplished and made so water-tight that it required very little tinkering from them—the policy their predecessors created to which is due largely the present prosperity of this country. I do not desire to imitate my hon. friend the Minister of Justice and make a long speech.

Hon. Mr. MILLS—It is already long.

Hon. Mr. MILLER—I think I have however, placed before the Senate the grounds on which this bill should not become law. We should now have fourteen salaried ministers at $7,000 or $8,000 a year an outrider, besides called the Solicitor General, who gets $5,000 for doing nothing. We should never go beyond thirteen, and I think this House would at all times be willing to go to the extent of that number.

I have been told, and I have laughed at it when told so, that the hon. leader of the opposition rather favoured this bill. I never could believe that he did. I believe that the hon. leader of the opposition is a very generous man to his political opponents. I admire his generosity, but it is not always good for the health of a political organization that its leader should be too ready to take his opponents out of a hole. I laughed, I say, at the idea of my hon. friend supporting this bill when I was told so, and I will tell hon. gentlemen why. The hon. and distinguished gentleman who leads the opposition in this House was for many years Minister of Customs in this country. No man in Parliament or in this country to-day probably understands the working inside and outside of the Customs and Inland Revenue Departments better than the hon. gentleman. The hon. leader of the opposition was the member of the government who changed the constitution of the cabinet by creating deputy ministers. With his experience with his leading position in the cabinet of that day, there was no man consulted with reference to the re-organization of his own department, but himself, and no other man was fitted to advise so thoroughly and so ably as himself. He regulated the department which he was then filling, and although it may be said it was the work of the government, it was the hon. Minister of Customs who fixed the salary at $5,000, he who knew the work that had to be performed by the officer coming into the incumbency of the new controllorship. He knew the conditions existing when he fixed that salary at $5,000, and the same conditions exist to-day. There was called into existence a new portfolio called the Department of Trade and Commerce. That portfolio exists to-day, so the circumstances existing at the time of the arrangement of the departments by my hon. friend the leader of the opposition and to-day are on all fours in respect to the conditions that should be observed in reajusting them now with this difference, the labour of running these departments now is less even than it was in 1891. With these remarks I beg to move that this bill be not now read the second time, but that it be read the second time this day six months.

Hon. Mr. SCOTT—I have been twenty-five years in the Senate, and I certainly have never listened to a more extraordinary speech than the one which has just been delivered by the hon. gentleman from Richmond. It is the first time I have heard him raise his voice against extravagance. He has not, up to this time, been a pattern of economy, and I am quite sure if this bill had been introduced by the Conservative party it would have met his approval instead of his disapproval. That the two members of the government who hold most important folios, members who are largely responsible for the enormously increased revenue which affords a surplus of between $5,000,000 and $6,000,000—that the two gentlemen who are instrumental in collecting that revenue are not to receive the same salaries as their colleagues, is a proposition which I did not expect to hear from the hon. gentleman. The question of salaries largely concerns the House of Commons, yet this House is asked to avail itself of its power to throw out a bill which, had Sir John Macdonald been in power to-day, would have received the approval of the Senate, and the Minister of Inland Revenue and the Minister of Customs would be occupying positions similar to their colleagues and would be receiving allowances equal to the other members of the government. I should think it is a very extraord-

inary action on the part of this House, if, after a measure of this kind has passed through the House of Commons, they were to challenge and defeat a bill giving to two members of the government an increase of $2,000 each—the two members who, as I said before, are those who are mainly instrumental in collecting the revenue. I should like to ask the hon. leader of the opposition whether he concurs in the observations made by the hon. gentleman from Richmond when he says that the office has really no duties connected with it.

Hon. Mr. MILLER—I did not say that

Hon. Mr. SCOTT—The hon gentleman said it was like repairing an old boiler : he said the duties were very small.

Hon. Mr. MILLER—Much less than what they used to be.

Hon. Mr. SCOTT—I think they are a great deal more, and if the hon. gentleman knew much of the subject he would not make such a statement. The duties of the Minister of Customs have been enormously increased by the preferential tariff introduced since the change of government, and I am quite sure the leader of the opposition would not agree with the statements which have been made by the hon. senator from Richmond. It is only fair that facts of that kind should be known. Any hon. gentleman who gives thought or attention to the question will see that both these ministers do give as much time as any members of the government, and much larger than some of their colleagues. If salaries have to be cut down, certainly it is not the salary of the Minister of Inland Revenue or of the Minister of Customs which should be reduced. They hold two of the most responsible positions in the government, and their salaries should be maintained. If there is to be an equality of salaries, they should be as high as the salaries paid to the other ministers. The hon. gentleman says we have increased the expenses of government by creating a Solicitor General.

Hon. Mr. MILLER—I did not say that. I used his name but did not say that.

Hon. Mr. SCOTT—Inferentially the hon. gentleman said so.

Hon. Mr. MILLER—Nothing of the kind. I stated that, in addition to the large number of salaried ministers of the cabinet, they had a Solicitor General at $5,000 a year for which I did not think he did any work.

Hon. Mr. SCOTT—The hon. gentleman is entirely astray in that. The Solicitor General had been time and again before the Privy Council arguing cases in which the Dominion was interested, and is quite as active as any of his predecessors were.

Hon. Mr. MILLER—I agree with the hon. gentleman there.

Hon. Mr. SCOTT—I do not think the hon. gentleman should criticise unless this government was responsible for creating the position of Solicitor General. I do not propose to go into the general expenditure that the hon. gentleman has referred to. It is not the time or the occasion. All I can say is, so far as the public departments are concerned, those for which the ministers are individually responsible, if the hon. gentleman will examine the public accounts and returns, he will find there has been no increase in the expenditures of the public departments. The increase has been owing to the wonderful expansion of this country since the change of government. The hon. gentleman talks about extravagance. Did he suppose that the government were going to allow the canals to linger on for ten or fifteen years, as our predecessors were doing? Take the Welland Canal, which was finished to a depth of fourteen feet eight or ten years ago, and was useless until the deepening of the other portions of the canal system was finished. It was far more in the interests of economy that this government should go on with the work of enlarging the canals to avail ourselves of the fourteen feet depth, than to let the work linger on for some years. The extra expense has been due to the great expansion that has taken place—to the opening up of the Yukon Territory. That has cost a very large sum of money, but the Yukon will pay for itself and a great deal more. This government, when it felt itself inheriting the responsibility of office, had to rise to the occasion. This government can defend itself on its expenditures, and the hon. gentleman will see, when the government appeals to the country, that his views on the situation are not generally accepted. We are quite ready to take up that challenge when the opportunity arrives, and see

whether the people are in accord with the government or not. We have had over thirty by-elections since the change of government, and twenty-eight of them have been in support of the present administration.

Hon. Mr. LANDRY—Counting West Huron.

Hon. Mr. MILLER—With the aid of the machine.

Hon. Mr. SCOTT—I am not going to take up that outside issue. I do not approve of ballot stuffing. I deny that there was any general ballot stuffing. (Cries of oh, oh!) Hon. gentlemen may say "oh, oh." I hope no hon. gentleman will accuse me of approving of such a thing. I condemn it, and hope to see every one connected with it punished? Holmes had a majority of 140 or 150. I do not know that that has been pulled down. Those guilty of ballot stuffing should have been punished, and it was the duty of those who first knew of it to bring it before the courts and have the guilty parties punished, and this government would never have interfered. A hasty inquiry could not be satisfactory, conducted as it has been. It ought to have gone to the courts. It is much to be regretted that it did not go to the courts and let the guilty parties be punished. I think there are fair minded men enough in this chamber not to take advantage of the position in which the government find themselves at the present moment, with but two or three supporters of the government present, to reject a bill of this kind, which simply deals with an expenditure of $4,000. Any gentleman who reflects for a moment will admit that the amount has been earned by Sir Henri Joly and Mr. Paterson. It would be an extremely ungracious act on the part of this House to support the amendment made by the hon. gentleman from Richmond.

Hon. Sir MACKENZIE BOWELL—When the measure to make the controllers ministers of the cabinet was introduced by the late Minister of Justice, Sir Oliver Mowat, in this House, I expressed the opinion then, and I think I used the words that it showed want of courage, or cowardice on the part of the government that they did not, in making these two gentlemen full ministers of the Crown, with all the responsibilities attaching to their position, at the same time increase their salaries and place them on an equality with their colleagues. I have not changed my mind on that subject since.

Hon. Mr. MILLER—The hon. gentleman did not do that himself when he took Mr. Wood into the cabinet.

Hon. Sir MACKENZIE BOWELL—I do not propose to enter into a discussion on that point just now. I was not Premier long enough to carry out what I should have liked to do, had I been there longer. I am fully in accord with the principle of the bill, except the giving to it a retroactive effect, and I should much rather have seen a motion condemning that clause than the six months' hoist. I felt flattered by the hon. gentleman from Richmond, when he spoke of my labours in connection with the bringing into force the very intricate and somewhat complex National Policy tariff. If my labours in that respect met the approval of the people, I am amply rewarded for any labour which was imposed upon me. I know something of the duties and labours pertaining to the head of the Department of Customs. I know that they occupied my whole time, not only by day, but during many and many a night when organizing and bringing that system into operation. I can fully understand, too, the point made by the hon. Secretary of State when he referred to the labour attaching to the Minister of Customs in bringing into operation the system of preferential trade. I am not so sure that that has been successful, from the study that I have been able to give it, and from watching events as they occur, I have come to the conclusion that the carrying of it out is not only difficult, but results in continual fraud upon the revenue. The system itself is bad in the manner in which it is being carried out. However, I do not know that that is a point on which I should occupy the attention of this House for any length of time; but, a regulation which enables an exporter in England to send goods to this country that are principally the manufacture of a foreign state, is not that preference to England, which we were led to believe was to be the result of the policy. If Great Britain was to have the advantages which hon. gentlemen said were to accrue to her from the adoption of this policy, then it should be confined exclusively to the products of

British labour and British manufacture. I know very well that I differ from a great many of those with whom I act on this question. I firmly believe that there is no minister who has more responsibility on his shoulders than the Minister of Customs, provided he attends to his business. I had the honour of occupying that position for a number of years. I was in the Militia Department for a year and a half; I was in the Department of Trade and Commerce for some little time, during which I flatter myself, I did something to increase the trade of this country; and I occupied the position of President of the Council for some time. I am not so much in accord with the Secretary of State when he speaks of the labours and duties pertaining to the office of Minister of Inland Revenue. The duty of the Minister of Inland Revenue is to supervise, through some excellent officers, half a dozen distilleries in the whole Dominion, and a number of breweries, together with the tobacco manufactures and weights and measures, and, with the officers that he has, the duties pertaining to his office are nothing in comparison with those of the Customs. If the system is to be adopted in this country that prevails in England, and which the Hon. Edward Blake, when leader of the Liberal party, advocated in the House of Commons, then they should begin to regulate the salaries in proportion to the responsibilities of the position which the minister holds and the duty pertaining to each office.

Hon. Mr. LANDRY—Hear, hear.

Hon. Sir MACKENZIE BOWELL—I am in accord also with the Minister of Justice when he says that each portion of the Dominion should be represented in the cabinet. There is nothing to prevent every section of this Dominion being represented with thirteen members, and even less. I do not know any reason why you should have five heads of departments and two without portfolio from the province of Quebec, nor is it absolutely necessary that there should be four from the province of Ontario. I know that at the time of confederation Ontario was to have five, Quebec four and the maritime provinces two each, so as to have the different provinces represented in the manner in which I have indicated; and one of the reasons which induced me, while Premier, to bring the controllers into the cabinet was to carry out the very idea and principle which has been laid down by my hon. friend opposite. When they were appointed a salary of $5,000 was given to them, for the reason that they had only the departmental work of these two departments to supervise. The responsibility of framing the policy of the government in the cabinet, and work of the treasury board devolved upon the Minister of Trade and Commerce, under whom both of these controllers were placed, so that no matter what the policy was —no matter what had to be recommended to council—no matter what changes or regulations had to be made, they had to be supervised by the minister under whom the controllers were placed at the time, and he had to carry them through council. What might have followed had I remained at the head of the government any length of time, in reference to placing those two gentlemen upon the same footing as their colleagues, I on a former occasion indicated; but notwithstanding the fact that they were made members of the cabinet, with the same right to express their opinions and cast their votes upon any question of policy, they had no more additional responsibility resting upon their shoulders than the gentlemen who use members of the government without portfolio. That was the position that they held; but notwithstanding the fact that they sat at the council board, they voted just as one holding a portfolio and expressed their opinion in the same manner, though anything done in the way of inaugurating a policy was done by the head of the department, who, for the the time being, was Minister of Trade and Commerce. If the principle is sound that my hon. friend has laid down, that all sections of the country should be represented in the cabinet, why are seven given to one province, four to another, two to another and the great province of British Columbia, that is expanding more rapidly, becoming more important as a revenue paying province than any other part of the Dominion, comparatively, is not represented at all? These are the reasons why I have not changed my mind in reference to placing these two gentlemen in the same position as their colleagues. I have no objection to seeing the English system prevail here as far as it is practicable. I can also say from my own experience, and I am led to say this from what fell from the hon. gentleman for Richmond in reference to the Department of Justice: we

know that when Sir John Thompson occupied that position his time was more than fully taken up. We know that when the question of appointing a Solicitor General was discussed in council, and in Parliament, the principle of appointing a Solicitor General was advocated because there was more work connected with the Department of Justice than any one man could do, consistent with his physical strength, and I have no reason to come to the conclusion that the work has fallen off in that respect. I know that in conversation with Sir Oliver Mowat, in reference to the labours which he had to perform, he said that he could scarcely keep up with his work, and the remark he made to me was that he made a mistake when he left the position he had occupied in Ontario, for the amount of labour that devolved upon him was of such a character that it was almost impossible for him to do it. I think I am safe in saying to-day, that if it were not for having an efficient and talented deputy head, with a good Solicitor General, it would be somewhat difficult to keep up with the work of that department. I am not going to find fault with the hon. gentleman from Richmond for what I consider a just castigation that he gave the hon. gentlemen opposite for their professions of economy in the past. However, I am not going to discuss that now. That can be done at a future time, when we have the Supply Bill before us, but I think they richly deserved all that he said of them; and if he had used even stronger language than he did, that portion of his speech at least would have met with my approval. I am not prepared to discuss this matter beyond what I have already said, with the exception of a few remarks on the subject of the controllers. Had the intention of Sir John Macdonald when the Act was placed upon the statute-book been carried out, I am of the opinion that it would have been successful. It is not necessary for me to say at present where the failure took place. The reason why the salary of a controller was made $2,000 less than the salary of a cabinet minister, was because he was relieved of all those social and other responsibilities which fall upon the shoulders and are incident to the position of a cabinet minister, and it was thought that by making these under-secretaries (although not so called) that it would be the building up and educating of a class of men who would be prepared, as they are in England, to take more responsible positions in future life, when their party would come into power. I believe the system was a good one, and if properly carried out would have succeeded. I agree with the hon. gentleman that the different sections of the Dominion should be represented in the cabinet, that could be done with a less number of cabinet ministers than we have to day, and just as effectively; more particularly if you had those under-secretaries and throw more responsibilities on these deputy heads. In England the ministers never think of, nor are they ever troubled with the details of the office as they are in this country. Take the Minister of Customs, if a seizure of ten cents worth of needles in any part of the Dominion is made, the man from whom they have been seized will not be satisfied until he has seen the minister himself, although a decision may have been given over and over again by the deputy minister or collector, and just so with every difficulty which arises in all parts of the Dominion in reference to values, and the rates on which the duties should be levied. For these reasons, I am sorry that I have to differ from my hon. friend from Richmond upon this question. This is a matter in which I have come to my conclusions from a good deal of experience. Whether $7,000 is too much for any one of the ministers is a question I am not going to discuss just now; but I do say—speaking for myself, and for nobody else—if a proposition came to increase the salary of the Premier of this country, although I am not in accord with the views of the Premier or the party he represents, I would cordially give it my support. Unless he is vastly different from the Premiers with whom I have come in contact in the past, and considering and knowing what it costs them to live, particularly if they perform the duties and functions pertaining to that office, I would not consider it unreasonable. I have been in politics all my life, ever since I was a boy. I have been in Parliament over thirty years. I have watched the cabinet ministers during the time I have been in office, and I would like to see a cabinet minister retire from office able to live without working for himself. I hesitate not to say, that no man who has been in public life for ten or fifteen years, even holding a cabinet position, can retire with a competency on his salary. He cannot do it out of

the salary which he draws from the country. In addition to the labour which he performs, the expenditures connected with his position are such that it renders it impossible for him to retire with a competency unless he gets it in some other way than that which is legitimate, honest and proper. I was rather surprised at the Secretary of State in speaking of the function of the Minister of Customs, and also of the Minister of Inland Revenue that they collected nearly all the revenue. One who did not know to the contrary would be led to suppose that these gentlemen paid it all. While their labours, or the labours of one of them, at least, are great, I was under the impression that the importers and people generally paid the taxes and revenue, and that it did not come out of their pockets. That statement has no point whatever. As to the expansion of the country, I admit that it has expanded. Where has it expanded in some parts more than in others? It expanded in the Rossland district in British Columbia. The mining interests in the country are such as to cause an influx of tens of thousands of people. In the Atlin district, and other gold producing portions of that province, there has been another influx, and there has been great expenditure and wasteful expenditure, I do not hesitate to say, in connection with the management of the Yukon district. There may be some excuses for that on account of the difficulties of getting into the country, but that there has been the grossest mismanagement and as I believe, the grossest fraud perpetrated in that country, is beyond a doubt. This would have been proved to the satisfaction of the whole country had the government given a commission to investigate the charges which have been made against them. My hon. friend says, in reference to the West Huron election, that he would rather it had gone into the courts. I should like my hon. friend to tell me how he could have got this matter into the courts and expose what has been exposed before the Committee on Privileges and Elections in the other House. Is there any one individual who could stand the expense of bringing these parties to justice, of bringing forty or fifty witnesses to swear that they cast their votes in a certain way, to show that the ballot boxes were stuffed, and that frauds had been committed? I can tell the hon. gentleman that I believe, notwithstanding his assertions, it has been the system in operation for years, and that if we could get at the bottom of the whole of these by-elections, or most of them, we would find that the same frauds and ballot stuffing and iniquities were perpetrated in all of them. In my own riding, North Hastings, at the last local election, the leader of the Reform party, in the city of Belleville said boldly: "If we do not carry this election with the arrangements which have been made, we never need try to carry it in the future." Ballots marked for the Grit candidates were picked up in the streets of the villages after the election. It is true they did not succeed, and for what reason? Because North Hastings is unpurchasable, and they could not seduce the large body of the electors in the country to forego their principles and their opinions. Frauds have been carried on in, I venture the assertion, at nearly the whole of these by-elections. In every place where there has been any investigation, it has been found that there has been an organized system of fraud in existence, and that the machine has been operating throughout the whole of the Dominion. I regret very much, for the sake of the political morality to which my hon. friend referred, the attempts on the part of the supporters of the government and members of the government themselves to frustrate that investigation before the Committee on Privileges and Elections. I hesitate not to say it was not only a reflection upon the members who did it, but evidence of a desire to cover up frauds and iniquities for party purposes, instead of lending aid to bring them to justice. Compare that with the declaration made in this House by the late Premier, Sir John Abbott, and Sir John Thompson, in the Commons, when certain offences were alleged against members of the House of Commons, contractors and others. Sir John Abbott, said: "Fasten the crime upon them and I will see that they are punished." Sir John Thompson took precisely the same position, more rigidly than any other man in these particulars with whom I ever had anything to do, and the result was that the jail was the home of some of them, so soon as they were convicted. If both parties would put their shoulders to the wheel and crush out these iniquitous proceedings whenever they are found to exist, and punish

severely those connected with them, the sooner this country will occupy a better position before the world, morally at least, than it occupies to-day. But when frauds are found to exist and one party tries to cover them up while the other party is trying to bring the guilty to justice, it must leave the impression upon the minds of the electors that the offenders will be held harmless by the party with which they are connected. I should be very sorry to see this bill thrown out. Instead of the six months' hoist, if we could amend the clause by making it take effect from the 1st July of the present year, and not have it made retroactive, very likely the Senate might accept it, and probably they may accept it as it is. I am not in a position to say what they may do. For my own part, I shall vote against the six months' hoist, and if the other motion came up and I thought there was a probability of carrying it, I would vote for such a motion as I have indicated in reference to making it take effect from the 1st July of this year. Unfortunately the Senate has no power in this respect, the bill being a money appropriation.

Hon. Mr. McCALLUM—The hon. Minister of Justice in moving the second reading of this bill, said that we should have a large number of ministers to represent the people of the different parts of the Dominion. A large number of ministers, it appears to me, will increase the expenditure, and I know the hon. gentleman said at one time the annual expenditure could be reduced from $38,000,000 to $34,000,000. We have an expenditure of $60,000,000 this year, and I question if it will stop there. There may be a further supplementary yet. But what I rose to say particularly was this: after all the pledges the government have made to the people on the stump and hustings in Ontario, in fact all over Canada, that they were going to reduce the expenditure, where do they stand to-day? I was more than surprised at the hon. Secretary of State when he told us that the hon. senator from Richmond never raised his voice against the extravagance of the former government, and insinuated that if there was another government in power to-day he would support it in extravagance. The hon. gentleman must have a short memory, or cannot read the Debates or he would know differently. I remember in this House when the hon. gentleman from Richmond moved against the adoption of the Short Line.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. McCALLUM—That was when the Conservative government was in power, and by his action on that occasion he helped to save three or four millions of the people's money. I would like to know where the hon. Secretary of State was on that occasion. Was he here to try and protect this country against that expenditure? He was absent. My hon. friend from Halifax, who protested strongly against expenditure, was here and voted for what would be a waste of money. The people have the assurance that the hon. gentleman protests against expenditure, but when a bill involving expenditure comes up the Secretary of State runs away. Yet he has the assurance to come here and state that the hon. gentleman from Richmond never raised his voice against expenditure. The hon. leader of the opposition is very magnanimous about this matter. He is perfectly willing that this money should be paid. He knows these ministers made a contract with the people of this country that they should not get any more salary until the government reduced the number of ministers to thirteen: he overlooks that, and he says he is willing to vote for the bill if they will strike out the retroactive clause. What does the controller, Mr. Clark Wallace, say? I was reading his speech made in the other House, and he claims that he was well paid. I presume the late controllers, Mr. J. F. Wood and Mr. Clarke Wallace, discharged the duties properly. One of them said he was well paid for his services: and now they ask us to break the law in order to raise the salaries of their successors, after promising us, that they would reduce the annual expenditure by four millions. When they come to face the electors again they will have a hard contract. The hon. Secretary of State says "Oh the people would approve of it." Do hon. gentleman fancy for a moment that the people will approve of their violation of their pledges? I am not niggardly at all in paying public men for their services, but my hon. friend the leader of the opposition is magnanimous with other people's money, he says he is willing to raise the salary of the Prime Minister. We have had Prime Ministers of this country who received the same salary that

Sir Wilfred Laurier is getting, and I do not know that he has shown any more ability then the former Prime Ministers. We are getting very lavish with the people's money. But I am not built that way. I desire that the ministers should be paid well, and I agree that the ministers should not all be paid the same salary. Take the Department of Trade and Commerce. What have they been doing for the last year? The officials have been going to England from year to year, wrestling the Petersen Company about bottle-necked ships. It puts me in mind of Sinbad the sailor. He could not see anything but bottled-neck ships. What have the ministers done for this country? After promising to reduce the expenditure, they have increased it one-third. We are asked now to make these ministers presents and to make the legislation retroactive. We might as well pass an Act and present a lot of money to all of them, and tax the poor settlers of the country in order to pay it, if you think this bill is right. The ministers are well paid now. They made a contract with the people of this country that they should not receive any more pay until they reduced the number of cabinet ministers. Have they carried out that agreement? In place of reducing the number they are increasing it. The hon. Minister of Justice says that they must have a large number of ministers so that they will come in contact with the people all over the country. When they come in contact with the people, according to my humble judgment, there will not be many of them left. We are told that Parliament is going to prorogue in a day or two. I may say that I am not willing that we should carry the estimates three times round the table and say amen. I am going to discuss these estimates, but I cannot move to reduce them. The constitution will not permit us to amend the Supply Bill. If we had control of this expenditure the money would be expended in the interests of the people of this country. My hon. friend spoke of the Welland Canal, and it was stated that it was like hanging up a red rag in front of a certain animal to speak of the Welland Canal in my presence. That is not so. This government is making the most woeful mistake that any government ever made, and I know it. They say they are going to make an expenditure on improvements. They are going to expend $5,500,000. Yes, to throw it in the lakes. They can do as much good by a proper expenditure of less than one-fifth of that amount. In the House of Commons they have placed a small amount of money in the estimates, $350,000, and when they expend that it might as well be thrown in the lake unless they spend more. Their excuse has always been "It made a blunder and we must continue to cover our blunder, we cannot stop." I remember as far back as twenty-four years ago, in 1875, when they were making up their minds that they were going to enlarge the canals and were going to have fourteen feet of water from Lake Erie to Montreal, I spoke to the Prime Minister of the day. I spoke no less than three times when that question was up, and what was done about it? I was passed off with a coarse joke, and from that day to this there has been mistake after mistake, and to-day the worst blunder of all, if they are going to spend $5,500,000—why it is madness. If they were going to destroy the interests of the people of this country and waste the money they could not take a better way to do it. I say that, as far as the expenditure on the canals of this country goes, if they do not provide a proper harbour on Lake Erie the money is all lost. Every man in this country took pride in the deepening of the canals in order to get cheap freight through the canals to the cities of Montreal and Quebec, and across to the mother country. They have had lots of time, and I gave them warning. If hon. gentleman will look at the *Hansard* of 1875, the first *Hansard* we ever had, they will see that I warned the government, and I have continued to do so from that day to this. The government have committed blunder after blunder, and they do not like to admit that they have done wrong, I will admit that the first mistake in making Port Colborne a harbour was excusable. It is amusing to read the speeches delivered in the House of Commons on this question. It would appear from them that Port Maitland was no harbour at all. One gentleman states how much grain has gone through there for fifty-four years. As I said the other day, for fifty-four years it has not cost the government of Canada one shilling to dredge Port Maitland harbour, and to-day it has seventeen feet of water, and if they would take a dredge paid per day and remove a bar which is there, they would have plenty of water, twenty-two feet, and they would have from twenty-five to thirty feet for three or

four miles. Are they going to abandon that because it will cost money? Mr. Fielding, in discussing this question in the absence of the Minister of Public Works, said he did not know anything about it. He said it is eighteen miles from Port Colborne to Port Maitland, but you are shortening the distance by seven miles going that way. You are sixteen miles further up the lake, but will have nine or ten miles more canal. I do not wish to take up the time of the House in discussing this matter, but I am bound to say that I shall look after those estimates when they come in, and I shall have something to say about them. I do not like the idea of carrying them three times round the table and passing them. If we cannot amend them we should show the iniquity of them. A generation yet unborn will have to suffer for the action of this government. Here are gentlemen who have been stating that we should economize and should not spend more than we collect every year. What do we find now? I have figured out already that the expenditure will be about $61,000,000, and I expect there will be a million or two more. In addition to that, I see legislation is being enacted in the other House by which we are giving away privileges which we possess. We are going to give a guarantee on the bonds of the Quebec Harbor Commissioners. That means that the last mortgage comes first, and it is a just arrangement as far as the shipping goes. But in this case if we give that $250,000 there will be no more about it. I am bound to tell the government of the sins of some of them at least. I cannot get at them all. They are too many, I am bound to show them that they have violated every pledge they made to the people of this country, and though I am neither a prophet nor the son of a prophet I am satisfied that when they came before the electors the people will say "Get thee behind me, I have had you long enough, and I do not want you any longer. You are not fit to govern this country. You are an extravagant, spendthrift government. Get about your business. You preached that the former government was extravagant and corrupt and where do you stand now? You are much more extravagant than they were and ten times more corrupt." That will be the answer of the people of this country. I do not know that I should have spoken at all had it not been for the reflection cast on the hon. gentleman from Richmond that he had never raised his voice against an excessive expenditure. I proved to the House that he saved three or four millions to the people of this country, and where was my hon. friend the Secretary of State? He was absent. My hon. friend from Halifax supported it because it shortened the distance to his home about seventeen miles.

Hon. Mr. POWER—More than that.

Hon. Mr. McCALLUM—The hon. gentleman said 27 miles, but the best authority makes it 17 miles. The hon. gentleman from Halifax may approve of this expenditure. His actions show that he does, because he is supporting the government. He is very close to the government, and ought to be in the government, and if he was, I would expect something more than we are getting now. The hon. Minister of Justice tells the people of the country that the expenditure should be reduced by four millions, and now he comes and tells us it is an advantage to have a number of ministers coming in contact with the five millions of population. The tune is now changed. They say we have so much territory to look over now that we must have more ministers. I do not know that the ministers have been attending to the territories since they came into power. Probably they can explain what they have done. They may get a little when they are through with the Alaskan boundary, but of course it may not be worth much. They talk about proroguing to-morrow or next day, but when these extravagant expenditures come before us, I am not going to stand by and see them passed without debate. We can discuss them; we can show the people of this country what we would do if we could constitutionally do it. I shall undertake, as far as my humble ability will permit, to do all I can to expose to the people of the country where there is any wrongdoing.

Hon. Mr. PRIMROSE—According to my judgment, I cannot see how the existing conditions and requirements of this country are so very materially altered since 1897, or the period when that Act was placed on our statute-book, as to call for an increase of expenditure. I wish to refer to an expression which fell from the Secretary of State, and which I do not think he really believes. He stated that had this bill originated with the

Conservative party, he thought the hon. gentleman from Richmond would have supported it. I do not think the Secretary of State believes that. If he does, he stands pretty much alone in this chamber. I do not believe the majority of this House would take such a position as that, or believe in any such statement with regard to the hon. gentleman from Richmond. Then the hon. gentleman said that this matter is one involving the expenditure of only $4,000. That is true. It is a drop in the ocean of expenditure, but still it is there, and it is there in direct contravention of the Act of 1897, which these hon. gentlemen themselves placed on the statute-book. I am in accord with the remarks which fell from the hon. gentleman from Richmond, and I do not intend to trespass upon the time of the House any further in regard to this matter, considering the expressions of opinion given by those who have preceded me, and I shall vote for the amendment.

Hon. Mr. POWER--I hope the House will pardon me if I say a few words before the question is put. I take the same view that has been expressed by the hon. leader of the opposition. I do not think that this is just the proper time to deal with the number of ministers. When the bill for increasing the number of ministers was before this House in 1897, that was, in my humble opinion, the time for striking. Now, the question before us is a totally different one. We have those two gentlemen who were formerly Controllers of Inland Revenue and Customs, now ministers. As the hon. leader of the opposition has stated, one of the reasons—I presume the principal reason—why the controllers were to receive lower salaries than the ministers was that they were not under the same obligations, in a social way, that the ministers were, and, further, that they had not to attend the meetings of the cabinet. Their time was not taken up in that way, and they had not to assume the responsibilities which ministers had. The position to-day is a different one altogether. These two gentlemen are, with the concurrence of this House, full fledged ministers, just like their twelve colleagues. We have the evidence of the hon. leader of the opposition to establish the fact, if we did not know it before, that no minister in the cabinet is worked harder than the hon. Minister of Customs, and now the question is whether those gentlemen, being ministers, sitting in council with twelve other ministers, shall continue to be paid $2,000 a year less than their colleagues, who have no greater responsibility, no harder work and no greater dignity than they have themselves. I could not, by voting against this bill, sanction that principle. It has been stated that a contract was made with the people of the country in the Act of 1897. If that ground were taken Parliament could not alter laws at all, particularly laws which affect expenditure and salaries. For instance, the Parliament in 1867 fixed the indemnity of members of both Houses at $600. They made a contract with the people of this country that they were to discharge their duties and receive no further indemnity than $600. The Act of 1873 which increased the indemnity to $1,000, was according to the hon. gentleman's contention a breach of faith. That is not the case. The representatives of the people who said in 1897 that they were not going to pay these ministers than more than $5,000, now say that they shall pay them the same as their colleagues. I was very much pleased to hear the hon. leader of the opposition repeat to-day what he had said in very emphatic terms in 1897. The hon. gentleman has also indicated to-day, as he did then, although not so distinctly, the policy which he had himself intended to pursue if he had remained in power. If hon. gentlemen will turn to page 609 of the Debates of 1897, they will find this language used by the leader of the opposition :

> I stated distinctly that I had informed the controllers, when they were made cabinet ministers, that if I continued in the position I then held I intended to take the first opportunity to readjust the different departments, as my hon. friend proposes to do now, and to abolish the controllers, because I do not think from my experience, the late system was practical. I wish it distinctly understood that I do not advocate the policy of inferior positions in the cabinet, either as to salary or as to the honour which attaches to the position. What I did find fault with was that they had not the courage, in making this change, to put the two controllers in as good a position in the cabinet in *re* salaries as the other ministers and for the reason that I know that the duties devolving upon the Minister of Customs, exceed, if he does his duty and examines every question that comes before him, those of any other minister in the cabinet.

Although I did not speak on that point I agreed with the hon. leader of the opposition then in thinking that when those two gentlemen, who had been controllers, were made ministers, their salaries should have been increased at the same time. There is some

force in what was said by the hon. gentleman as to the retroactive character of the measure, but that is not brought before us by this amendment.

Hon. Mr. LANDRY—I crave the indulgence of this House for a short time to explain the vote I intend to give on this question, and to meet an argument brought forward by the hon. leader of the opposition. I contend that the declaration made by the hon. gentleman should force him to vote in favour of the amendment.

Hon. Sir MACKENZIE BOWELL—Convince me of that, will you?

Hon. Mr. LANDRY—I shall try to convince the hon. gentleman, and if he is open to conviction he will vote for the amendment. I start from this point; the hon. leader of the opposition disapproved of the principle of retroactive legislation contained in the present bill, and declared that he would vote for an amendment which would strike out the clause creating such retroactive effect.

Hon. Mr. MILLER—We could not move it in this House. I have no hesitation in saying it.

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

Hon. Mr. LANDRY—I am taking the hon. gentleman's assertion. Supposing we had the power of proposing such an amendment the hon. leader of the opposition would then be in favour of striking out that clause. If that clause is stricken out, what remains? Nothing but the power just as it is on the statute-book in the legislation of 1897. The power the government ask for now they already have by the legislation of 1897. The only thing they want is to make that legislation of 1897 retroactive, so that they may pay those two ministers two years' salary.

Hon. Sir MACKENZIE BOWELL—Take out the word 8 and substitute 9.

Hon. Mr. LANDRY—What does subsection 2 that is repealed, say? "The salary of each of the said ministers shall be $5,000 per annum and shall continue at that rate until a readjustment of the departments of government shall reduce the number of ministers holding departments to thirteen or less, whereupon and thereafter the salary of each of the said ministers shall be $7,000 per annum."

So we have on the statute-book a clause which is the law of the land now, providing that the salaries of those two ministers shall be $7,000 per annum when certain conditions have been complied with. What does the government want this Parliament to do now? To grant an increase of salary. There is no need of it. Why, the government have only to comply with the condition they have imposed. The condition is that the number of ministers shall be reduced to thirteen or less holding portfolios. The remedy is in the hands of the government. The government by this legislation of 1897 were given power to grant those ministers $7,000 each per annum, and they have that power still. The only thing they have to do is to carry out their pledges, and it is because they do not want to carry out their pledges that they bring in this bill. I repeat the only thing they want to do, in addition to the power they possess already is to secure a retroactive law. As the hon. leader of the opposition is opposed to the retroactive feature of this bill, he must be convinced now that, this feature being set aside, nothing remains in the bill but what we already have on the statute-book. We consequently do not need this bill and for that reason and because the only effect of the legislation is to pay the ministers for past services, the hon. leader of the opposition is bound to vote for the amendment if he wishes to be logical.

Hon. Mr. MILLER—*Q. E. D.*

Hon. Mr. LANDRY—In that way he will put aside that principle embodied in the bill to-day. My argument cannot be refuted in the face of the declaration made by the hon. leader of the opposition. He said he would like to see an amendment striking out the retroactive power, and that he would be in favour of an increase of salary for the Prime Minister. If I were in the position of the hon. leader of the opposition I might say the same thing.

Hon. Sir MACKENZIE BOWELL—Why?

Hon. Mr. LANDRY—Because I might expect to be Prime Minister some day.

Hon. Sir MACKENZIE BOWELL—I do not.

Hon. Mr. LANDRY—The Secretary of State, in his defence of the government, showed a good deal of vim. If I were in the position of the hon. Secretary of State I would, perhaps, show the same zeal. He does not ask why, but he understands why. A proposition was made in the House of Commons to increase the salary of the Minister of Customs, but at the expense of the Secretary of State, so that in defending the cause of his colleague, I think he is saving his own position. Perhaps I am mistaken, but it had that appearance to me. I notice that people generally who expect one day to enter a ministry never appear to combat a measure that might be beneficial to themselves one day or another.

Hon. Mr. SULLIVAN—You are not one of them.

Hon. Mr. LANDRY—I do not think so. I have not that expectation, so I am quite disinterested; and I think, in view of the remarks which I have just made in answer to the argument brought forward by the hon. leader of the opposition, there is only one thing he should do, and that is to support the amendment, and we will vote together throwing out the bill which contains the principle he has denounced.

Hon. Sir MACKENZIE BOWELL—I should like to explain the difference between us. Let me call the hon. gentleman's attention to the bill itself. It repeals subsection 2 of section 2 of chapter 18 of the statutes of 1897. That is the subsection to which my hon. friend has just referred. Now, supposing you could take the third clause in this bill and make it read: "The present Ministers of Customs and Inland Revenue may be paid $7,000 from the 1st July, 1899——"

Hon. Mr. MILLER—I have no hesitation in saying we have not the power to do that.

Hon. Sir MACKENZIE BOWELL—I am quite in accord with my hon. friend in that respect, but that is not the point I am arguing. The hon. gentleman from Stadacona says I should support the amendment, because I intimated that if a proposition were made to increase the salaries commencing the present year, I would accept that rather than the six months' hoist, and vote for it. He argues that my position is illogical, because if my position is correct I should vote for the amendment because the only proposal in the bill is to give it a retroactive effect. My position is simply this: I would vote for the bill as it is, and if it were possible to make the salaries begin from the 1st of July, 1899, I should vote for it. There is nothing illogical in my position, nor would the change that my hon. friend suggests have the effect that he thinks it would. We would be repealing the second subsection of the clause and making the bill apply from the present time.

Hon. Mr. LANDRY—I do not see the difference. Perhaps it is because the hon. gentleman does not see it himself quite clearly. He has given me an additional reason why he should support the amendment, when he says that the bill cannot be amended. If we cannot amend the bill he should vote against it.

Hon. Sir MACKENZIE BOWELL—I said distinctly I would vote against the hoist, and if it were possible to amend it in the direction I have indicated, I should vote for the amendment.

Hon. Mr. DEVER—I am pleased to see the hon. leader of the opposition take the position of a statesman, a man of feeling, and of justice. The hon. gentleman has been in Parliament so long that he can look back for thirty years, and knows that the Minister of Customs and Minister of Inland Revenue from the days of Howland to a recent date always had an equal salary with the other cabinet ministers. We had the Hon. Mr. Baby in this House when he was Minister of Inland Revenue, and he had $7,000. The Hon. Mr. Aikins had $7,000 a year. We had the Hon. Mr. Costigan, who filled that office for several years. He also received $7,000 a year, and I do not see, for the life of me, with the receipts from the Inland Revenue and Customs almost double what they were in those days, why the present ministers should not be in the same position as their predecessors. When the present leader of the opposition in this House was Minister of Customs he received the full salary. A change took place, and a new department was created, and we have as Minister of Trade and Commerce. What his duties are I do not know, but it strikes me they do not reduce the labour or duties of the gentlemen

who occupy the positions of Minister of Customs and Minister of Inland Revenue. It has been said in this debate that formerly the Minister of Customs and Minister of Inland Revenue had more to do than they have at present. That I can safely deny, because we had the Minister of Finance, and the Minister of Finance at all times arranged the tariff. The Minister of Finance to-day arranges the tariff, and therefore I cannot see the difference in the labours of the gentlemen now holding those offices from those who formerly held them. They have the same amount of labour and responsibility, and I think the country recognizes that the gentlemen who fill these offices today are well entitled to the full salary of cabinet ministers. In fact, I go further and say I do not think our cabinet ministers are well enough paid. With our Dominion increasing in population, our revenue increasing five or six millions of dollars in the Customs and Inland Revenue Departments, the increased labours of the ministers should be recognized by the country and an increase of salary should be given to every one of them. I do not think the people would say we were doing anything wrong with the public funds if we were to recommend a revision of the salaries of cabinet ministers, and that the Premier of Canada should receive a salary that would be ample for the dignified and responsible position which he holds. These are my views, and I am sorry to think that an able man, such as the hon. gentleman from Richmond should make such a disturbance and create an impression in this House, that instead of merely adding $2,000 per annum to the salary of two cabinet ministers, we were desirous of giving them $14,000, or $7,000 a piece. That is not the case. We are simply raising the salaries of two officers to the same level as those of their predecessors for the last 30 years. I do not see anything unreasonable about this ; on the contrary, I think, with the increased expense of living, if we expect men to perform the duties of those two responsible offices, in all fair play $7,000 a year is not too much.

Hon. Mr. MACDONALD (P.E.I.)—It is true that a very small sum is involved in the bill before us ; but there is a principle involved in it also which will guide me in the course I propose to take with respect to this measure. It is true that the salaries of those officers, previous to the change of government, was $7,000. They would have remained at that figure, I presume, up to the present time, had the Conservative party not changed the law while they remained in power ; but when the Reform party came into power they made a further change in the law.

Hon. Mr. McCALLUM—It was before. The late controller had $5,000 and the sessional allowance.

Hon. Mr. MACDONALD(I.P.E.) —The Minister of Customs and the Minister of Inland Revenue, as I understand it, under the Conservative government had $7,000 each.

Hon. Mr. McCALLUM—The controller had not.

Hon. Mr. MACDONALD (I.P.E.)—I am speaking of the ministers. That law was changed by the Act of 1897, as I understand it.

Hon. Mr. SCOTT—No, it was changed before that.

Hon. Mr. McCALLUM—It was changed under the Conservative government.

Hon. Mr. MACDONALD (I.P.E.)—Does not this bill refer to the Act of 1897 and is it not necessary by this bill to repeal that Act?

Hon. Mr. McCALLUM—That Act gave them a seat at the council board only.

Hon. Mr. MACDONALD (P.E.I.)—It appears to me it is a very small change that is being made by this bill. Each of those gentlemen received a salary of $5,000 and the sessional indemnity. Now, the session has been five months long. They are receiving their $1,000 for their attendance during the session and the other $5,000 they receive for their services during the recess. For the balance of the year, after the session, I think you will find those gentlemen taking as many holidays as any one in office. The view I take of this matter is that in the Reform party in the House of Commons there are a great many men who are competent to fill any of these offices perhaps just as well as the gentlemen who are occupying them, and I venture to say that if either of these offices were vacated, there are a dozen members of the party who would be ready and willing to take the position which these ministers now hold.

Hon. Mr. MILLS—Call for tenders.

Hon. Mr. MACDONALD (P.E.I.)—As the bill now stands, it only adds two thousand dollars a year to the salary of each of these two officials. It is a very small matter after all, but in view of the agitation in the country, and the promises that were made throughout the country by members of the Liberal party respecting the great saving that they were bringing about by fixing these salaries at such a low rate, I do not think I should be justified in giving my support to this bill.

Hon. Mr. BERNIER—There are two principles in this bill which will influence my vote on this occasion. It is an increase of salary to ministers, and the equality of ministers amongst themselves. I am decidedly in favour of increasing the salaries of ministers, not only of the Prime Minister but all the ministers. If you take into consideration their positions, their functions and the expenditures connected with such positions, we must come to the conclusion that they are underpaid. Now, as to the ministers themselves, it seems to me that for the present at least there should be no difference between them. Every member in the cabinet having the portfolic of a minister should be equal to his colleagues, irrespective of person. True, we may find gentlemen willing to accept the position with a lower salary, but this is a minor detail that we should not take into consideration. It is true that the government, in taking this action, are not consistent when we consider their previous declarations. Their action should go further, however, and there should be an increase also of the indemnity to members. It is not fair to keep members here for half a year with a paltry indemnity of a thousand dollars. They should increase the amount, but because they do not do so, I do not believe in doing injustice to the ministers. Because of their refusal to do justice to us we should not refuse to do justice to them—not to the gentlemen personally, but to the functions of those officials mentioned in this bill. I am opposed also to the retroactive clause. I am sorry to say that during this session it has been the habit of the government to introduce retroactive legislation, but that question is a minor detail which should not influence my vote on this measure. Therefore under the circumstances, I shall vote against the six months' hoist.

Hon. Mr. MILLS—I am not going to discuss those matters which are irrelevant to the bill before the House. We have had a good deal of criticism of the conduct of the government on other measures than that now under consideration, and also on the subject of expenditure. It is said that our predecessors expended $38,000,000 a year, and we, who complained of their extravagance, are expending over $60,000,000. The latter statement I am prepared to show is inaccurate when it comes up properly, $30,000,000 represents the expenditure on revenue account, while the $60,000,000 represents the expenditure both on revenue and capital together and the additions made by the opposition. If you were to take some years of our predecessors in office when there was a very large expenditure connected with the Canadian Pacific Railway undertaking, we might show an expenditure of $70,000,000 a year at certain periods of time, charging sums borrowed against the government as so much expenditure for the year as is being done now. I am not going into the discussion of these matters at all.

Hon. Sir MACKENZIE BOWELL—We will have that when the Supply Bill comes up.

Hon. Mr. MILLS—There will be a more appropriate period for that discussion. Neither am I going into a discussion of frauds at elections and questions of that sort. I will be prepared to discuss that also at a proper time, but the bill now before the House is a bill to increase the salaries of two ministers of the Crown from $5,000 to $7,000, and put them in this regard on a footing of equality with their colleagues, which I think is a reasonable proposition. The principle I laid down in moving the second reading of this bill was acquiesced in by the hon. leader of the opposition. We do not differ as to the principle of parliamentary government which applies to the composition of the cabinet. My hon. friend from Prince Edward Island, who spoke a moment ago, referred to the number of competent men in Parliament who would be prepared to take the office of minister of the Crown at a very much less figure. One of the methods I have heard suggested of carrying on the government is to put up the public offices to tender, and to accept the tender of the lowest bidder, and in that

way there is no doubt you would get men who would serve for a very much less figure than we pay at the present time, but you must consider other things than who will take the office for the least sum. I remember one gentleman suggesting to me very seriously that the whole business of government should be let out by tender and security given, and the man agreeing to do the work for the least money should be employed.

Hon. Mr. McCALLUM—They might not carry out the agreement.

Hon. Mr. MILLS—My hon. friend says that they might not carry out the agreement. In this there is no particular agreement. There is an Act of Parliament and that stands on the same footing as any other Act of Parliament. It is capable of being amended if experience shows that any wrong or injustice is being done. I have no doubt whatever that the House will not deal unfairly with those ministers of the Crown as the hon. gentleman from Manitoba has said simply because there may be other matters that ought to have been considered that have been left undealt with. I think that is a sound proposition, and I do not know that I differ from him either with regard to the one or the other.

Hon. Mr. LOUGHEED—Before this motion is submitted I should like to make one or two observations in regard to the merits or demerits of the bill now before us for consideration. It strikes me that it is an inopportune time for the government at this particular juncture to bring in a bill of this particular nature, particularly in view of the fact that considerable attention has recently been directed to the necessity for a readjustment of salaries not only of Ministers but of judges and of other officials. I might say, and I think I can say with confidence, that the country has been looking with no small degree of interest to the government for some time past to bring in a broad and generous measure in regard to the re-casting of all official salaries, and particularly those salaries which relate to the higher officers of the state, and more particularly the judges upon the bench. It seems to me that the subject of this bill could have been made an initial step with every justification for the introduction of a measure of that character. Considerable fault may be found with the late government on their not entering on a sufficiently bold policy in regard to a question which admitedly is one which should for some years past have received public attention, and which I am satisfied would have received the best support of the country. This government is to be marked to a certain extent upon boldness, at any rate, in the matter of expenditure and no government could more fitly have included within that bold policy of expenditure such a policy as that which I have indicated in regard to an increase particularly of judicial salaries and salaries of ministers not excluding, I might say at the same time, the treatment of the indemnity of members which for some years past I might say has been an equally important subject. Let us for the moment consider the Act that during the present session and many preceding sessions members of Parliament, necessarily of both branches of Parliament have been giving their undivided attention for nearly half a year to the business of Parliament and in consideration of that service they have received at the hands of a generous country, so to speak, $1,000, a paltry amount, which would not more than pay the expenses incident to the members being here, and not taking into consideration at all the loss which they have sustained by reason of their absence from their business in other departments of life. It may seem selfish for a member to address himself to this phase of the question, but yet one cannot fail to say that if there is anything which members have been particularly modest in and yet have been faulty in it is in reference to their own position in regard to the remuneration which they are to receive for paying attention to the public business of the country. It may be very well said, and is very frequently said when this subject is talked of, that members entering the committee or members entering this chamber know very well the amount of indemnity which they are to receive. They are not compelled to come into either chamber, and therefore not compelled to accept the amount on the statue-book. The same argument may well apply to the Minister of Customs and the Minister of Inland Revenue. In reference to their acceptance of a portfolio under the law as it at present stands on the statute-book. Therefore the argument applicable to one would be equally strong in the other case. I say

members who have to deal with their own remuneration need not at all have any hesitation in expressing themselves freely upon this point, because I am satisfied that if there is anything which the electors of this country will support a government in, no matter what government it may be, it will be in giving a proper remuneration not only to members of Parliament, not only to ministers of the Crown, but to the other officials who are called upon to perform the more important duties for the state and country. Therefore I say in view of this fact, to my mind it is an inopportune time in which the government should have selected two officials and should have treated them in the way indicated in the bill, and that they should have entirely overlooked the demands which have been made through public opinion and otherwise for a mature consideration of those more important subjects to which I have alluded. It seems to me, taking another view of the case, that this bill as it is at present constructed, is an entire abandonment of the policy embodied in the Act which we now proposed to repeal. In 1897 the present government very laudably and consistently, and I think with due regard to the public interest and with due regard to the public expenditure, introduced in the Act of 1897 a policy which certainly would have received and which did receive the approval of the country, namely, a policy which impliedly announced at any rate that the number of Canadian ministers would be reduced, and in view of that proposed reduction to thirteen portfolios or less, the Ministers of Inland Revenue and Customs would be entitled to receive $7,000 a year. This bill before us calls for an absolute repeal of that statement, which leaves it free, in fact, for the government of the day not only to confine themselves to the number of portfolios which at present obtains but would leave them at liberty, so far as any record is concerned, to ask for additional portfolios. The late government took a proper step, it seems to me, when they placed upon the statute-book provision for the appointment of controllors. The intention then was, as was the intention of the present government in 1897, that there should be a reduction of portfolios. When we take into consideration the limited number of cabinet ministers in England the still more limited number in the cabinet in the United States.——

Hon. Mr. MILLS—There are sixty ministers in England.

Hon. Mr. LOUGHEED—Not members of the cabinet.

Hon. Mr. MILLS—No, but members of the administration.

Hon. Mr. LOUGHEED—I cannot state the number now, but my own opinion is that the cabinet in England is no larger than the cabinet in Canada.

Hon. Mr. MILLS—It varies from thirteen to fifteen.

Hon. Mr. LOUGHEED—But the under secretaries in England correspond to some extent to our deputy ministers.

Hon. Mr. MILLS—Oh, no.

Hon. Mr. LOUGHEED—I know they are vested with much broader power. They have much the power held by a minister. Yet at the same time the under-secretary of state performs to a very large extent the same duties as a deputy minister would perform in this country. It was intended at the time that the legislation regarding controllers was placed upon the statute-books that there should be a reduction of portfolios, and the portfolio of Inland Revenue and the portfolio of Customs were practically wiped out. We afterwards find the introduction of the portfolio of Trade and Commerce. The gentlemen who composed the present government were very strong in their denunciation of the policy then adopted in the introduction of that additional portfolio of Trade and Commerce. Why, I ask, do not the members of the present government decide upon abandoning the portfolio of Trade and Commerce as it obtains to-day? The hon. gentlemen denounced it in times past. I think it is conceded to-day that the portfolio of Trade and Commerce is very largely superfluous, that really the work of that department is done by the Minister of Inland Revenue and by the Minister of Customs, and if hon. gentlemen were sincere in wishing to retrench in reference to carrying into effect the promises which they have made, and to act logically with the denunciations which they heaped upon the late government, they would wipe out the portfolio of Trade and

Commerce and restore the portfolios of Inland Revenue and Customs as they obtained under the late government, or previous to the amendments in the Act. Under these circumstances I therefore think that this House will be justified in voting for the resolution of my hon. friend from Richmond. I think it will be conceded, and it need not be discussed, that, much as my hon. friend from Hastings might desire it, the bill cannot be amended. I think it is quite clear, it being a money bill, that we have either to accept the bill in its entirety or reject it. These are the views which I hold upon this matter. I might say, before resuming my seat, that I appreciate the important services rendered by the two ministers referred to. I fancy the services rendered by those hon. gentlemen are quite as onerous as those rendered by other members of the cabinet who are receiving $7,000 a year; yet, in view of the fact that the government of the day have committed themselves to the policy which we find enunciated in chapter eighteen of the statutes of 1897, in view of the professions which they have made upon this subject, and in view of the fact that the country demands from them the treatment of this subject in its broader state, as I have indicated, namely, a recasting of salaries of ministers and judges and others, I must say my present opinion is entirely adverse to the bill.

It being six o'clock the Speaker left the Chair.

After Recess.

Hon. Mr. FERGUSON—The hon. minister in introducing this bill should have come before us in a penitential mood. He should have been clothed in sackcloth and ashes, great briny tears should appear on his cheeks and he should have addressed the House in the following manner: Hon. gentlemen, I regret to say it becomes my painful duty to confess before this House that my colleagues and myself in the government of this country have been guilty of a great many crimes and offences against the people; that we have made a vast number of promises that we have never been able to fulfil—which, indeed, we scarcely ever had any intention to fulfil—and we are obliged to come before you with this bill as an evidence of our guilt in this respect. We solemnly promised the people of this country that we were going to cut down expenditure generally, and were going to reduce the number of cabinet ministers, but instead of doing that, we have filled all the positions at the highest salaries that had obtained under our predecessors, and we have continued that system up to the present moment. After having been a year in the government, and after having discovered all that was to be found out in the working of the government of this country, we came down to the House and made new protestations and new promises with regard to this matter of cabinet positions. We said to the Senate and House of Commons we will undertake to fulfil those promises about reducing the number of ministers, but we will take a little further time to do it, and we now offer to give to you two of our number as hostages for the faithful performance of the promises we have made and have neglected up to the present time to fulfil and which we now solemnly renew. On submitting this question to the House two years ago we did not indicate how this was to be brought about, whether it was to be by a political decapitation of one of our number, but we renewed the solemn assurance that there was to be this reduction in the number of cabinet ministers, and when that reduction was made you agreed that these two gentlemen, in whose flesh the thorn was placed, so far as their salaries were concerned, would receive the full amount of salary given to their other colleagues. We now confess with shame and confusion of face that we have again deceived you, and we implore you to remove the thorn from the flesh of Sir Henry Joly and Mr. Paterson and relieve us from the consequences of the deception we practised. That is the kind of speech my hon. friend should have made on the present occasion. I take the Commons Debates for 1897, page 4123, and I find it recorded that the Minister of Marine and Fisheries who had charge of the bill in the House of Commons made these remarks:

> The prevailing impression, I think, on both sides of the House was that a determined effort should be made to reduce the number of ministers, and that matter has been under the consideration of the government, and is now engaging their very earnest consideration. The hon. gentleman sees that this bill now introduced is merely to make the present

controllers in a point of fact ministers, and to entitle them to seats on the cabinet board; and the express provision is made on the face of the bill—not the mere statement that the government are considering it—but that when the departments are reduced to thirteen, and not until then, their salaries should be the same as other cabinet ministers. But in the meantime they do not receive any increase of salary whatever.

That paragraph was the solemn promise made in 1897 when this Act, to which the hon. member from Richmond has referred, was placed on the statute-book providing that when the number of ministers was reduced to thirteen, or less, then these two ministers were to be placed in the same position as the rest with regard to salary. Now, the government come before us and ask us not merely to relieve them of their pledge to the country, but from the pledge to their colleagues. This thorn in the flesh of their colleagues, two estimable gentlemen, I admit, is going to be removed at the expense of the country instead of being removed at the expense of one of themselves, whether it was the hon. Minister of Justice or of Trade and Commerce, or my genial friend the Secretary of State was going to be decapitated I do not know, but instead of that they ask the country to make up this $7,000 and let them out of all this trouble. Had my hon. friend made this explanation to the Senate, and with some evidence of contrition, and in a purely penitential manner, we would have been inclined to deal leniently with this bill. To my mind the government are in a thoroughly indefensible position with regard to this measure. Had this disability fallen upon another gentleman in the cabinet, instead of the two men who have suffered from it, I refer to the Postmaster General, there are very few in this House, or out of it, who would have been very sorry for him, because that gentleman practiced demagogery to a greater extent than perhaps any other member of the government when in opposition. So far as this government is concerned, they are in a perfectly indefensible position in asking that this bill should be placed on the statute-book under the present circumstances. As far as they are concerned, they have no plea before Parliament, and this country, except one, of complete failure to perform their promises with regard to this subject I am not one of those who think that the number of cabinet ministers should not be reduced. I agree with the hon. Minister of Justice and my hon. friend the leader of the opposition that Canada is a country with many diversified interests, and of large extent, and at all events, as long as the present method of selecting ministers is continued, that it is desirable that ministers should be selected from various parts of the country in order to procure a better representation of the different sectional interests of Canada than could be if they were otherwise selected. There is no question, that the ideal system for the selection of cabinet ministers would be to take the best men wherever they are found. There is no question that would be the highest ground to take in the selection of a cabinet, and that the best and highest form of government would be obtained under such circumstances. However, we would have not come to that point in Canada, and perhaps it is not very easy to come to it considering the extent of the country and the diversified nature of our resources. I do not know that it is altogether within the region of practical politics to discuss it at all. But while sectionalism is bad in some respects, it brings with it some conpensating advantages, and it is one of these things we will have to bear with at least for a time. When the question of the salaries of two cabinet ministers comes up, it affords those who are not in that position, whether a happy or an unhappy one I am not going to say, an opportunity of settling some little accounts with hon. gentlemen in the government and discussing some questions that may properly be discussed in connection with this matter of salaries; and I have this general complaint to make against the cabinet ministers, that when the House rises in the spring, or early summer, they spend the summer in vacations, cruizing over the world and leaving the work of preparing for the next sitting of Parliament until the beginning of winter, and the members of Parliament have to put up with the great disadvantage of summer sessions, such as this is, on account of the neglect of ministers to attend to their duty in the way of preparing for Parliament in the proper season. When the public accounts are closed, on the 30th June each year, there is ample time to prepare for the meeting of Parliament in the earlier part of the year, and I think it is too bad that private members of Parliament should be put to the serious inconvenience that we are so often put to, of having to attend in Ottawa away

into midsummer, as we are doing now, merely because cabinet ministers neglect their duties and do not prepare the work for the session at the proper time, nor even have it ready when Parliament is called together. Some references have been made to the onerous nature of the work of some departments as compared with others, and the inference has been drawn that on that account a difference might fairly be made between the salaries of the different ministers. As far as the two departments more particularly under consideration are concerned, or at least one of them, it cannot fairly be said that it is less onerous and requires less work than any other department. That must be frankly admitted at the outset, and I do not know, comparing them one with the other, that the two are less onerous than the average of those that are left. Reference has been made to the department of the Secretary of State as being an office that is not a very heavy one and does not require as much personal attention as many of the others. As far as that office is concerned, as long as it is held by my hon. friend, the present Secretary of State, I feel that he is entitled to a larger salary than any of his colleagues, because when Parliament rises the ministers all fly away to the ends of the earth, and he is left here to overlook all the departments, and has to do some work for nearly all of them when the other ministers are away on pleasure trips. Not only is that so, but as we all concede that my hon. friend is most efficient and painstaking and courteous in his treatment of members of this House, and I for one would be very sorry to see any such disability placed upon him. It may be that the office is not as onerous as some of the other offices, but while it is held by a gentleman who is required at some periods of the year to perform the work of his colleagues, I think we might fairly enough allow his department to escape criticism in this respect. To my mind the great objection to the bill before us is that gentlemen in the government were pledged against its principle, and they have no right to submit or vote for such a bill. They pledged themselves to a different course altogether, and that is a very strong reason why hon. gentlemen like myself should not support the bill on the present occasion. Then there is this retroactive provision in it, that these gentlemen should be paid one year's salary from July, 1898. When they took these salaries these ministers knew what they were to receive. There is no question about that. They continued in the discharge of their duty to the present time, and there is no principle of justice upon which Parliament should be asked to vote this sum which they think is in arrear to them, but which is not really in arrear, because the moment Parliament votes money for this purpose, it will be argued why should we stop at the 1st of July, 1898? Why should we not go back and pay them from the time they entered office? And why should we not go back still further and pay their predecessors who performed the duties under precisely the same circumstances? Why should exception be made in favour of these gentlemen and an invidious distinction made against the gentlemen who have held office before them? Hon. gentlemen will agree with me that there would be no justice in doing anything of the kind, and that if we admitted this principle of paying a salary for a year past, we would then have to go further back and pay other gentlemen who have equally good claims to this payment of a retroactive character. While touching upon that question I might refer to what has been proposed in another place, recommending the payment of the indemnity for the present year to a gentleman of this House who has been indisposed and who is ill at home and not able to attend here. I refer to the hon. gentleman from York (Mr. Reesor). I have no particular fault to find with that, but I do object to different treatment being meted out to different men. Another hon. member of this House, the hon. gentleman from Delanaudière (Mr. Bellerose), has been very seriously ill, and consequently has been absent a good part of this session, and I see no reason why he should not be treated in the same manner.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. FERGUSON—And when that is done, it will raise the question why was not the late Mr. Sutherland also paid when he was not able to come here for two years? Once we depart from a sound principle in anything, we meet all kinds of difficulty and at once begin to extend a different kind of treatment to different individuals whose circumstances may be exactly the same. For the reasons which I have given, I am not unfavourable to keeping a large number of

cabinet positions as long as members of the cabinet are selected as they have been ever since Canada has become a confederation, on the ground of their representing certain provinces. While that principle is observed it is desirable, and I do not know that the expenditure is at all a waste of money. The full number of departments should be maintained in order to admit of the gentleman, having charge of forming a ministry, bringing representatives to his government from all the different parts of Canada, and I do think at the present moment a great injustice is done to the important province of British Columbia in the fact that it has not a representative in the cabinet. I have no hesitation in saying that that is my opinion. I am not going to say that $7,000 a year is too large a salary for cabinet ministers, and I am not going to say that it would not be right in the abstract that these two ministers should be treated the same as their colleagues are treated, and receive the same salaries as they are receiving, but the government comes to us with this proposition coupled with an obnoxious condition of a retroactive payment, and they come to us with a complete back down as to their policy before the country with regard to reducing the number of cabinet ministers. For these reasons I feel it my duty to vote for the motion of my hon. friend from Richmond.

The House divided on the amendment which was lost on the following division :—

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Armand,	Macdonald (P.E.I.),
Boucherville, de (C.M.G),	McCallum,
Clemow,	McKindsey,
Dobson,	Merner,
Ferguson,	Miller,
Landry,	Montplaisir,
Lougheed,	Primrose.—14.

NON-CONTENTS :

Hon. Messrs.

Allan,	Pelletier (Speaker),
Bernier,	Poirier,
Bowell (Sir Mackenzie),	Power,
Dandurand,	Scott,
Dever,	Snowball,
Fiset,	Sullivan,
Gowan (C.M.G.),	Vidal.—15.
Mills,	

The motion for the second reading of the bill was carried on the same division reversed.

The House resolved itself into Committee of the Whole on the bill.

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

BILLS INTRODUCED.

Bill (183) "An Act to authorize the construction of a branch railway from Charlottetown to Murray Harbour as a public work."—(Mr. Scott).

Bill (85) "An Act further to amend the Railway Act."—(Mr. Mills.)

SEED GRAIN INDEBTEDNESS BILL.

FIRST READING.

A message was received from the House of Commons with Bill (189) "An Act respecting securities for Seed Grain Indebtedness."

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—Can the hon. gentleman tell us why this principle has been adopted as far as these securities are concerned? This is an endorsation by certain parties to secure the government loss for advances made on grain, and the proposition, if I understand the bill, is to relieve the sureties. Does it relieve also the parties who receive the grain?

Hon. Mr. SCOTT—No. As I understand, it is considered that the land should be sufficient security, and there is no reason for keeping up the security against the bondsman. The security of the man and the land itself is sufficient security.

Motion agreed to.

YUKON TERRITORY BILL.

COMMONS AMENDMENTS ADOPTED.

A Message was received from the House of Commons returning Bill (U) "An Act to amend the Yukon Territory Act," with certain amendments.

Hon. Mr. MILLS moved concurrence in the amendments.

Hon. Mr. LOUGHEED asked if any amendment had been made relative to the sale of liquors in the Yukon Territory.

Hon. Mr. MILLS—No, nothing except the prohibition with regard to the manufacturing of liquor.

Hon. Sir MACKENZIE BOWELL—I should like to ask the minister whether the prohibition of the manufacture of liquors in the Yukon Territory is in order to protect the distillers in other parts of the country?

Hon. Mr. MILLS—My hon. friend knows right well that we do not apply the principle of protection as between manufacturers within the country—at least I am not aware of its having been done. This prohibition of manufacture in that country is a prohibition that would apply to outsiders equally with those manufacturing within the country.

Hon. Mr. LOUGHEED—I think the object is to give consumers a better article.

Hon. Mr. MILLS—If we do not succeed in prohibiting, we may get a much worse article brought across the border; but the government are in hopes they will be able to maintain order and sobriety amongst the population of that country.

Hon. Sir MACKENZIE BOWELL—The answer is quite satisfactory. I admit the principle of protection was not carried to that extent in the past. It was left to a free trade government to introduce the principle of protecting an industry in one part of the country against the establishing of a similar industry in another part of the country. I congratulate the hon. gentleman on having carried the principle further than I ever thought of carrying it.

The motion was agreed to, and the amendments were concurred in.

INSPECTION ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (156) "An Act to amend the General Inspection Act." He said:—As hon. gentlemen are aware, for some time past a considerable controversy has been going on between the growers and dealers in wheat in the western country, and the brokers and dealers in wheat in the east. The people of Manitoba have complained that their wheat was used rather to improve the quality of inferior grades of wheat, and that it was not fair to the reputation of Manitoba wheat, I think the contention was a very strong one, because it has been found by those who have given it practical attention that the wheat grown in Manitoba and the North-west is a superior grain and that it would be only fair that the wheat should have an opportunity of going abroad and earning a reputation for the country. I have seen in papers, particularly Glasgow and Edinboro' papers, where Manitoba wheat has gone in its pure condition, unmixed with any other grain, that the bakers found there was more glutton in it than in other wheat. The opposition to this bill has been by persons who desire to mix and improve a quality of inferior grain. After very many meetings between several boards of trade, a standard was agreed upon and it was agreed that certain conditions should attach to wheat being exported from Manitoba, and this bill is the result. So far as classifications goes, the only change, I understand, is in regard to No. 1 Manitoba hard, as it is called, which provides that the larger proportion of hard fife wheat should be necessary in order to grade No. 1 Manitoba hard. The proportion is increased from sixty-six and one-third to seventy-five per cent. The clauses in the bill provide that there shall be general inspectors, one at Winnipeg and one at some eastern point, who will have the general charge of the deportation of the wheat from Manitoba. The bill provides that the wheat shall be as described in the bill of lading which shall accompany the wheat, and prohibits mixing in any of the elevators that are recognized as public elevators. I shall be glad to explain the details when the House goes into committee upon the bill. The changes have been made in the House of Commons. The first change is the appointment of two chief inspectors, not disturbing the sub-inspectors, one at Winnipeg and the other at some point in the east. The principal changes are in the schedule of the Act, where a number of details are entered which can be more conveniently explained when the House is in committee. They are only in detail carrying out the principles to which I have adverted, that is the effort to preserve the identity of the wheat as it leaves Manitoba and the North-west, and prevent it from being mixed in the elevators at Fort William and the other points to which it is consigned. It

provides further, and the Canadian Pacific Railway have agreed to it, that the charges for inspection shall be a charge which will be paid by the railway companies and transportation companies that take up the wheat.

Hon. Mr. FERGUSON—How have these changes been brought about? Have the producers and dealers in wheat in the North-west been consulted, and consulted in a representative way so that great care has been taken in the preparation of this bill to carry out the wishes of these people?

Hon. Mr. SCOTT—I am advised that the bill has been the result of representations made by the grain growers themselves and inspectors and various Boards of Trade, I presume in Winnipeg and Montreal. It has been generally agreed to, except by those parties who would be opposed to the principle—the parties who have in the past been interested in increasing the standard of lower grades of wheat by getting Manitoba hard and mixing. They are the only parties, I am advised, who have been opposing the bill. Probably the hon. gentleman from Wolseley would know more about the feelings of the wheat growers than I would.

Hon. Mr. PERLEY—I have called upon the Minister of Inland Revenue and Mr. Miall and have told them what I know is the fact, because I attended one of the meetings, that this bill is framed entirely at the instance of traders and dealers in grain, and no farmer was represented at the different meetings. I have no fault to find with this bill as far as it goes. There are one or two amendments which I am sure the hon. gentleman will not object to when we go into committee. The bill is all right. The principal provision in the measure, apart from what the hon. gentleman has explained, is that all the grain in the North-west is to be inspected at Winnipeg. No farmer has had anything to do with this bill. It is a bill got up entirely in the interest of millers and men speculating in grain. There is a clause which I want to add to protect the farmer. This bill, as it stands, applies to the wheat after it leaves the farmers hands altogether, except it be a large farmer who can ship a train load of wheat and get it inspected in Winnipeg instead of Fort William. Last year I shipped my own wheat to Fort William. It had to go there to be inspected. It took three weeks to get there and be inspected, and I could not sell the wheat until I got my certificate of the inspection. I cannot sell my wheat except by sample. I have to sell the grade by the certificate of the inspector. Now, the Winnipeg dealers and traders in wheat claim that they want the wheat to be graded in Winnipeg, and they can get returns for it at once. That is the great feature of this bill. I am quite satisfied with the bill but, as I have said, I want one clause added of which I have given notice.

Hon. Mr. SCOTT—I hope I was right in saying the bill was more favourable to the farmer inasmuch as it allows the inspection nearer home.

Hon. Mr. PERLEY—Yes.

Hon. Mr. McCALLUM—I see this bill applies with regard to oats:

No. 1 oats shall be sound, plump, clean and free from other grain.

No. 2 oats shall be sound, reasonably clean, and reasonably free from other grain.

No. 3 oats shall be sound but not clean enough to be graded as No. 2.

Rejected oats shall include such as are damp, unsound, dirty, or from any other cause unfit to be graded as No. 3—

but you do not give the weight of the grain at all. We can deal with that in committee. Here you are grading three classes of grain. They do not weigh the same.

Hon. r. SCOTT—I presume there must be some other law to regulate it. This is taken from the law as it now stands. In making the change with regard to wheat, they include the other kinds of grain.

Hon. Sir MACKENZIE BOWELL—There is a law on the statute-book declaring what the weight of oats shall be. If there are no changes made in the weight, as there are in reference to wheat, there is no necessity to include it in this bill. They have declared in this bill what a bushel of wheat shall be, and how much it shall weigh. That changes the law as it stands on the statute-book to-day. In the matter of oats that is not necessary and they do not change it.

Hon. Mr. McCALLUM—It describes the different grades of oats, but it does not give the weight of each grade. A bushel of oats is 34 lbs., and when you grade oats you should say how much they ought to weigh.

Hon. Mr. MACDONALD (P.E.I.)—The object of the bill is to grade the oats so that they may be sold according to quality. In our province oats is sold entirely by weight, and I think it is a very desirable thing to have the grain inspected and classified in this way. It is very much better for the farmers that there should be some such regulations as these and that they should have some inducement to clean their oats and have them come up to a good high standard, because if they clean their grain properly and send it to market in good order, it will bring a better price. The object of the bill, as I understand it, from glancing hurriedly through it, is that there should be an inspection of all grains throughout the Dominion. The law does not seem to be confined to any part of Canada, and I presume from this that it is the intention of the government to appoint inspectors of grain in the different provinces and that not only wheat, barley, pease and oats and Indian corn shall be inspected but also hay and rye. The bill will have a good effect in this way: it will induce people to send their grain to market in good shape.

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

The House resolved itself into a Committee of the Whole on the bill.

(In the Committee.)

On clause 1.

Hon. Mr. SCOTT—This clause relates to the appointment of inspectors. It is proposed to have one inspector for Manitoba and the North-west, and one for the other parts of Canada. The only change is adding the letter "s" to the word inspector.

The clause was adopted.

On clause 4.

Hon. Mr. FERGUSON—What is the difference in regard to hay? I cannot see any.

Hon. Mr. SCOTT—I do not think there is any. They thought the simpler way would be to insert a new classification so as to have the law all together.

Hon. Mr. ALLAN—It just repeals the old clause and re-enacts it.

Hon. Sir MACKENZIE BOWELL—It makes different grades in Manitoba.

Hon. Mr. POWER—What is the difference?

Hon. Mr. SCOTT—Seventy-five per cent of hard red fife wheat instead of sixty-six and one-third per cent.

Hon. Mr. POWER—It is really going back to the provisions of the Revised Statutes. By the previous statute you were not allowed to mix anything.

Hon. Mr. PERLEY—This extra hard should weigh sixty-two pounds to the bushel. That is the quality of it, but sixty pounds would be a bushel.

The clause was adopted.

On clause 5.

Hon. Mr. McCALLUM—Do they raise much winter wheat in Manitoba?

Hon. Mr. PERLEY—None at all.

Hon. Mr. McCALLUM—Then this applies to Ontario?

Hon. Mr. SCOTT—Yes.

Hon. Mr. McCALLUM—There is very little wheat in Ontario which weighs sixty-two pounds. It is considered that sixty pounds is fair weight for red wheat or white wheat either.

Hon. Mr. POWER—The hon. gentleman will see that this applies to wheat grown in Manitoba and the North-west Territories. On page 2, at line 23 it states:

> All wheat in the preceding six grades shall consist wholly of wheat grown in Manitoba and the North-west Territories, or in Ontario west of Lake Superior.

Hon. Mr. SCOTT—The classification of winter wheat will be found further on in the bill.

Hon. Sir MACKENZIE BOWELL—If it weighs 62 lbs. to the bushel it is graded as extra white winter wheat, and it would be worth more, but the standard weight is 60 lbs.

Hon. Mr. FERGUSON—I understand that down to line 29 in section 4 it refers to Manitoba and North-western wheat, and after that all through the bill we are dealing with the produce of Canada generally.

Hon. Mr. McCALLUM—If it is to apply to Ontario, we do not raise any such wheat. You might get 62 lbs. in one case, but it

would be an exceptional case. Red wheat generally weighs more than white wheat. I do not think we should have it classed so that we cannot have number one.

Hon. Mr. SCOTT—If the hon. gentleman will look at the next paragraph he will see what applies to Ontario.

Hon. Mr. McCALLUM — Why does clause 4 apply to Manitoba when they do not raise that kind of wheat?

Hon. Mr. MILLS—The provision in this clause reads as follows :—

All wheat in the preceding six grades shall consist wholly of wheat grown in Manitoba, the North-west Territories, or in Ontario west of Lake Superior.
No. 1 spring wheat shall be sound and well cleaned, weighing not less than sixty pounds to the bushel.
No. 2 spring wheat shall be sound and reasonably clean, weighing not less than fifty-eight pounds to the bushel.

The legal bushel is 60 lbs., but if a bushel by measure weighs 62 lbs. it falls into the first class.

The clause was adopted.

On clause 6.

Hon. Sir MACKENZIE BOWELL—The Dominion Weights and Measures Act chap. 104 of the Revised Statutes, 49 Victoria, declares what the weight of oats is. It must be 34 lbs. That Act has not been repealed.

Hon. Mr. SCOTT—There is no change in the weight.

Hon. Mr. McCALLUM—I think we should give the farmers some encouragement to clean up their oats before going to market, and we should make some difference in the weight of number one oats and number two oats and number three oats.

Hon. Mr. LOUGHEED—The difference in the oats is in the cleaning.

No. 1 oats shall be sold plump, clean and free from other grain.
No. 2 oats shall be sound, reasonably clean and reasonably free from other grain.

Hon. Mr. McCALLUM—At the same time it is 34 pounds. One must be clean and the other must be reasonably clean.

Hon. Mr. SCOTT—But all oats require to be 34 pounds to the bushel.

Hon. Mr. McCALLUM—They might be buying chaff instead of grain.

Hon. Mr. SCOTT—It would not be reasonably clean.

Hon. Mr. McCALLUM—If it took a bushel and a half to weigh 34 pounds the purchaser would only pay for a bushel. We should encourage the people to sow good oats and clean them properly and encourage them to get them into market. In my opinion there should be a weight set for a bushel of oats.

Hon. Mr. CLEMOW—How much would number one weigh?

Hon. Mr. McCALLUM—Thirty-four pounds.

Hon. Mr. CLEMOW—And No. 2.

Hon. Mr. McCALLUM—Thirty-two pounds, and No. 3 thirty pounds. In my part of the country I raise a good many oats and buy and sell a good many oats, and also buy and sell wheat. I raise everything of that kind, and I want to know what we are doing. I do not want an inspector to condemn the oats without good reason.

Hon. Mr. SCOTT—What do you suggest?

Hon. Mr. CLEMOW—I think we should say that No. 1 should weigh thirty-four pounds.

Hon. Mr. SCOTT—They all weigh that.

Hon. Mr. McCALLUM—But No. 2 cannot weigh that.

Hon. Mr. SCOTT—But it must.

Hon. Mr. McCALLUM—But when you speak of a bushel by measure, No. 1 should weigh thirty-four pounds, and No. 2 thirty-two pounds, and No. 3 thirty pounds. That would be better, and I think it is common sense. It would be an encouragement to people in the country to clean their grain in a proper manner. If we are going to have an inspector to inspect a farmer's load of oats as it comes in to pass an inspection, and say whether it is No. 1 or No. 2, it will make no difference as long as it gives the weight whether it is chaff or oats.

Hon. Mr. SCOTT—Are you satisfied with the law as it is?

Hon. Mr. McCALLUM—I am not. I want a weight put on the oats, to show the

difference between No. 1, No. 2 and No. 3. It is easy enough to say that No. 1 shall weigh thirty-four pounds, No. 2 thirty-two pounds, and No. 3 thirty pounds.

Hon. Mr. POWER—It might be very easy to do that ; still it is a very important matter, and I suppose, as this bill represents the opinions of a number of other people, it might be wise not to proceed further with the bill, but to allow the hon. gentleman from Monck to have an interview with the minister and the bill could be referred to the committee again to-morrow.

Hon. Mr. SCOTT—We will let the clause relating to oats stand.

Hon. Mr. MACDONALD (P.E.I.)—I cannot agree with the hon. gentleman from Monck. Oats are generally bought at a certain price per bushel. The hon. gentleman says that No. 1 oats should be thirty-four pounds, No. 2, thirty-two pounds, and No. 3, thirty pounds. Would the purchaser of oats, according to that, give 34 cents for a bushel of oats weighing thirty pounds? If the inferior grain is to bring the same price as the better oats, it should have more weight. But it is not according to the quantity per bushel that the price is paid, but according to the weight of the article and the quality. For a bushel of No. 1 oats, say a man receives thirty-four cents, and for a bushel of No. 2 oats the same weight, but an inferior quality, thirty two cents, and for No. 3, thirty cents. It is in the price, not the weight.

Hon. Mr. MILLS—A bushel of good oats by measurement will weigh a good deal more than a bushel of inferior oats, and as the grading is according to the quality, and that quality is indicated by the weight, it is important, perhaps, to grade oats, and oats will weigh sometimes thirty-eight pounds to the bushel.

Hon. Mr. MACDONALD (P.E.I.)—Yes, and forty-two pounds to the bushel.

Hon. Mr. MILLS—And so it is perhaps as well to let the oats remain untouched to-night, and go on with the remainder of the bill.

Hon. Sir MACKENZIE BOWELL—Why is there any distinctiom made between rye and barley? The bill provides that No. 1 barley shall be plump, bright, sound, clean and free from other grain, but it does not give the weight. No. 2 shall be reasonably clean and sound, but not bright and plump enough to be graded as No. 1, and shall be reasonably free from other grain and weigh not less than forty-eight pounds.

Hon. Mr. POWER—That is the law as it stands.

Hon. Sir MACKENZIE BOWELL—Well, what if it is? Then the next is forty-five. Why does that not apply to rye as well? Pease remains the same.

Hon. Mr. McCALLUM—The colour of the barley regulates the price a good deal. A great deal depends on getting in barley bright and nice. The brewers will pay a good deal more for barley of a good bright colour: they think more of the colour than they do of the weight; I have bought many thousand bushels of barley and I know that is the case. On the other side, the brewers paid more attention to the colour of barley than they did to the plumpness. If it had a good colour the farmer could get a good price.

Hon. Mr. FERGUSON—With regard to barley, my hon. friend asked the question why No. 1 barley did not call for any particular weight. I am sorry I could not hear my hon. friend from Monck, because I have no doubt he understands this question very well. If my hon. friend from London was present he could put us right on this question in a moment, but I understand that No. 1 is intended to be a malting barley, and it must be plump, bright, sound, clean and free from other grains, and it must be of undoubted germinating qualities. For such a barley as that, it is not so necessary to put in a weight at all if it complies with the other conditions. Also there is slight amendment necessary in regard to oats. No. 1 oats shall be sound, plump, clean and free from other grain. I can scarcely say whether No. 1, No. 2 and No 3 oats should not have weight attached to them as indicating their quality. It is just as true of oats as it is of barley and wheat. The grain that will show the largest weight, assuming all are equally dry, is the most valuable grain. And I think in oats there should be another distinction drawn. No. 1 oats should not only be sound, plump, clean and free from other

grains, but it should be free from oats of a different colour. For instance you take white oats with an admixture of black oats, and it would be certainly disqualified for some purposes. However, as I have understood that the clause relating to oats is to be laid over until to-morrow, that is a matter which my hon. friend who has taken such an interest in it can consider in the meantime.

The clause was adopted.

Hon. Mr. PERLEY moved that the following be inserted as clause 14*a* :

That when the House is in Committee of the Whole on Bill No. 156, "An Act further to amend the General Inspection Act," he will move the insertion of a clause providing "that whenever there shall rise a difference of opinion between any farmer selling wheat and any wheat buyer as to the grading of such wheat, the farmer while taking the price offered for his wheat as of lower grade than that to which, in his opinion, it belongs, may insist on a sample being selected and agreed on between buyer and seller, which sample shall be parcelled and sealed and sent to the chief inspector at Winnipeg, and the said chief inspector shall grade the said wheat without delay and make a return of his grading to both parties, and if the said chief inspector finds the said wheat to be of a higher grade than that on which the price had been already paid, then the said buyer shall pay to the farmer aforesaid the difference between the price which he had already been paid and that which should have been paid in the first instance had the grade fixed by the chief inspector been agreed upon at the time of sale.

As I have explained, the bill up to this point is in the interest of speculators and traders in grain ; none of it is in the interest of the farmer. I have talked over this proposed amendment with the minister and he approves of it. Let me illustrate how the present system works : I am a farmer at Wolseley and I drive in with a load of 50 or 70 bushels of wheat. I find three or four buyers at Wolseley and the first one that can get on my load opens a bag and says, "your wheat is No. 2 and I will give you 55 cents for it." I claim that it is No. 1, but he will not allow more than No. 2. The other buyers look on and will not offer a cent. The prices are wired to the buyers every morning from Winnipeg so that I have nothing to say about the price of my wheat. The question between us is as to the grade. Now, what I ask by this amendment is that the buyer select a sample and send it to Winnipeg. In the meantime, I will accept payment for the wheat as No. 2. If the inspector grades the sample as No. 2, there is an end of it. If he grades it as No. 1, I propose by this amendment that the buyer shall give me the difference between the price of No. 1 and No. 2 wheat. That is fair and honest and the man who is not willing to accept that is not an honest man.

Hon. Mr. CLEMOW—What is done now?

Hon. Mr. PERLEY—You have to take what the buyer offers ; you have nothing to say about it.

Hon. Mr. CLEMOW—Is there any appeal from that ?

Hon. Mr. PERLEY—No.

Hon. Mr. MACDONALD (P.E.I.)—Would it not be simpler to say that where there is a dispute between the farmer and the buyer, an appeal shall lie to the chief inspector ?

Hon. Mr. PERLEY—That is the object of the amendment.

Hon. Mr. FERGUSON—The amendment is fair to both parties, and I do not see how any one could object to it.

The amendment was adopted.

Hon. Mr. SNOWBALL, from the committee, reported that they had made some progress with the bill and asked leave to sit again.

SAFETY OF SHIPS BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (170) "An Act respecting the safety of ships." He said :—This bill has not been circulated in its Senate form. I may say that the bill, as introduced in the House of Commons, consisted of eight or ten clauses but it has been cut down to one single paragraph, and the purpose of that is that any steamship sailing from any port in Canada on or before the 12th October in each year to any place out of Canada, shall not be subject to any of the restrictions therein provided as to deck loads. This bill amends section 3 chapter 44 of the Act of 1894.

Hon. Mr. McCALLUM—What about sailing vessels ?

Hon. Mr. SCOTT—They are still subject to the existing regulations. I should like to take the second reading of the bill now and the committee stage to-morrow.

Hon. Mr. POWER—At the present time the underwriters in England charge unduly high rates on vessels and freight going through the Gulf of St. Lawrence, and if we diminish the restrictions upon deck loads, there is a risk that the rates of insurance may be still further increased, and it is just as well to see our way clear before passing the measure.

Hon. Mr. McCALLUM—That does not follow.

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

ROADS AND ROAD ALLOWANCES ACT AMENDMENT BILL.

SECOND READING POSTPONED.

The order of the day being called :

Second reading Bill (175) "An Act further to amend the Act respecting the roads and road allowances in the province of Manitoba."

Hon. Mr. SCOTT said : This bill has not been distributed. It consists of two short paragraphs. Hon. gentlemen will know that the surveys of the North-west were all run out at right angles of the road allowances. In many instances trails have been previously made, and the public found it much more convenient to adhere to the trails than to be forced to make straight roads, and in many instances those trails have been confirmed and a plan has been filed in Winnipeg.

Hon. Mr. McCALLUM—We had better have the bill before we take the second reading.

Hon. Mr. SCOTT—I was merely explaining what the bill was. It is the substitution, in some instances, of trails in accordance with the plan filed in the city of Winnipeg, confirming those trails as road allowances. Perhaps we can take the second reading now and the House can go into committee to-morrow.

Hon. Mr. McCALLUM—Oh, no. Take the second reading to-morrow.

Hon. Mr. MACDONALD (P. E. I.)—I should like to inquire whether any of those lines extend beyond the province of Manitoba.

Hon. Mr. SCOTT—I do not know, but I think very likely that they do.

Hon. Mr. McCALLUM—We must see whether it interferes with the rights of the settlers or not.

Hon. Mr. SCOTT—Then I move that the order of the day be discharged and that the bill be placed on the order of the day for to-morrow.

The motion was agreed to.

CITY OF OTTAWA BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (187) "An Act respecting the city of Ottawa." He said :—For some years an agitation has been going on in the city of Ottawa tending to show that the government of this country is not allowing a fair sum for the necessary improvements the city has been obliged to make in connection with the presence here of the seat of government. The city naturally had a very ambitious desire that the necessary improvements consequent upon Ottawa being the capital of the Dominion should be carried out, and certainly they did their share towards it.

Hon. Mr. McCALLUM—To make it the Washington of the North.

Hon. Mr. SCOTT—The city built a number of bridges here which should properly have been built by the government. The Maria street bridge is on a concession line, and in addition to that, it crosses the canal, and wherever bridges are built across the public canals of the country they are invariably built by the government. The bridges at the Chaudière over the slides were built by the city, and the bridge leading to the Chaudière. As hon. gentlemen know, the slides have been a revenue paying improvement. The timber descending those slides always pay duties to the Crown. I do not know how it has been in recent years, but very many years ago when I gave attention to the subject the revenue derived from the Ottawa improvements was equal to over 6 per cent on the outlay. I do not suppose that rate has been kept up, because the quantity of timber passing down the slide is not equal to what it was many years ago. The city of Ottawa has now gone to its limit in the way of taxation, and most of the recent improvements are improvements made on what is called frontage tax. That is, the land fronting on the improvement is specially

taxed, the city paying one proportion and the owner another. Of course there can be no tax levied on the government property, and I suppose I am well within the mark when I say that there must be a mile of frontage of property occupied by the Crown. Take the frontage on Wellington street, the geological department, the fisheries exhibit, the various public offices in Ottawa, the Cartier square frontage and the frontage along the canal, it would amount to more than that distance. So that had the government property been paying a frontage tax, a very considerable amount would have been levied upon it. The city has been receiving in cash about $15,000 a year for the water supply of the various departments, the Geological Survey branch, the Printing Bureau and other public buildings within the city. It is believed that that is not a fair proportion on what would be the assessed value of the government property. Apart from that, the city have found it necessary, more particularly since the recent fire in the western block, to largely increase the cost of the fire department under the belief that the government would contribute towards that expense. An independent pipe has been laid specially for the government buildings, and increased protection has been afforded, until now it is to be hoped the buildings are reasonably secure. If the upper portions of the eastern block were changed from being the fire trap that they are, similar to the improvements that have been made in the western block, it would make them fire proof. This bill proposes to add to the $15,000 that has been paid for water, the sum of $45,000 making the whole amount $60,000, to be paid annually to the city towards the improvements that have been carried out. This money is not to be handed over to the city, but to be given to a board of commissioners, three of whom will be appointed by the government and one by the city. The board will be entrusted with the expenditure of this money, but their proposals and estimates must first be submitted to the government for their approval, but the accounts must be passed, as any other government accounts, and paid in the regular way. Those are the main clauses of the bill. It has been pretty widely discussed, and I think it may be considered reasonably fair, and the result will be, I hope, that very considerable improvement will be made in the streets, at all events those bordering on the government property. I think hon. gentlemen will all admit that Wellington street, opposite the buildings, should be asphalted. We all know that an immense amount of dust is blown in from that street at present, to the serious inconvenience and injury, no doubt, of government papers in various offices during the summer season. Dust floats in at all seasons. Improvements should be made in the vicinity of Rideau Hall. Great complaint has been made there of the state of the roadway, and it is to be hoped that this board, which it is proposed to appoint under the bill now before the Senate, will be enabled to point out in what way improvements can be made that will serve not only the interests of the city, but will add to the beauty and improvement of the capital.

Hon. Mr. CLEMOW—I cannot allow the motion to pass without saying a few words.

Hon. Sir MACKENZIE BOWELL—Is the hon. gentleman to move the six months' hoist?

Hon. Mr. CLEMOW—Oh, no. The city of Ottawa was selected a number of years ago by Her Majesty the Queen to be the capital of the Dominion. It was utterly impossible for the people of this country to agree upon a site themselves, and it was left for the determination of Her Majesty. Notwithstanding the fact that Toronto, Montreal and other places with large influence and wealth had desired to obtain the distinction, still Her Majesty, considered the subject in the interests of the whole Dominion and decided in favour of Ottawa. This, of course, caused an immense amount of disappointment to the various other places, where the people expected that they would obtain the advantages incidental in their favoured localities having the seat of government in the future. But when the information was received that Ottawa was selected, Ottawa, as you all know, was a comparatively small city of no wealth, and with very little to recommend it in the way of general improvements, and therefore, of necessity, the amount to be expended to render to suitable for the accommodation of the legislative bodies was considerably in excess of the amount at the disposal of the municipality at that time. But Ottawa having confidence in its future, and pos-

sessing all the necessary facilities for a seat of government that would be considered desirable in the future by the people of this country, expended a very large amount of money in anticipation of these improvements that were a necessity at the time. They constructed the different bridges over the Chaudière and the timber slides, all this involving a very large expenditure of money, for which the city had to become responsible. They also had to erect waterworks of large size for the purpose of supplying water to these buildings, and generally in every way they spent a very large amount of money which had to be paid by the inhabitants of the city irrespective of any government assistance. The government for many years contributed nothing at all towards the general improvements of the city. The feeling was so intense against Ottawa that it was utterly impossible to obtain a grant even of an insignificant amount for the purpose of meeting this expenditure? Therefore, the city had to undertake it on their own responsibility, and I can assure hon. gentlemen from personal experience that there has been a large amount expended by the inhabitants of the city at that time, which continues a charge upon the city's ratepayers and resources, and will continue so for very many years to come—I can speak feelingly on that point, having had to contribute myself and still contributing annually a very large amount of money for the purpose of meeting this extraordinary expenditure, which was undertaken as necessary for the purpose of making the city what it ought to be as the capital of Canada. They accomplished this, I may say, without any aid from the government. I am glad to see that the government have taken the subject in hand and intend to render substantial assistance in the future for the purpose of carrying out what remains to be done in the way of further improving the city and surroundings. It was an unfortunate thing at the time when the seat of government was established that they did not establish, as was the case at Washington, a commission for the purpose of having all these works undertaken under the supreme management of the executive government. They did not do that and therefore it rested entirely with the inhabitants of the city, small in number and possessing no wealth of any consequence, and I can assure hon. gentlemen that it has been a severe drag upon the people of the city. I do not under-value the great advantages that have been derived by the city and surrounding country, with respect to the seat of government itself, but the people of those days, the mercantile community and those who were engaged in carrying on a profitable business, were to a very great extent prevented from carrying on their usual avocations, because a large number of people came in for the purpose of dividing that business which was certain to arise by the increase of population and by the fact that it became the seat of government. Therefore, I can assure hon. gentlemen that it was with great difficulty, and it required a great deal of nerve for the people controlling the destinies of the city, to accomplish all the improvements without receiving aid from the government. They had also to provide a police force commensurate with the necessities of the times, and to provide an efficient fire brigade, and now I believe we have a brigade equal to any in Canada. They perform their part of the contract in a manner that must be agreeably surprising to every hon. gentleman visiting the capital. Now, we possess all the natural advantages and we have a site equal to any other in the country, and I think the selection of Ottawa was a wise decision on the part of Her Majesty. It was said at the time that there was a disadvantage in choosing Ottawa because we were so far removed from Montreal and other outside places. But what do we find to-day? What we predicted then is coming to pass. We can travel from Ottawa to Montreal in two hours, and if the further improvement of railway communication is to take place, as it is proposed, running at the rate of two hundred miles an hour, the distance between here and Montreal is nothing.

Hon. Mr. MILLS—The hon. gentleman would become baldheaded if he travelled on a train going at that rate.

Hon. Mr. CLEMOW—They are going to construct a railway in the States on which they will make that speed. It shows that the decision to make Ottawa the capital of the country was a wise one, and Ottawa possesses all the qualifications to make it the pride of the whole Dominion. I am glad to find that there is a feeling of this kind at the present time. I have never seen a man who came to Ottawa who did not go away well satisfied, in fact, astonished at the beauty and natural resources that the city

possesses in the way of making it the Washington of the North. Therefore, I hail with satisfaction the announcement that tardy justice is to be given to the city of Ottawa, and I hope the government will take the matter in hand themselves and take the entire management and control of the works constructed in the future. I do not believe in placing any portion of it in the hands of the municipal authorities. We all know the municipal authorities have local and sectional prejudices, and it is not likely to be carried out as efficiently as it would be under the management and control of the government of the country. Therefore, I should be very much pleased if the government would take it in their own hands, because they would have the work constructed in a proper and systematic manner, and I should prefer that the entire sum of money, instead of being frittered away at the rate of $40,000 or $45,000 a year should be capitalized, and that the work should be proceeded with as soon as possible, in order that old men like myself who have been here for the last 50 or 60 years may have an opportunity of seeing and enjoying the advanced state of the capital after all those improvements have been made.

Hon. Mr. MILLS—You will look down upon them.

Hon. Mr. CLEMOW—Some years ago property could have been had on Sparks street, from Elgin to O'Connor, at a comparatively small price. I believe that property could have been had there in those days at a price less, if anything, than has been paid for the site of Langevin block, and it will be necessary for the increased accommodation of the public service in the near future. We will require an addition to the House of Commons and to the Library, and greater accommodation for the civil servants of this country, and the sooner it is undertaken the easier it will be to accomplish it. I do not know that the government could purchase property on Sparks street now at any reasonable figure. It was a mistake that it was not secured when the values were low. The public thought that these buildings, when designed and erected, would be sufficient for all time to come, but the country is progressing so rapidly that extensive improvements will soon be required in those buildings. The city also undertook to supply Rideau Hall with water, and besides placed a 15 inch pipe from the Chaudière to these buildings. Supposing these waterworks had not been constructed, the amount of money required to keep the public buildings insured, would have involved a large annual outlay, whereas with this fire protection and water supply, the government only pay some $9,000 a year, and only for a few years of late $14,000. At the price paid by ordinary water consumers it would be $45,000 per annum. All the improvements in the past have been entirely at the expense of the city; therefore, I think now the city of Ottawa, having so well performed its part, the government certainly should and will do what will be necessary in the future, to make it as it ought to be the great Washington of the North. Therefore, I hail this bill with pleasure and satisfaction. I hope there will be no objection to it. I do not think there is a man in the country who could object to it at the present time, although it would not have met with such favour a few years ago. I was glad to hear the other day my hon. friend from Toronto (Mr. Allan) eulogizing Ottawa in the way he did. It shows that the public are realizing the importance of the city, and will take a pride in making the capital of the Dominion what it ought to be. It is no longer Bytown,; it is the capital of the country, and every man has the same right as the residents of the city to claim ownership of this capital and its surroundings. The government deserve credit for bringing forward this measure and giving it the first instalment that is necessary to make Ottawa what it ought to be. I again impress upon the government the necessity of taking the whole of the work into their own hands, and not have any interference from municipal or other parties. They should capitalize this grant and make the improvements in a manner that will show in the future, at all events, that everything will be done in a manner deserving the praise of every one who visits Ottawa. Under the circumstances, the people will stand by the government in carrying out a scheme of public improvement that will reflect credit on them and make our capital a city that the country will be pround of. Other countries have contributed in many ways to the improvements of their respective seats of government. Great Britain, the Australasian colonies, South Africa, France and the

United States have all given substantial aid in building up their respective capitals, and I feel that the people of this country will support the government in trying to make the capital of the Dominion what it ought to be. I hope the measure will receive the unanimous support of the Senate.

Hon. Mr. McCALLUM—I do not rise for the purpose of opposing this measure. The hon. gentleman from Rideau went into ancient history about Montreal and Toronto, and talked of the benefit that the people of this country have got from the city of Ottawa, but he must remember at the same time that the country has conferred a great benefit on Ottawa by selecting Ottawa as the capital. I must say for the people of Ottawa, however, that they are enterprising. There is quite a change in this city in the last thirty years, to my knowledge. In years gone by you could hardly get down the streets for three months in the spring; it was more like a barnyard than anything else. There is no place in Canada where there has been more improvement than Ottawa, but at the same time, when my hon. friend is giving so much credit to this city for what it has done for the government and the people of Canada, he must not forget that the government has conferred a great benefit on the city of Ottawa. The city would be very little if it were not for the government of the country. It is true that the people of the city of Ottawa wait on us, but they take our money. I thought he might as well have left ancient history alone. Her Majesty selected Ottawa and gave as a reason for doing so that it was away from the frontier.

Hon. Mr. LANDRY—In the woods.

Hon. Mr. McCALLUM—Yes, in the woods. This is an age of progress: let the money fly. We have $60,000 more added by this bill to the expenditure of the country. The present government were put in power to reduce the expenditure. I am not opposed to an expenditure for which we get value.

Hon. Mr. CLEMOW—You will get it in this case.

Hon. Mr. McCALLUM—I question that. The hon. gentleman talks about the waterworks and what an advantage they have been to the government of this country. Well, they have been paid for it all.

Hon. Mr. CLEMOW—Not by the government.

Hon. Mr. McCALLUM—Why, you have been bleeding us all the time. Take the government away from Ottawa and what would you have? However, as my old friend here from Rideau (Mr. Clemow) is very desirous to have this bill, it is an inducement to me to vote for it. Neither of us has long to remain here, and as the Minister of Justice says, we will be looking down on the city of Ottawa and I hope we will find it a beautiful spot. The only objection I have to the bill is that it is adding to the burdens of the people. Every move is adding to the public expenditure, and you do not think much of the rural population who have to pay the bill. It is about time you called a halt. I do not say stop on this, and I am not going to oppose it, but I hope the government will see that the money is properly spent. When we come back, after some of this money is expended, we will have a look to see where it has gone, and what value we are getting for it.

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

BILL INTRODUCED.

Bill (191) "An Act further to amend the Act respecting the Senate and House of Commons."—(Mr. Mills.)

THE ALASKAN BOUNDARY.

Hon. Sir MACKENZIE BOWELL—Before the motion to adjourn, I should like to ask the Minister of Justice if he can answer the question I put to him with regard to the telegram that appeared in the *Globe*, stating that the Senate rejected the Redistribution Bill on account of its being unconstitutional, and also whether the interview purporting to have taken place between the Premier and some United States gentleman who was here is correct. Can the hon. gentleman answer either or both of these questions.

Hon. Mr. MILLS—I only heard one question put by the hon. gentleman that relating to the information that appeared in the *Globe*. I am not in a position to answer that, because really I have had no opportunity of making an inquiry to-day, nor did I think of it when I was present where my

colleagues were, and so I cannot answer the hon. gentleman.

Hon. Sir MACKENZIE BOWELL—The same answer I suppose will be given with regard to the other question, as to whether that interview took place and whether the Premier used the expression he is alleged to have made.

Hon. Mr. MILLS—I suppose my hon. friend saw the report in the papers with regard to the Prime Minister that he received no invitation to go to Chicago, but that he was expecting one.

Hon. Sir MACKENZIE BOWELL—That is not a reply to my question, I did not ask whether he received any invitation; I asked whether he can answer the question: did that interview take place, and if it did take place, did the Premier give expression to the sentiments attributed to him?

Hon. Mr. MILLS—I say again I know nothing except from the report I saw in this evening's paper and, of course, the interview reported could not have taken place if the Prime Minister received no invitation to go to Chicago; because my hon. friend will see that the whole statement was based on the assumption that a certain gentleman had come here and invited the Premier and His Excellency to attend the laying of a corner stone of some public building in Chicago, and if he has not yet received the invitation, certainly the statement could not have been accurate.

Hon. Mr. LANDRY—Did the interview take place?

Hon. Mr. MILLS—That interview could not have taken place. That is clear enough.

Hon. Mr. LANDRY—That is not clear.

Hon. Sir MACKENZIE BOWELL—The answer is not satisfactory, nor has my hon. friend touched the point at all. The interview does not say that the invitation was given. On the contrary, the interview is to this effect, that the gentleman came here to ascertain whether the Premier and the Governor General would accept an invitation when it was sent to them. The statement made in a newspaper, when the authorities of Chicago had their attention drawn to it, was that no invitation had been sent. My hon. friend says that no invitation had been received, and consequently no interview took place. That is not a correct answer to give. An interview might have taken place and the Premier might have made the statement that he is alleged to have made, and yet not have received an invitation, because the interview stated that Mr. Fitzpatrick came to Ottawa to ascertain whether he would, and the answer received was that the personal attacks made on the Premier, and the unfriendly action of the United States in reference to this Alaskan boundary, were of such a character that he would not go himself or advise His Excellency to go. I want to know whether the Premier did say so, or not.

Hon. Mr. MILLS—I have had no conversation with the Premier or anydody else, and the only other party who could have any knowledge of the matter, I suppose, would be this Mr. Fitzpatrick, who is reported to have interviewed the Premier. I have had no conversation with either. I know nothing, except what has appeared in this evening's paper, as to what the Prime Minister himself has said, and I infer from that that the Prime Minister did not receive any invitation, nor would I infer that any person had come all the way from Washington to know whether he would accept an invitation or not. That, of itself, would be a very unusual proceeding. My recollection is, from a cursory perusal of what was said in reply to Mr. Davin in the Commons, if I remember correctly, no discussion or controversy took place between Sir Wilfrid Laurier and any gentleman from Washington in respect to the statement in the United States paper upon the subject of the Alaskan boundary.

Hon. Mr. LANDRY—Did they meet?

Hon. Mr. MILLS—My hon. friend will have to inquire for himself; I have no knowledge of it.

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman had said that without an explanation, it would have been better. The explanation is no answer to my question. I was led to a different conclusion in reading the Premier's reply to Mr. Davin. He simply said: "I decline to answer any question," and moved the adjournment. That would imply that the report was true,

and he did not wish to answer. Will the hon. gentleman take the responsibility himself, or does he consider it not of sufficient importance, to say to the Premier that this question had been asked in the Senate, and to ascertain whether he can say yes or no; or whether the interview took place, and whether he was misrepresented?

Hon. Mr. POWER—There are two statements in the papers. I think the one that the hon. leader of the opposition mentioned last, referred to what took place on the first occasion at the adjournment of the House. Then, at a subsequent meeting, the Premier made an explanation which is substantially identical with the statement made by the Minister of Justice now. I feel we are getting too much in the habit of quoting statements made by United States newspaper correspondents. Without saying anything about newspaper correspondents generally, I have no hesitation in saying that United States newspaper correspondents, as a rule, are not remarkable for the accuracy of their statements, and it would be more in accordance with the dignity of this House that those statements should not be noticed; or if the hon. gentleman wishes for accurate information, the better way is to put a notice on the order paper and get it in the regular parliamentary way. Here we have the hon. leader of the opposition and the hon. leader of the government differing as to what a certain paper said about some probably imaginary interview. That is not the sort of business we should be doing in Parliament.

Hon. Mr. FERGUSON—My hon. friend is no doubt right with regard to the tendency of newspapers to exaggerate, and very often magnify a molehill into a mountain, in regard to interviews with public men, but there is this fact which makes the Parliament of Canada rather more than usually interested in these United States newspapers when they report the Premier of Canada. We all remember that one the first things the present Premier did when he took office was to give himself away with regard to the future policy of the country to a Chicago newspaper. A very lengthy interview was published in which he discussed with the utmost freedom the policy of the government as compared with that of the previous government in regerd to international matters. That has made the people of Canada more than usually interested in these United States interviews.

Hon. Sir MACKENZIE BOWELL— I quite agree with the hon. gentleman from Marshfield in reference to United States newspaper reporters. I had a conversation with a reporter from the Brooklyn *Eagle*. I read the interview purporting to have taken place between him and me, and the latter portion of it put in my mouth sentiments that I never even thought of, and certainly those who know me would not believe I gave expression to—that is that I found fault with regard to the government of this country from the other side of the ocean. I did not consider it important enough to call attention to it, but when statements are alleged to have been made by the Premier of Canada, it is another thing. When I want instructions as to what constitutes the dignity of this House and the maintenance of the dignity of the Senate, I shall certainly not ask advice of the hon. gentleman from Halifax as to what course I should pursue. I fancy I understand what my rights are as well as the hon. gentleman does, and I trust that I have not so far transgressed those rights, or infringed on the dignity either of the House or the gentlemen who occupy seats in it; but when a public question comes up, which must of necessity, if it be true, create ill-feeling between this country and our neighbours across the line, I am quite within my right to ask whether the occurrence ever took place or not. I should like to ask the hon. gentleman and those with whom he has been acting for the last ten or fifteen years, if an incident of that kind had occurred with a minister of the late government, what denunciations would have been hurled at their head for attempting to rouse the passions of people across the line. We have been charged over and over again with being dishonest when our every endeavor had been to protect honest government in connection with the trade of this country; and whenever any intercourse has taken place between the two countries, or any negotiations between the two, the leaders of the Liberal party have declared it was a sham and a fraud, and that we never really meant what we were doing. If Sir John Thompson, or any other Conservative Premier of this country, had given expression to the sentiments which are

alleged to have been uttered by the present Premier, it is not difficult to divine what these gentlemen would have said, and the manner in which they would have hurled denunciations against the government as being hostile to the United States and desirous of stirring up the very worst passions. I have no desire to do that. On the contrary, I hope to see the same course pursued by this government, as by the last, and that is, cultivating the most amicable relations between the two. In rising to-day to ask a question, it was for the Purpose of giving the premier of this country an opportunity of denying in toto that he had ever uttered sentiments which, I repeat, would create ill-feeling throughout the whole of that country. I took that course with no desire to embarrass the government or to impair the dignity of the House which my hon. friend has so much at heart. I have not read what appeared in the evening paper, or probably I should not have called attention to this matter.

Hon. Mr. MILLS—The *Evening Journal* has this report of what Sir Wilfrid Laurier said :

Let me say one word, not because the hon. gentleman has brought the matter to the attention of the House, but because several newspapers have taken hold of it. There has been an interview published in a Washington paper attributing words to me of a certain character, which the hon. gentleman has just mentioned. I did not take any notice of that interview, and I do not propose to do so. This interview was not published by me; it was an interview of a reporter of the Washington paper with a Mr. Fitzpatrick, and Mr. Fitzpatrick has put words into my mouth for which I do not hold myself responsible. If I wish to say anything to the public I will say it myself and in my own way, not through any other party. I have received no invitation so far from the Chicago authorities to take part in the demonstration proposed to be held in the month of October. I understand that one is coming, in fact, I have been informed unofficially this morning that one is on the way, and when it comes I shall certainly treat it with the courtesy that is due to it, not only because of the position I hold, but on account of our relations with our neighbours.

That is the answer which the Prime Minister has given to the question. I think I gave to my hon. friend a fair summary of that statement, and I am not in a position to state anything further.

Hon. Mr. LANDRY—That answer is not satisfactory.

DELAYED RETURNS.

INQUIRY.

Hon. Mr. FERGUSON—I should like to ask the hon. Minister of Justice whether he is yet in a position to bring down the returns which I moved for some time ago in reference to the oils furnished to the Intercolonial Railway.

Hon. Mr. MILLS—I am not in a position, and I was told by the Minister of Railways that it would take some little time to prepare the statement. Further than that he informed me that my hon. friend opposite has entirely misinterpreted the information which he gave.

The Senate adjourned.

THE SENATE.

Ottawa, Wednesday, 9th August, 1899.

THE SPEAKER took the Chair at Three o'Clock.

Prayers and routine proceedings.

THIRD READING.

Bill (182) "An Act respecting the Department of Customs and Inland Revenue."—(Mr. Mills.)

CHARLOTTETOWN AND MURRAY HARBOUR RAILWAY BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (183) "An Act to authorize the construction of a Branch Railway from Charlottetown to Murray Harbour, as a public work." He said :—I understand that the construction of this railway involves a very expensive bridge, and negotiations have been going on between the federal and provincial governments as to the proportion which the provincial government shall contribute. The provincial government have agreed to contribute, provided the bridge is constructed for carriages and foot passengers as well as for the purposes of a railway. The bill provides for the construction by the government of Canada of a railway from a point, in Prince Edward Island, at or near Charlottetown to a point at or near Murray Harbour as a government work. The distance is forty-one miles, and as the bridge crosses an important estuary, the cost of the bridge is very considerable, somewhere be-

tween $800,000 and $900,000, depending, I suppose, largely on the cost of iron. The provincial government are at present negotiating with the Federal Government for the proportion of the cost that they shall bear on condition that the bridge is to be a bridge for carriages and foot passengers. They had offered to contribute $10,000. I think the Minister of Railways is holding out for $12,000 as their portion for a year. This bill was one of the resolutions submitted in the spring of 1896 for the consideration of Parliament, and it has been discussed and is pretty well understood as a work of some importance to Prince Edward Island.

Hon. Mr. FERGUSON—I intend to support the bill. I think it is a step in the right direction, but it is only a step.

Hon. Mr. PRIMROSE—The hon. gentleman wants more.

Hon. Mr. FERGUSON—The question is one of very considerable importance to the province from which I come, and it involves the very wide question which has been in discussion between the provincial government and members of Parliament and the government of Canada for years. It has been a matter of complaint, and very strong complaint, in Prince Edward Island for a great many years that the province was suffering a great injustice in consequence of the construction of railways in other parts of Canada in the benefits of which it did not participate and in regard to which there was no corresponding expenditure in Prince Edward Island. Hon. gentlemen perhaps do not all remember—they are not so much interested in the province of Prince Edward Island as I am—that before the island went into confederation, for the six years between the time the other provinces confederated and Prince Edward Island joined, the island stood out and refused to confederate mainly for these reasons, that the plan of confederation had as a basis the building of the Canadian Pacific Railway, the widening and deepening of the great canals and the construction of the Intercolonial Railway—three great important public works in which it was claimed that Prince Edward Island had no interest whatever—that the people of Prince Edward Island, isolated from the rest of Canada, had no interest in these great public works which would lie within the other provinces, and would be of very great advantage to the whole of them. As far as the Intercolonial Railway is concerned it was rather a disadvantage to Prince Edward Island, because it was held that it would tend to bring western produce to the markets of Nova Scotia and New Brunswick and injure the farmers of Prince Edward Island, who had up to that time those markets to themselves. The result has fulfilled the fears of the people on that point. However, we had to take the good along with the bad. I was going to say that that was the ground of the objection that Prince Edward Island had to confederation, and Sir John Macdonald finally settled that question with Prince Edward Island by agreeing to certain terms of union, by which it was frankly and clearly admitted as clearly as language could do it, that Prince Edward Island was not interested in those railroads and should be idemnified in the terms of union for these great public expenditures. And you will find, by referring to the statutes of 1873, both of the Dominion and of the province, that it was there declared that an allowance should be made to the province of Prince Edward Island on account, not merely of the debt of Canada as it stood then, but on account of the sums that the Parliament of Canada had authorized for the construction of these great public works, and if hon. gentlemen will take the pains to verify the figures they will find that the sum of $45 per head, which was the amount allowed to Prince Edward Island on entering the union, was made up on the debt of Canada as it stood on the 1st of July, 1873, and the authorized expenditure by Canada on public works added. Hon. gentlemen will find, on making the calculation that it comes out exactly right. Adding the amount that was authorized for the expenditure on those three great public works of Canada to the debt as it stood in July, 1873, amounted to $45 per head of the population. An additional $5.00 was given on other grounds. That was all right and appeared to be perfectly equitable, but as years went on Canada undertook the construction of other great works in addition to those then provided for in the terms of union, and in place of expending $30,000,000 on the Canadian Pacific Railway, $62,000,000 was expended; in place of $20,000,000 on the Intercolonial Railway, $50,000,000 was expended; instead of $9,000,000 on the canals, $48,000,000 was ex-

pended, and these are all expenditures which the terms of union, clearly and distinctly set forth. Prince Edward Island, isolated as it was, could have no interest in, and were indemnified for as far as the amount then authorized by Parliament, but in addition to this Parliament largely subsidized railways, a policy originating in 1882 and still continued. The government of Prince Edward Island some years ago laid this whole matter before the government of Canada. The provincial government in 1898 submitted a memorandum which was very carefully prepared. I have gone over the figures and, having traversed the same ground several times, I find they are substantially correct. After making all allowances and making exact calculations, there would be due on a fair and square account to Prince Edward Island $2,174,705.53. That is in order to put Prince Edward Island in the same position as the other provinces of Canada, with regard to railway and canal expenditures, it would call for an expenditure of over $2,000,000 in Prince Edward Island and this was up to the 1st of July, 1897. From that time up to the present, I have some figures here taken from the estimates, and this is what has happened; in this period, covering three years, including the year for which Parliament has just voted a set of estimates, I find there has been, either voted or submitted in the estimates in the present year, or paid, $30,809,381 for railways and canals in Canada. And of that amount I think there has been some $30,000 spent in the province of Prince Edward Island. This $31,000,000 is in addition to the statement, altogether apart from and beyond what was included in the memo. of the provincial government two years ago. At the end of this financial year, if the government use the money they are now asking Parliament to vote, there will be a new expenditure of nearly $31,000,000 on railways and canals embraced in the years 1898, 1899 and 1900. Prince Edward Island is one-fortieth part of Canada, and hon. gentleman will see there is over $760,000 which would be Prince Edward Island's share of that expenditure supposing it were distributed round all the provinces evenly. So, in addition to the $2,174,000 which the province claims, and I think claims correctly, to be due to the island in 1897, there has been an addition created by the extraordinary expenditures by the government since 1897 amounting to $760,000. In the vote which is now submitted to Parliament $250,000 is proposed to be expended in this year in the province of Prince Edward Island on this branch railway. I may say, further, what hon. gentlemen have a right to know, that the whole proposition embraces a very much larger expenditure than that. This railway, if it goes to Murray Harbour—I see most statements mention the head of Murray River but it would have to go nine miles further—would cost about $1,319,000. Then the provincial government have provided a payment of $12,000 annually towards this object.

Hon. Mr. POWER—Does the sum of $1,319,000, which the hon. gentleman mentions, include the cost of the bridge?

Hon. Mr. FERGUSON—Yes, this is a statement of the whole expenditure; the bridge, $800,000; railway to Murray River $447,000; wharf and ground at Murray River, $22,800; extension to Beach Point, $94,000. I deduct from that, however, the $22, 800 for the wharf, and also $23,040 because there is a shorter road surveyed than the one embraced in these estimates, which would cost that much less. That leaves the net amount of the road and bridge $1,319,205.

Hon. Sir MACKENZIE BOWELL—Will they take the shorter route?

Hon. Mr. FERGUSON—Probably they will. The value of the $12,000 a year which is required to be paid by the provincial government at the rate at which the government of Canada can borrow money, 2⅞ per cent is $417,391. Deducting that the expense will be $901,814. That is what it is proposed the whole of this work will cost the government of Canada. With regard to the bridge it is proposed—and this is a matter as to which a friendly arrangement is going on between the two governments—that the bridge shall be a railway and traffic bridge combined, and it is provided that the provincial government shall contribute $12,000 a year in perpetuity, and the bill before us provides that that $12,000 shall be deducted from the subsidy due the province half yearly for all time to come. So that the door is locked very firmly and strongly in that direction. I think that

is demanding a little too much, and that there will be some little difficulty, owing to the bill which the provincial legislature passed last session, only providing for a sum not exceeding $12,000, on a sum which would cover the fair proportion of the cost, for a traffic bridge. That is that engineers and experts should ascertain what proportion of the expense of the structure was due to the traffic part and what was due to the railway part, the provincial government assuming control of the traffic part and receive the tolls and the Federal Government receiving the earnings of the railway part. The proposition is all right, I think, but I am afraid there will be difficulty about coming to a bargain, because I think it is quite possible that a fair estimate would establish the fact that the traffic part of the bridge would be a great deal less expensive than the railway part, and that a fair division of the cost between the two would not be $12,000 a year for the provincial government, but a sum considerably less than that. However, I presume it is a matter that we cannot deal with here, and that it has received all the consideration possible for it to receive at the present time. I find no fault that the provincial government should be called upon to contribute to the bridge as far as the traffic part of the bridge is concerned, but I hold that with the state of the account between the province of Prince Edward Island and the Federal Government with regard to railways and railway expenditures generally, the provincial government should not be called upon to contribute anything towards the railway portion of the bridge, inasmuch as the bridge becomes a link in the Prince Edward Island system of railways. I may say—and I think my hon. friend the leader of the opposition who has, I know, taken a great deal of interest in this question will bear me out—that the late government took this matter up and gave it a great deal of earnest consideration. All the subjects to which I have referred were discussed between the members of the late government and the representatives from the province of Prince Edward Island in the years 1895 and 1896, and it was decided by the late government at that time in the public interest, as well as in justice to the province of Prince Edward Island, that a number of small branches were to be built in the province, altogether some six or seven, and this was to be one of them, and the railway experts were of the opinion that if these branches leading to the seaboard were built, tapping important settlements and connecting with the fishing establishments on the coast, the result would have been to largely increase the earning power of the Prince Edward Island Railway. Mr. Schreiber made a report at that time, and it was his opinion that if that were done a very considerable amount would be contributed in the way of increased earnings for expenses on the railway in place of the deficit we have at the present time. I have no doubt that in a measure that opinion was correct. I have just barely stated the grounds of the contention between the province and the Dominion, and I must express my satisfaction to find that now we have the present government following at a respectable distance, but nevertheless in the wake of the late administration and accepting, at least in part the policy that was there laid down, and admitting the just claim of Prince Edward Island, in regard to this matter. I only hope they will not stop here, but that they will go on and fulfil the entire proposition and give us some other small branches that were suggested. This one is larger and more expensive than all the rest put together, very much more so even without considering the bridge. When that is done, I have no doubt that the account of the Prince Edward Island Railway will show a very much better result than it has in the past. My hon. friend, the Minister of Marine and Fisheries, who represents in the House of Commons some of the territory affected by this proposition, some years ago made a speech and advocated the scheme of a railway running across the county from Peak's station, in King's County, to connect the harbour of Wood Islands with the railway by running across the country instead of running from Southport to Murray Harbour, and serving the country in the way in which it is proposed to do in this bill, and it might not be amiss for me to read the exact words used by the hon. gentleman at that time. He said:

> When I brought this question before the House in 1890, I thought it was desirable to put this matter before the government in a businesslike way. I had some consultation with a number of engineers, and I was assured by them that a branch line from Peak's station might be built which would give the necessary accommodation and do away with the necessity of a

bridge across to Hillsboro', which would cost half a million of money.

That was the view of the hon. gentleman at that time. I happen to know that his opinions on that subject were severely criticized in the province of Prince Edward Island, and that he was obliged to abandon that view later and take the popular opinion, the prevalent opinion in the province, which was that the road should be built on the line indicated in the present bill from Southport to Murray Harbour and that the question of the bridge should also be entertained in connection with it. In reply to the memorial of the provincial government to which I have just referred, and which I think was supported later by a delegation consisting of members of that government, the Premier, Sir Wilfrid Laurier, wrote a letter to the Premier of the province which has been brought down to Parliament during the present session. Sir Wilfrid Laurier made use of these words:

I understand Sir Louis Davies has had a good deal of correspondence with you and your predecessors on this point, and that the government of the province has passed an Order in Council, agreeing to contribute $10,000 annually as its share towards the cost of the bridge in case the Parliament of Canada should authorize its construction, while it is contended that your fair share should certainly not be less than $12,000 annually. I do not presume at present to discuss these details, but I desire to point out to you that the claim you have made in the memorial for a readjustment of your financial terms of union on the ground of alleged underestimate of expenditure upon the Intercolonial Railway, Canadian Pacific Railway, canals, &c., would even from your standpoint present an altogether different aspect if the Dominion was to undertake the construction of this railway and bridge?

I have just to say—and I wish to make that statement distinctly on the present occasion, as representing the province of Prince Edward Island—that we do not admit that this will materially change the question, because, as I have already pointed out, the expenditure involved in building this railway, after receiving $400,000 or something equivalent to that, from the provincial government will only amount to an expenditure equal to Prince Edward Island's share of what has been expended or voted for railways, canals and such purposes by the Parliament of Canada since the provincial government made its claim in 1897. There will be only a very small amount over, and no doubt, as this work on the railway and bridge will extend beyond this present year, that by the time the railway and bridge are completed the account on the other side will have gone so high that it will altogether offset it, without contributing anything as it were, to the old account which the provincial government presented as amounts due the province of Prince Edward Island. I know hon. gentlemen coming from the other provinces are very apt to conclude that these are all sectional considerations, and perhaps they are. Perhaps that is a proper enough name to describe them, but they are just such considerations as cannot possibly be avoided under the peculiar circumstances. It was clearly, as I started by saying, admitted by the government of Canada at the time of confederation, and it was put in black and white in the terms of union, that the basis as regards the province, should be, in fixing its debt account, the sums authorized by the Parliament of Canada for railway and canal expenditures in which the province had no interest. In 1887 an Order in Council was passed to pay $20,000 a year to the provincial government, and in the Order in Council which was submitted to Parliament as a warrant for that payment, this was the distinct and clear basis, carrying out the terms of the union. On all these considerations I have no doubt, even without these few remarks of mine, that this bill would receive the support and hearty concurrence of this House, but what I want to point out to my hon. friend the Secretary of State is that I hope he will be able to carry out, at a very early day, the full programme decided upon by the late government, and which will still, in my opinion, be quite short of giving justice to the province of Prince Edward Island, and I hope, notwithstanding that the Prince Edward Island Railway has not paid fully the working expenses during the past, that a better state of things will prevail in the near future, and the day will come when it will be a valuable asset. The difficulty in that respect largely arises from the water communication around the coast, and the further consideration that it has no through traffic. It depends entirely on local traffic. The Cape Breton railway is in an altogether different position. Any one travelling to Sydney will have to travel by the Cape Breton railway about 90 or 100 miles. The road has to be used by people having business with the island of Cape Breton, and it does quite a considerable amount of through trade of that kind connecting with the province of Newfoundland,

but in the case of Prince Edward Island the province is tapped at the more important harbours from the mainland, and they have a great deal of business with the island which does not contribute a dollar to the railway. Both in the matter of tickets and passenger traffic, as well as in the matter of freight, their business will be with these cities, and there is less need to use the railway. It is not because the province is not prosperous, or thickly settled, for we know it is more thickly settled for its area than any other part of Canada, but it is on account of the water communication along the coast and the fact that the smaller harbours have not been reached by branches, and the fact also that the island is tapped from the mainland at the more important harbours and that that does not lead to a through traffic or much distribution along the line of railway. It is for these reasons the railroad has not paid as well as it should in the past. Notwithstanding that, I do not believe it will always continue so. The building of these branches will help materially to change that state of things. No doubt the Intercolonial Railway will be a paying road soon, and I have no doubt the Prince Edward Island Railway somewhat later will also come up to the standard and take the same position. I have only to express my satisfaction with the bill as far as it goes, with the single doubt that I have that there may be a little difficulty between the provincial and federal governments as to settling what should be actually paid because this bill fixes the amount absolutely at $12,000 a year, whereas a correct inquiry and investigation might show that a smaller sum would be a fairer proportion for the province to pay for merely traffic purposes. However, I hope that will be adjusted. I hope the work will be put under contract soon and that it will be done by open competition.

Hon. Mr. SCOTT—I am very glad to listen to the observations made by the hon. gentleman from Marshfield and to know that the bill meets with his approval. I shall draw the attention of my colleagues, more particulary the Minister of Marine and Fisheries, to the observations he has made and to what he considers the fair thing for Prince Edward Island. We all recognize that it is a matter that is not only difficult, but absolutely impossible, to apportion to each portion of the Dominion the fair sum it might claim either in relation to population or area. We must also recognize that in the newer portions of the Dominion, where the population is going in, and we are all interested in the development of the whole Dominion, a larger proportion probably has to be spent than in the older sections. However, it is very gratifying to hear from the hon. gentleman that the prospects are so good in Prince Edward Island and that by these additional branches the railway is likely if not actually to pay something on its cost, to at least yield sufficient revenue to balance the annual expenditure on the road.

Hon. Sir MACKENZIE BOWELL—I presume that the railway that is to be built is to be of the same character as that which now exists on the island—that is a narrow gauge railway.

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—That being the case, it is only an extension of the system which has been carried out in the past, and it is carrying out in part the principle of the late government on railway extension, a decision which was arrived at after a great deal of consideration and reflection from the point that has been so admirably laid before the Senate by my hon. friend from Marshfield. It was considered that that province had not received what was her due proportion of the expenditure of Dominion funds, and that there was no other way in which that claim could be met—at least it was so thought—so equitably, as the mode proposed by the late government, of which this is a continuation. I do not think, under all the circumstances, there can be any objection to it. I know very little of Prince Edward Island, and I am not quite so sanguine as my hon. friend as to the paying qualities of the road; but, whether it pays or not, there is one thing certain, it will add materially to the prosperity of that section of the island and enable many to take advantage of railway communication which they have not now. My hon. friend in his remarks mentioned, in advocating deduction of the cost of the road, a certain wharf which is proposed to be built. Now, if this road does not reach navigable waters, it certainly would be to the great advantage of the island itself, and also to the revenue to

be derived from it, if it were extended to a deep water terminus on the straits.

Hon. Mr. FERGUSON—That is provided for in the bill. It goes down to Murray Harbour. I deduct it because the engineers did not know what the ultimate intention was and they put in $22,000 for a wharf at Murray River, but this bill provides for going to Murray Harbour, and so expensive a wharf will not be needed.

Hon. Sir MACKENZIE BOWELL—That explanation removes any objection I would have to the bill.

Hon. Mr. PERLEY—Is it intended to build an elevator at Murray Harbour?

Hon. Mr. SCOTT—That point has not been considered yet.

Hon. Mr. MILLS—When the road pays.

Hon. Mr. PERLEY—I have been told that this was entirely for election purposes.

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.

SEED GRAIN INDEBTEDNESS BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (189) "An Act respecting securities for Seed Grain Indebtedness." He said:—This is a bill of only one clause which explains itself. It authorizes the discharge from liability of the surety who became indebted to the Crown for seed grain, the minister being satisfied that the land which is held and also the debtor himself are sufficient security, and it is not thought desirable to continue the security.

Hon. Sir MACKENZIE BOWELL—Before the bill is read, it would be interesting to know why this step is taken. The provisions of the bill are to relieve those who became surety for the repayment of the value of seed which was advanced to the settlers, at a period when a failure had taken place in the crops in that country. Then it provides, that these sureties are only to be discharged after an examination of the land upon which I understand, there is a lien at present for the repayment of the funds, and if the land be found to be worth sufficient to cover the debt, then the surety is to be released. What necessity is there for releasing surety when there is no danger of his losing anything? No ordinary business man would take that course. If the land be worth the money, there can be no harm in allowing the surety to remain, and unless some good reason be given for it I do not see why we should pass this bill. If you endorse a note to a bank, I am bound to say the bank, no matter how rich you may be will not relieve you of the responsibility until the note is paid.

Hon. Mr. MILLS—With regard to these sureties, the patent for the land does not issue until the debt is settled, and so there is a lien both on the amount of the surety, and on the land of the original debtor. Now, where the land of the original debtor is adequate it is just as well to allow the surety to get his patent. It is not worth while to hold him for the amount where the government have ample security without interfering with him at all, and a good many of those persons, where they are anxious to get possession of their patents, do not want to pay the debt of their neighbour as long as the neighbour has ample property out of which the debt may be collected, and they expect the government to push the original debtor to get the money from them and release the sureties. My hon. friend will see this stands in the way of issuing the patent to the surety.

Hon. Sir MACKENZIE BOWELL—Do I understand that the securities are from the original homesteaders who became one security for the other?

Hon. Mr. MILLS—Yes, many of them are.

Hon. Sir MACKENZIE BOWELL—Then this bill relieves them, and allows the government to permit the debt to remain against the person who receives the grain?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—The surities are not in a position to urge the collection of this debt. For my part it does not seem a business transaction at all. I do not say I am going to oppose the bill if it is honestly and properly carried out, but it looks like placing in the hands of the Minister of the Interior a very powerful

weapon when he may wish to use it for political purposes. I do not say he will use it, but it enables him to say to every one who has become surety for his neighbour when an election takes place, "I will have a report made that this man's land is sufficient security and have you released." Where you have an unscrupulous minister he would not hesitate to do that. It is a power that I do not think ought to be placed in the hands of any government. The government can only release the securities on ascertaining that the security of the debtor is ample, and if ample, there is no reason why the surety should be released, supposing him to be a settler nobody could take his land away from him.

Hon. Mr. MILLS—Supposing he wants to sell?

Hon. Sir MACKENZIE BOWELL—The only object the government can have in asking the security to be released is to enable him to sell or mortgage his land, but the question is whether you should release a man until the debt is paid. I have had some experience personally, and if any of you have had a similar experience, I do not think you would relieve any surety until the debt was paid. In the other House a resolution was offered providing that all these claims should be given over to the local legislature or the North-west council, and let them exact the payment from the debtor or allow him to pay it in labour upon the road, or in other words by statute labour. That would be simply making Manitoba and the North-west Territories a present of whatever amount may be due to the Dominion for the advances which had been made.

Hon. Mr. PERLEY—In 1886 we had a dry year in the North-west Territories. The country was new then. People did not understand how to till the soil with a prospect of getting as good a crop as we get now. Owing to the dry weather, no grain was raised. Hundreds of farmers did not reap any at all, and people did not know whether it was going to be a country suitable for farming at all. They felt, while they used their means to prepare the lands for crops, they had not means to buy seed for another year. They applied to the government for seed. The government, I think, acquiesced and resolved to take security from the debtor, and from some other person in each case. A great many have paid for that grain and the party who became security as well as themselves have been relieved, but a great many have not paid and the government has been lenient, but still the man who is liable as security for the farmer cannot get his patent or do anything with his land. If the government had coerced these men and made them pay their debts, this bill would not need to be introduced. But the late government and the present government have been lenient to these men, and have given them every chance to pay their debts, but at the same time the man who went security for them is held. I think this is a very proper and just bill, and the government will not sustain a particle of loss by it. The debts are all small, $40 to $50 in each case. I venture to say that the interest is the greater part of them now. In 1886, in the district where I live, half the people left the country. They said they could not live there. A great many have come back. Others have not returned. Those who stopped in the country had three crops which were entire failures. In 1889 I sowed forty acres and did not have any wheat. I never saw a spear of wheat, because it did not rain from the 8th of May until the fall. Farmers who had less means than I had, felt that they ought to be relieved, and it would not have been amiss if the government had made them a present of the grain. They stuck to the country and helped to give it a character, and it would have been a proper and just act to have given them the seed grain, and I told the government so. Still, some of them having repaid the amount, it would not be fair to relieve the others.

Hon. Sir MACKENZIE BOWELL—I suppose the hon. gentleman knows that when the advance was made a great many years ago to the settlers of Ontario by the old government of Canada, they made them pay it all back.

Hon. Mr. PERLEY—They are doing so in this case.

Hon. Sir MACKENZIE BOWELL—But you claim that the grain should be given to them.

Hon. Mr. PERLEY—Yes.

Hon. Sir MACKENZIE BOWELL—If that principle be carried out, I can bring a number of cases in the northern part of the province where I live where the settlers have undergone much greater hardships than those who have settled in the North-west, having the difficulties of the frost to contend with, instead of open prairie to break up. No one recognizes more the force of the remarks of the hon. gentleman than I do, in reference to the failure of the crops and the set back it gave to the country. I am very glad it has not occurred since, but that has nothing to do with the principle involved in this bill.

Hon. Mr. MACDONALD (P. E. I.)—It is very doubtful to my mind whether, if the government release the sureties they can hold the claims against the others. We know in ordinary transactions if a party does so he may have great difficulty in recovering his claim. I should like to know besides, what amount is due to the government on account of this seed grain.

Hon. Mr. PERLEY—I venture to say if they relieve the security the claim against the original debtor is not one-tenth of his ability to pay, so there is no danger of any loss.

Hon. Mr. MACDONALD—I did not quite understand what the hon. gentleman from Wolseley meant, whether he means that there is only one-tenth of the amount due the government which was originally advanced to these settlers.

Hon. Mr. PERLEY—No, the whole amount is due in some cases, and interest on it, and that will not amount in many cases to $100. In nine-tenths of those cases it is under $100.

Hon. Mr. MACDONALD—If it is only one-tenth the capacity of the individual to pay, I do not see why he should release the security.

Hon. Mr. PERLEY—They have the security of the land.

Hon. Mr. MACDONALD—If the individual to whom the advance was made is only good for one-tenth, it would be very wrong indeed to reduce the security.

Hon. Mr. O'DONOHOE—The principle involved between principal and security in ordinary business should not obtain in cases of this sort. Here the government feels it is its duty, as no doubt it is, to induce immigrants to settle on our unoccupied land, people go there to occupy them and the first necessity must be to see if they can make the land produce. They cannot do that without seed. The neighbours or residents there become securities for those immigrants for seed. I say that there should not be too great stringency for those who become sureties, and if continuing them as sureties would embarrass them and make it difficult for them to obtain their patents to enable them to have thorough freedom to deal with their own lands without any mortgage or lien or charge, then I say the government should do everything within its power, consistent with safety, in releasing those people who performed that generous act of becoming sureties for new settlers.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. O'DONOHOE—It has a wider range and is quite a different thing in the hands of governments than it would be in the hands of banks or private creditors. The government must take in the whole scope and effect of it on the country generally, and certainly the man who became surety for the immigrant upon his arrival in getting seed for his land, has done an act that should be rewarded with all the generosity which the government has power to display.

Hon. Sir MACKENZIE BOWELL—It is not for the new settlers that the seed was obtained.

Hon. Mr. FERGUSON—After hearing the observations of the hon. gentleman from Wolseley, I think the bill should be passed. The circumstances are such as would call for the passing of this bill. When the trouble occurred and the farmers lost their crops, the government came in, and in giving these loans they probably took one man as security for his neighbour, and very likely both lost their crops, and there was not very much difference as far as the government was concerned, in giving the grain absolutely or giving it as a loan. It all turned on the question whether they would have a crop next year. If they left the country and did not have a crop, the government would have no security. I suppose they did the best

they could. One man got some seed grain and his neighbour got some grain, and they joined, giving the security in that way, and the government took the best security they could get. It was a risk. They did not know whether they would ever see a dollar of interest or principal. Fortunately, it turned out better, judging from what my hon. friend from Wolseley has said. A great many have repaid, and in the case of those that have not paid, the property has become valuable. So that there is hardly any question about the value, and now the titles are somewhat in jeopardy. The man who does not owe anything himsel is still security for somebody else who does owe and he wants to get the title to his land. It is important to a man to obtain his title, and he is not able to obtain it because he is security for somebody else who has ample property to pay his own debt. I think there can be no possible harm in giving the power to the government to release the surety and take the primary debtor where the security is good. Of course that has to be left to the discretion of the government. A dishonest ministry could, no doubt, use that for political purposes, but a government is entrusted with administration. Although we may not have the most unbounded confidence in any particular ministry, they are entrusted with this and we will have to give them this along with the rest of the trust. On the whole, the bill is a fair one, and the act of the government in 1886 was a wise one, even though there was a prospect of the whole of it being lost, to try to keep those people on their land. It has turned out to be extremely wise. Prosperity has set in, and the farms are taken up and they are good securities for the money the government loaned and there can be no possible harm, excepting the bare possibility of an administration turning it to political account, which I think will not be done, and therefore I shall give the bill my support.

The motion was agreed to, and the bill was read at length at the table.

Hon. Mr. SCOTT moved the suspension of the 41st rule.

Hon. Mr. McCALLUM—I would like to know the amount of the indebtedness.

Hon. Mr. SCOTT—I have no knowledge of that. It extends over a large area, but it would be a small sum. Perhaps the hon. gentleman from Wolseley could tell the amount due.

Hon. Mr. PERLEY—It is not very large, I cannot tell what it is. Most of it has been paid. It is only the very poorest people that have not paid.

Hon. Mr. MACDONALD (P.E.I)—Millions are not considered large amounts now.

Hon. Sir MACKENZIE BOWELL—The hon. Secretary of State said that these lands were worth the money, and that the people could repay the loan, and my hon. friend from Wolseley says that these people are poor. I sympathize with the remarks made by the hon. gentleman from Marshfield, and the hon. member from Wolseley, but I would go further. If these people are in the state which hon. gentlemen say they are, the government had better make a clean sweep of it and forgive them the debt, particularly if the land is sufficient. The whole secret lies in the remarks made by the hon. gentleman from Wolseley. I remember a case coming up before, where they refused positively to pay, upon the ground that they were the original settlers, and underwent many hardships, which was quite true. The drought which followed deprived them almost of sustenance in the country, certainly of a proper living. They had to earn their living in other places : therefore they should not be asked to pay. But if prosperity has fallen upon them, as has been indicated, and the land is worth it, and these people are able to pay, should they not pay their debts as well as anybody else, even if their creditors are the government, and if it be understood that in consideration of their being the first settlers who went into that country, there should be great consideration shown to them and the government had better introduce a bill to wipe out the indebtedness altogether.

Hon. Mr. MILLS—That is not suggested.

Hon. Sir MACKENZIE BOWELL—I am suggesting it. I would go further and relieve the debtor himself and not merely the surety. If the sureties are to be released why not release the debtor? Logically, I think it is the only conclusion to which we can come, and more particularly taking the view expressed by the hon. gentleman from Toronto in this matter. These are not the im-

migrants who had just gone there, but they had been there for years and misfortune followed them. I do not oppose the bill, but I have given my opinion as to the principle involved in the bill, which I think is a wrong one.

Hon. Mr. McCALLUM—I do not wish to oppose the bill, but it is a strange thing that the government should come to the Senate with a bill about which they cannot tell us anything. They do not know the amount of the indebtedness. They say the land is sufficient security, but if we are going to change the security we should know what the amount is. It is said that it is not very much. Can the hon. gentleman for Wolseley tell us how much it is? It may be very small in the estimation of the government, because millions are small amounts with them. Where formerly dollars would be considered a large amount, millions are not now considered large. The government should inform us how much the country is going to lose by this.

Hon. Mr. PERLEY—Not a dollar.

Hon. Mr. McCALLUM — Then why change the securities? The hon. gentleman says they are able to pay.

Hon. Mr. PERLEY—I will read a letter which will explain the matter.

Hon. Mr. McCALLUM—The hon. gentleman has spoken. I do not intend to divide the House on the question. The government of this country came down to the Senate with a bill and they cannot tell us anything about it, only that a former government gave some seed grain to the inhabitants of the North-west and they want to change the security for the payment of the debt now. They say the land is good enough for it and the people of the North-west wanted to pay for it in statute labour. I have no objection if the government wipe out the whole thing, but I am not prepared to go it blind. I want to know what we are doing. I have great respect for the hon. gentleman from Wolseley, but he is not responsible in this case. It is the government. When the government appeal to the hon. gentleman from Wolseley, to know how much money this country is going to give away, I say they are not discharging the duty for which they are paid by the people of this country, and further I do not think they will ever collect the money.

Hon. Mr. PERLEY—I must make a few remarks in answer to what has been stated by the hon. gentleman from Monck. In 1886, as I stated before, there was a great drought in that country. In the fall of that year the farmers realized the importance of having seed for next year. They had not raised any crop. They made application to have seed grain given to them. The Minister or the Commissioner of Dominion Lands, Mr. H. H. Smith at that time, called a meeting at Regina and invited all the members of the North-west council to meet him. I happened to be a member of the North-west council at that time, and I met Mr. Smith at Regina. Mr. Davin was there, and a number of farmers from north of Regina. None of the farmers through that district had raised any grain except perhaps one or two. From early spring till late autumn there was no rain, and these men realized that there was a great doubt about raising a crop in that country. No one had been successful in raising a crop up to that time. They adopted the Ontario principle and waited till the frost got out of the ground. Up to that period they had no crop. It was all frosted to a large extent, and when the drought followed, they felt there was great risk in their continuing, and many of them had not money to buy seed grain and made application to the government to buy it for them. Mr. Ross and Mr. Davin and members of the North-west council were all present. Mr. Davin was spokesman for a number of farmers. He wanted the government to give them seed grain and take their I.O.U. for it. All they wanted was seed for twenty acres. I knew one farmer who had prepared over one hundred acres. Mr. Smith asked me my opinion, and I said give the farmers seed for what land they have prepared but make them give security. Do not give it without security. Mr. Smith said: "I will act on that advice. We will ask for full security." They gave a lien upon the land, taking the owner of the land and some other good man as security. The seed grain did not amount to a great deal. It was not much then. It would be very much more now if the government supplied the seed grain. I sowed one hundred bushels last year, but at that time fifty and sixty and twenty-five and thirty bushels was the amount which each farmer was in a position to ask for, because he had not any more land prepared for it. I have here a

letter from a farmer asking me to see if the government would not relieve a man of the interest on the debt on the seed grain. The government declined to do so. I have a letter from that gentleman stating that he has paid the debt and interest, and that it amounted to $131. That man owned a section of land. He sold his land, and I suppose he could not get his deed because the seed grain was not paid for. I have a letter from the man stating he has paid that indebtedness. I venture to say that that is one of the largest debts against any man in the North-west Territories, and that man owned a section of land, forty head of cattle and several horses to my knowledge. That man said that he lost two crops in testing the country. I venture to say he has lost a thousand dollars in these two years in which he farmed and had no crop at all. He stuck to it, however, and he says that the government ought to relieve him. The late government gave him all the time he wanted, and I do not hesitate to say now that many of these men will be great losers in any case, but if the government had presented it to them they would not have done a bad act at all. At present the interest is more than the principal. This bill will relieve the man who is surety for another, so that he can get the patent for his land, and the original debtor has more property ten times over probably than will pay the debt.

The motion was agreed to.

Hon. Mr. SCOTT moved the third reading of the bill.

Hon. Mr. McCALLUM—We have not been told the amount of this indebtedness yet.

Hon. Mr. SCOTT—I cannot give it to the hon gentleman. It would take two or three weeks to make it up. The amounts probably range from $20 to $75 or $100. I cannot tell anything more about it than that.

Hon. Sir MACKENZIE BOWELL—I think the question put by the hon. gentleman from Monck is a pertinent one, and, if I might be permitted to make a suggestion, it would be that when questions of this kind came up the hon. gentleman should put himself in a position to answer these questions. It is a fair question. We are about relieving certain people of a responsibility to the government. How much does that amount to? The Minister of the Interior ought to tell us that in half an hour, and I think it is a source of legitimate complaint that in many of these questions on which we are asked to deliberate, we can get no information at all. If the information could be laid before the House pertinent to a question of this kind, or any other, it would save time. When those with whom I am associated were in the positions which these hon. gentlemen occupied, questions of that kind when asked were readily answered. I do not wish to dictate to the hon. gentleman or even make suggestions to him, but I think the hon. gentleman who has the bill in charge ought to be able to answer questions which are really pertinent to the matter before the House.

Hon. Mr. POWER—I had the honour of occupying a seat on the opposition side of this House for a great many years, and I do not think that during all that time, I ever pressed for such information as is asked for now. I cannot see how any gentleman who looks at this measure carefully, and with a dispassionate eye, can feel that there is any objection whatever to it. If the money of the country was being put at risk I could understand the anxiety of the hon. gentleman from Monck to know how much money would be likely to be lost. But the very wording of the bill shows that there is no money to be put at risk. It simply states that the lands of the men who have become surety for their neighbours shall be relieved where, upon inquiry, it is shown to the satisfaction of the Minister of the Interior, that land owned by, or entered as homestead by the primary debtor is liable and is, in the opinion of the government, sufficient security for the debt of the primary debtor. There is no risk at all. The probabilities are that the whole amount does not exceed $100,000, but if it amounted to a million it would not make any difference, as long as the country is satisfied that the land still held is sufficient security for the payment of the money. Some reference was made to the way in which private persons did their business. I have not had a great deal of business to do in the line of holding security for debt, but on more than one occasion during my own experience, where it has been shown that a certain property was sufficient for the amount we loaned on it, we released the other property

holding that the property of the principal debtor was sufficient. Any reasonable mortgagee will release the property of the surety under such circumstances. Why should we hinder these people from getting their patents when we run no risk whatever? I am surprised at an hon. gentleman who usually shows so much common sense and wisdom as the hon. gentleman from Monck making objections to this measure.

Hon. Mr. McCALLUM—What objection have I made? I simply asked for the amount of the indebtedness. The hon. gentleman was for a long time acting as leader of the opposition in this chamber, and he says he did not ask questions of this kind. All I can say is if he did not he did not do his duty to the people of the country.

Hon. Sir MACKENZIE BOWELL—But he did.

Hon. Mr. McCALLUM—I know he was of an inquiring turn of mind at that time. But now he is going back on himself and undertakes to lecture me because I want to know the amount due to the government for seed grain. I am not saying that I am opposed to the government remitting the debt altogether, but I want information. If it is a reasonable question the government should not be afraid to give me an answer. I consider when they are dealing with a matter of this kind it is a reasonable question to ask them what the amount of money is, how much is owing to the government of this country for the seed grain. I am not going to be lectured by the senior member from Halifax. I have a duty to perform here and I am going to do it without fear or favour, and I consider the government of this country are not treating the Senate fairly when they do not give the information asked for, and they should let this bill stand over until we get the information we want. There has been too much information refused this session. The government think because they have a strong majority in the other chamber that they can push anything through here without giving information.

Hon. Mr. MILLS—My hon. friend from Monck is in rather a warlike mood. He has been on the warpath for some time.

Hon. Mr. McCALLUM—You want some one after you.

Hon. Mr. MILLS—We have not come to terms of peace yet, but I hope we shall not do my hon. friend any harm in the contest, and perhaps he will not do us any harm. The hon. gentleman says this question is a reasonable one. It would be if he had given us notice that on the bill coming up he wanted this information. My hon. friend opposite has spoken about his readiness, when he led the government, always to give the information called for. Let the hon. gentleman look back over the Debates. I have been looking over them, and I can see the opposition are in a very much more inquiring mood in everything that relates to the measures of the government than my hon. friend beside me and my hon. friend behind me were before the change of government.

Hon. Sir MACKENZIE BOWELL—Not at all.

Hon. Mr. MILLS—I say yes. Let us look at the question which my hon. friend puts and which he says is perfectly reasonable. I cannot give my hon. friend the information on that question. It is a matter of laudable information. It would be a proper thing to look up for the hon. gentleman if notice is given, but let us look at the question. It is our duty to have all the information necessary for the elucidation of the matter under discussion, and to enable the House to decide whether there are any risks to be taken which ought not to be taken in the measure which is proposed. A certain number of persons obtained seed grain from the government. They gave a lien upon their land which they had taken up, 160 acres in every instance and their personal security and the security of some neighbour. A number of these people have paid. It does not matter whether there is $500 or $500,000 due the government. The whole point is this: there is 160 acres pledged by the primary debtor for the seed grain which every primary debtor obtained. In the beginning, as the hon. gentleman said, the quantity obtained by each was relatively small compared with that which a farmer requires at the present day. The majority of the debtors, I believe, have paid. There are some who have not paid, and those who went security for them want to be relieved. The debt was incurred in 1886, nearly fourteen years ago, and there is fourteen years interest accumulated in some cases; in others

the interest has been in whole or in part paid. The minister comes down with a bill and says this in effect that there are a number of those people who are surety who ask to be relieved. They do not say to the government you ought to press these men to pay immediately, or that they want their property seized unless they pay immediately.

Hon. Mr. McCALLUM—Nobody wants that.

Hon. Mr. MILLS—It is the duty of the government in that regard either to release the parties who have become security or to press the principal to pay. Now, we have not pressed the principal to pay. The hon. gentleman himself admits that it would not be desirable to press the principal unduly to pay or to take legal proceedings against him to compel him to pay immediately. The minister asks liberty in every case, where the primary debtor has sufficient property to furnish ample security, to release his surety in order that the surety may obtain a title to his lands. That is not an improper thing. It has been done over and over again. It was done many years ago in the case of liabilities incurred in the old province of Canada and I do not see anything improper in its being done now. As to the amount, it can have only a remote importance in the consideration of this bill. If the hon. gentleman had indicated in the regular way his desire to have a statement as to the amount of the indebtedness of each individual, he would have been entitle to that information, but he cannot expect a minister to be in a position to give information of that sort on the spur of the moment.

Hon. Mr. McCALLUM—I expect the minister to give information when he comes here with a bill. He might naturally expect he would be asked that question. It is not my duty to do the work of the Minister of Justice.

Hon. Mr. MILLS—I am not asking that.

Hon. Mr. McCALLUM—When the hon. gentleman comes here with legislation he ought to be in a position to explain it. He does not tell us what the amount is, whether it is $100,000 or $10,000. I am not opposing the bill, but when the government of the country comes down with legislation and wants the sanction of the Senate, every member of the House has a right to ask for any information that he thinks proper, and if the government can furnish it, all right, but they say they do not know anything about it. They bring us legislation, and they cannot tell us the amount of money involved in it. They say, give us power to do so and so—give the Minister of the Interior a chance to go and value this land. They have every confidence in the Minister of the Interior, but I have not, and I question if this power might be used, not to the advantage of the country generally, or the farmers in the North-west, but to the advantage of a certain party. I have seen a good deal of this in my day. I am an old bird, I have been through the mill a good deal, and I think it is the duty of the Senate to see how much is involved in this bill.

Hon. Mr. FERGUSON—My hon. friend the Minister of Justice says he has been looking over the Debates and he finds the gentlemen on that side of the House were not nearly of so inquiring a disposition as the opposition in the Senate on the present occasion are—that is, when the late government were in power. There is an implied disparagement of the gentlemen who are sitting round him in that statement, and it is my duty to say, having been here for some years and having for some time occupied a seat in the government, that I found that these gentlemen were most persistent in their inquiring. I venture to say anything that would escape the observation and the criticism of the hon. gentleman from Halifax must have been pretty good, and the Secretary of State was equally persistent. In all these years we could not get anything passed. It must be virtue itself, to have it escape their criticism.

Hon. Mr. MILLS—The hon. gentleman never could have been criticised on these conditions. Why the hon. gentleman is virtue itself.

Hon. Mr. FERGUSON—I am glad you have come to that opinion.

Hon. Mr. SCOTT—While this discussion has been going on I went to see if I could get a a memo. from the Minister of Interior. He could not give the details, the indebtedness is made up of such small amounts. I said give me any memo. you have. He said that during the last fiscal year about 500 indi-

viduals had discharged their seed grain indebtedness, the total sum being about $10,000—that would be about $20 each. Mr. Sifton's estimate of the total amount still due would be about $131,000. He thinks there are about 4,400 individuals who owe that amount. I do not know that all the accounts are kept here. They are probably at local agencies.

Hon. Mr. PERLEY—It is about $30 apiece.

Hon. Mr. McCALLUM—Why did not the hon. gentleman tell us that when we asked for it?

Hon. Mr. SCOTT—I did not know I could get it. I am anxious to give the fullest information.

Hon. Sir MACKENZIE BOWELL—I always like when people make general statements affecting others, that they would give illustration to sustain their assertions. My hon. friend says he has examined the Debates and has come to certain conclusions. He did not give a single instance. When I occupied the position which the hon. gentleman does, I never came to the House with any bill affecting any other department outside of my own, without having a brief, and an explanation from the department, of what was wanted and what was intended, and if it were a bill of any intricate character, such as the Weights or Measures, or Inspection, I never failed to have an officer to give the information.

Hon. Mr. MILLS—That question I understood myself. I did not need an officer.

Hon. Sir MACKENZIE BOWELL—Then the hon. gentleman has perpetrated a gross insult to this House. If the hon. gentleman had the information within his own knowledge, he should have answered the question immediately on its being asked.

Hon. Mr. MILLS—There was no question put.

Hon. Sir MACKENZIE BOWELL—There was a question put by the hon. gentleman from Monck, and you did not answer it.

Hon. Mr. MILLS—I said I had the information with regard to the weights and measures. That is the measure the hon. gentleman referred to.

Hon. Sir MACKENZIE BOWELL—I was not doing so, and the hon. gentleman is either wilfully dull of comprehension, or designedly misrepresenting what I said.

Hon. Mr. MILLS—Order.

Hon. Sir MACKENZIE BOWELL—If I have said anything contrary to the rules of the House I will withdraw it and apologize. I gave as an illustration of the manner in which business used to be conducted, which the hon. gentleman took objection to. I did not accuse the hon. gentleman of not having information with regard to the weights and measures. I merely gave that as an illustration of the manner in which I conducted the business and you made——

Hon. Mr. MILLS—The hon. gentleman has no right to address his remarks to me personally.

Hon. Sir MACKENZIE BOWELL—I will do that no more. I will have more respect for myself. Had I not been interrupted in the manner in which I have been, there would have been no necessity for the hon. gentleman calling me to order, but when I am addressing the House and replying to statements which other hon. gentlemen have made, I must be permitted to give illustrations which I think necessary to enforce what I say without being constantly interrupted and contradicted.

The motion was agreed to, and the bill was read a third time and passed.

WEIGHTS AND MEASURES ACT AMENDMENT BILL.

FIRST READING.

A message was received from the House of Commons with Bill (128) "An Act to amend the Weights and Measures Act."—(Mr. Scott.)

The bill was read the first time.

Hon. Mr. SCOTT moved that the bill be read the second time to-morrow.

Hon. Mr. PERLEY—What are the changes made by this bill.

Hon. Mr. SCOTT—It refers to barrels for apples.

Hon. Mr. PERLEY—There is one condition I would like to add, and that is that the apples in the centre of the barrels shall

be as good as the apples at the ends. How a barrel is made is a small matter compared with the kind of apples that are in it. It is an outrage the way apples are sold in this country at the present day. I went the other day to buy some fruit to send to my grandchildren, and bought some apples because they looked so well on top. I paid sixty-five cents for a basket when the general price was sixty cents. The first layer of fruit I found was very nice, but the rest was not fit to feed to the pigs.

Hon. Mr. DEBOUCHERVILLE—Ontario apples?

Hon. Mr. PERLEY—I presume they were. I bought another basket. The top layer was good, but the balance was not good. In the North-west we buy apples by the carload. They come from Ontario. The freight adds largely to the cost of apples, and I have never bought a barrel of them yet that half of them were not poor in the middle of the barrel. You bring in a bill to regulate the size of the barrel. That is a small matter. Let us have the apples packed in a uniform manner.

Hon. Mr. POWER—The hon. gentleman had better get his apples from Nova Scotia.

Hon. Mr. MACDONALD (P.E.I.)—If the hon. gentleman came to Nova Scotia or Prince Edward Island, where the apples are put up by good honest farmers, he would find them as good in the middle as in the ends. If a man does not pack them that way he is soon known. This bill, it seems to me, is for the purpose of encouraging a branch of trade which perhaps is somewhat dull at present, that is barrel making. We know apples are frequently put up in barrels which had been used previously as flour barrels or for some other purpose, but which would not come within the requirements of the present bill, and I think the bill will have a good effect in giving employment to the coopers.

Hon. Mr. PERLEY—Do they not change the weight of lime also by this bill?

Hon. Mr. FERGUSON—Will the hon. gentleman be kind enough to tell me the meaning of cylindrical veneer barrels? I do not know what it means.

Hon. Mr. SCOTT—I know what veneering means. It seems extraordinary they should veneer an apple barrel.

Hon. Mr. SNOWBALL—It is a common custom now to have the wood sliced; just the one veneer composes the barrel. It is not made of staves, but of veneer wood, a quarter of an inch thick, and it makes a cylinder.

Hon. Mr. FERGUSON—I am afraid my hon. friend's explanation is not altogether satisfactory. I have very little doubt that this bill has been prepared after consultation by people who perhaps know more about the subject than any of us. I was only curious to know the meaning of the words. As to the general principle of the bill providing that a barrel of certain dimensions should be used for our export trade in apples, I think it is decidedly right. A barrel of Canadian apples should be a barrel of uniform size. The barrel should be neat and look respectable. It is needless to say, however, that the inside of it should be as respectable as the outside. I am afraid there is a good deal of this work done by Canadian fruit men, not only in Ontario but nearer home, to myself, than Ontario, that is of putting up the best apples for the English markets, and something that is not nearly so good for the home market, and I am afraid that is why the hon. gentleman from Wolseley is not getting as good apples as they ought to be. At the same time it is also complained of, and not without reason, that there is not the same conscientious care all round taken in sending apples from Ontario and Nova Scotia to the English market. We have no right to cheat one another that is certain, but whatever may be said about the home market, it is penny wise and pound foolish policy to send anything but a good article to the English market, because the exporter is sure in the end to lose more by it than he can make. I was pleased to hear Professor Robertson last year, in discussing the question of fruit production before the committee of the House of Commons on agriculture, state as far as he could ascertain, not more than five per cent of the apples we send to the British market from Canada are dishonestly packed. From the inquiries he made to the buyers, that was about the proportion, but it ought to be better. There ought to be no bad packing at all. The reputation of the country is at

stake, and if a man sends a bad article, his neighbours are likely to suffer from the wrong as well as himself. I have shipped apples to the English market myself, and it has been discussed as to whether it would not be possible to have an inspection of all the apples that went to that market. I know that the best class of exporters and farmers would like to see that brought about, and the fruit-growers association have passed resolutions on the subject, but there is a great difficulty in finding a practical way. If a barrel of apples is likely to be opened at the point of shipment, it is almost ruinous to that barrel. The opening up of the barrel and putting the apples back carelessly into their places, might destroy them. The opinion of many is that education, teaching farmers and packers to do what is right, will probably reach the desired result better than by means of inspection. I am glad that this bill has been submitted. I take it that both these descriptions of barrels have the same capacity. One refers to a barrel with a straight stave and the other to a barrel with a bulge. My hon. friend from Wolseley asks if there is anything about lime in the bill. There is a clause which I think is legalizing the weight of lime at seventy instead of eighty pounds. I know this was before us last year and we settled on eighty pounds. I had a doubt that eighty pounds was too much for good lime. The process of burning is the expulsion of carbon, and I think for good lime seventy pounds is nearer the weight than eighty. There might be lime for agricultural purposes that would weigh eighty pounds, but no farmer would buy that weight at all.

The motion was agreed to.

BILL INTRODUCED.

Bill (178) "An Act respecting the Quebec Harbour Commissioners."—(Mr. Scott.)

A QUESTION OF PRIVILEGE.

Hon. Mr. MILLS—Perhaps the House will allow me as a question of privilege, to refer to a report of the proceedings of yesterday which appeared in the *Gazette*, and which is no doubt due to the carelessness of the printer. In discussing the bill relating to the Departments of Customs and of Inland Revenue I am made to say the following :

Hon. David Mills moved the second reading of the bill respecting the Departments of Customs and Inland Revenue. This bill, he explained, was for the purpose of increasing the salaries of the ministers of these two departments from $5,000 to $7,000 a year, the same as the other ministers. The ministers under the provisions of this bill were to receive salaries from the past year at $7,000, an increase to which they were neither morally or legally entitled to receive. He had heard of boodling before, but if ministers were allowed to do this sort of thing openly what would they do behind the scenes. If this bill was allowed to become law he considered that it would be one of the greatest pieces of legalized larceny ever perpetrated and he would ask the Senate to reject the bill. He concluded by moving the six months' hoist.

Every hon. gentleman knows that I said nothing of the sort. I proposed the second reading of the bill and the hon. gentleman from Richmond, who moved the six months' hoist, made a speech in which these words are included, and the introductory remarks which I addressed to the House and a portion of the speech of the hon. gentleman from Richmond are attributed to me. I wish to make this statement in order that the newspapers may not quote the remarks of the hon. gentleman from Richmond, published in the Montreal *Gazette* as remarks addressed by me to this House.

BILL INTRODUCED.

Bill (190) "An Act to authorize the granting of subsidies in aid of the constructions of the lines of railway therein mentioned."—(Mr. Mills.)

RAILWAY ACT AMENDMENT BILL.

SECOND AND THIRD READINGS.

Hon. Mr. MILLS moved the second reading of Bill (85) "An Act to amend the Railway Act. He said :—Hon. gentlemen will see, by looking at the bill, that the first portion of it is practically a proposal to amend section 90 of the Railway Act, which confers certain general powers upon any railway company that may be incorporated under a special Act. This clause is in further amendment of that section. There is power to enter on a highway for certain purposes here. There is a provision that travel shall not be obstructed. There is a provision relating to the erection of telegragh wires, to the power to remove them, to the power to remove the telegraph poles under certain circumstances, that in carrying on these works injury shall not be done to trees, and protecting the supervision of the municipalities in respect to the operations that are being carried on within a municipality. Then, apart from this supple-

mentary section, which deals with powers that have been conferred on some railway corporation and which it is now proposed to embrace in the general Railway Act, there is a further clause amending section 192, which amendment is in this bill called 192 *a*, providing that when any company has power, under a special Act to construct, maintain, and use a bridge for railway purposes, or for railway and general traffic purposes, such power shall be exercised subject to the following provisions. Then the first provision is that plans are to be approved by the Governor General in Council, that equal rights in passage of the bridge are to be secured to all railway companies requiring to use it, that the rates of toll to be charged are to be approved of by the Governor in Council, that the disputes are to be determined between the railway corporations using the bridge by the Railway Committee, and there is also a provision for the issuing of bonds and for other purposes. Then there is the further clause—and that embraces the whole bill—amending section 273 by placing the two subsections of that section as they now stand in the bill and inserting others in their places. The two subsections as they stand in the Act, are as follows:—

Every person who enters upon any railway train without the knowledge and consent of an officer or servant of a company, with the intent fraudulently to be carried upon the said railway without paying fare thereon, is liable on summary conviction to a penalty not exceeding $10, or in default of payment, to imprisonment for a term not exceeding ten days.

Subsection 3 reads:

Any person charged with an offence under this section shall be a competent witness on his own behalf.

The two subsections substituted read as follows:—

2. Every person who wilfully breaks down, injures, weakens or destroys any gate, fence, erection, building or structure of a company, or removes, obliterates, defaces or destroys any printed or written notice, direction, order, by-law or regulation of a company, or any section of or extract from this Act or any other Act of Parliament, which a company or any of its officers or agents have caused to be posted, attached or affixed to or upon any fence, post, gate, building or erection of the company, or any car upon any railway, shall be liable on summary conviction to a penalty not exceeding fifty dollars, or, in default of payment, to imprisonment for a term not exceeding two months.

3. Every person who enters upon any railway train without the knowledge or consent of an officer or servant of the company with intent fraudulently to be carried upon the said railway without paying fare thereon, or who wilfully obstructs or impedes any officer or agent of the company in the execution of his duty upon any train, railway, or upon any of the premises of the company, or who, not being an employé of the company, willfully trespasses by entering upon any of the stations, cars or buildings of the company in order to occupy the same for his own purposes, shall be liable to the like penalty or imprisonment, and shall be liable to be proceeded against and dealt with in like manner, as mentioned in subsection 2 of this section in regard to the offences therein mentioned.

No. 2 is a new provision altogether. No. 2 in the present Act is No. 3 in the bill, and No. 3 becomes No. 4 in the bill. It gives the necessary protection against depredations upon railway property.

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

Hon. Mr. SCOTT moved the suspension of the 41st rule.

Hon. Sir MACKENZIE BOWELL—I do not think there is any great objection to the suspension of the rule. This bill has been discussed and analysed in the other House, and the two clauses to which there would be objection have been eliminated. I think the amendments are in the right direction and will assist in future legislation by all private companies, such bills being made subject to these amendments to the Railway Act, which I think is the principal intention of the measure.

The motion was agreed to.

The House resolved itself into Committee of the Whole on the bill.

(In the Committee.)

On subsection *e*.

Hon. Sir MACKENZIE BOWELL—How far does this clause extend? Many people in the different towns and cities in the country, plant shade trees, which are really their own property. Have the municipality the power to permit the cutting down of these without compensation to the parties who planted them?

Hon. Mr. MILLS—I think not.

The CHAIRMAN—Sub-clause *k* covers the point.

The clause was adopted.

On clause 3.

Hon. Mr. FERGUSON—I notice in the first clause of this bill in the amendment that is proposed to be made to section 90 of

the Railway Act, that the said subsection shall not apply to any company incorporated or chartered under any Act of the Parliament of Canada, passed prior to the 1st January, 1899. That means that that section is not retroactive. This amendment we are dealing with has reference to bridges. Is there the same provision in the bill with respect to it that it shall not apply to any company incorporated before 1st of January, 1899.

Hon. Mr. MILLS—No. These clauses are new in the General Railway Act, but there are many individual acts recently passed that contain exactly the same provision and this is to do away with the necessity of repeating them.

Hon. Mr. FERGUSON—I think there is this difference between the amendment we are making to section 192, which relates to bridges, and section 90 that refers to railway companys generally, that the amendment, which is altogether a new one, which is made to section 90, does not apply to any railway company chartered before the 1st of January last. I do not think there is any such limitation in regard to the amendment we are making to section 134.

Hon. Mr. MILLS—The first section reads:

1. Section 90 of the Railway Act, chapter 29 of the statutes of 1888, is hereby amended by adding thereto the following subsection; provided that the said subsection shall not apply to any company incorporated or chartered under any Act of the Parliament of Canada passed prior to the first day of January, one thousand eight hundred and ninety-nine.

2. When any company has power by any Act of the Parliament of Canada to construct and maintain lines of telegraph or telephone, or lines for the conveyance of light, heat, power or electricity, such company may, with the consent of the municipal council or other authority having jurisdiction over any highway, square or other public place, enter thereon for the purpose of exercising the said power, and, as often as the company thinks proper, may break up and open any highway, square, or other public place, subject, however, to the following provisions.

Hon. Mr. FERGUSON—That is whether it is a new company or an old one?

Hon. Mr. MILLS—Yes.

Hon. Sir MACKENZIE BOWELL—Providing the work has not been commenced.

Hon. Mr. SCOTT—It could not apply to any work under way.

The sub-clause was adopted.

On sub-clause *b*.

Hon. Mr. MILLS—That is a rule acted upon for some time. It prevents a waste of capital where one bridge will suffice, it is not worth while having two. The Railway Committee of the Privy Council fixes the terms.

Hon. Sir MACKENZIE BOWELL—They would have to pay the toll.

Hon. Mr. MILLS—Certainly.

The sub-clause *e* was adopted.

On sub-clause *c*.

Hon. Mr. FERGUSON—In reference to matter of tolls on bridges, might I ask the hon. Secretary of State if it is clearly understood that in regard to the bridge proposed to be built under the bill providing for the railway between Charlottetown and Murray Harbour, the toll collected for the traffic will belong to the provincial government.

Hon. Mr. SCOTT—I fancy so. I will make the inquiry. It seems only reasonable.

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

The bill was then read the third time and passed.

GENERAL INSPECTION ACT AMENDMENT BILL.

THIRD READING.

The House resumed in Committee of the Whole on consideration of Bill (156) "An Act to amend the General Inspection Act."

(In the Committee.)

Hon. Mr. SCOTT—One clause of this bill was held over for further consideration at the instance of the hon. gentleman from Monck. I sent over to the department to see if they had any expert information on this clause, and they said they had not. The law has been in its present form for a number of years. It provides that No. 1 oats shall be sound, plump, clean and free from other grain. No. 2 oats shall be sound, reasonably clean, and reasonably free from other grain, and rejected oats consist of oats damp and unsound, &c. In the bill a further classification has been made, as hon. gentlemen will see, but there has been no alteration for very many years, as far back as I have been able to trace; and no necessity for a bushel of oats to amount to thirty-four pounds. My

hon. friend suggests that the classification applicable to wheat should practically be applied to oats, that is, that No. 1 should weigh thirty-four pounds at least; No. 2 not less than thirty-two pounds; No. 3 not less than thirty pounds. Of course I am quite unable to give the House the information on the subject, because it is purely a matter for experts and those who are in the trade. We should not make any change except with a good deal of reflection, because we do not know what the effect would be. At present a bushel of oats means thirty-four pounds, whether it is light or heavy oats. My hon. friend has personal experience and I do not propose to place my judgment against his. I only mention that fact, that in disturbing the law as it has been for many years, we might be taking a plunge which might be a mistake.

Hon. Mr. FERGUSON—It might be well, in view of what the Secretary of State has said, to adhere to that law as we have it. There is this difficulty in the matter of oats, the oats produced in one part of the country differs immensely from the oats of other parts. I come from a province where we claim to raise the best oats in America. We can do it. I am sorry to say we do not all do it, but the soil and climate of Prince Edward Island are peculairly adopted for cultivation of the oats. In other parts of the country oats do not fill as fully, nor do they clean off the ends so as to pack like barley. The Prince Edward Island oats are more like Scotch or Irish oats than anything else. We might go this far and say that No. 1 should be clean, plump and free from other grains, and from oats of any other colour, but if we were to say any particular weight as being necessary, we would find a great deal of difficulty on account of the different quality of oats grown in other parts of the country? I know that in Nova Scotia and New Brunswick the oats do not fill nearly so plump and full as in Prince Edward Island, and from what I know of the North-west oats it is the same. On the whole, it would be perhaps just as well to let the Act remain as it is.

Hon. Mr. McCALLUM—It is good to have Conservative principles and stick to what we have always done, but it does not require expert evidence, only a little common sense, to consider this question. A bushel of oats in Prince Edward Island is thirty-four pounds to-day is it not?

Hon. Mr. SCOTT—It is all over the country.

Hon. Mr. McCALLUM—I know they raise heavy oats in Prince Edward Island, and I do not see why you could not put the weight down in the way I have suggested: that is, No. 2 oats should be thirty-two pounds to the bushel, and No. 3, thirty pounds to the bushel. I will hand in an amendment to the chairman and he can take the sense of the House on it. A bushel of oats is a bushel of oats, but if you take thirty-four pounds of oats raised in Prince Edward Island, I venture to say there is as much food in it as there is in thirty-six pounds of some oats in the province of Ontario. It does not at all affect the case by saying a bushel of No. 2 oats shall be so much, because it will show to the man that is buying what its quality is. Besides, by doing so, it will encourage those who are raising grain to have good clean oats and have them weigh as much as possible. Even when they come to fan them, it will encourage them to blow away light oats and get as near No. 1 as possible. But if you are going to take light grain, which is not half filled, it will be a mistake. Oats to weigh well must be sowed early, so as to ripen, because when the sun gets hot in August, that is the time the straw grows and the grain does not fill. I cannot see, for the life of me, what difference it will make if oats would weigh forty pounds to the bushel. It does not lessen the price of the grain to classify it that way. You do it with other grain. You leave a man to take a sample in his hand, to say whether the oats are well filled or half chaff.

Hon. Mr. FERGUSON—There are two things we have to keep separate in our minds. The Weights and Measures Act fixed thirty-four pounds as the standard weight of a bushel of oats. Here we are grading and trying to find a basis for a grade. In the whole of Canada, with respect to wheat and barley, I do not see that there is a very great deal of difference how you fix it, because in our end of the country and in Ontario and the North-west, good wheat varies but little in weight; but there is a most decided difference in oats. Before

confederation the province regulated their own standards of weight and measures and in Prince Edward Island we had an old official standard of thirty-six pounds to the bushel, and that was put away down below the average weight. But we found a difficulty in Nova Scotia and New Brunswick. There the standard was thirty-four pounds and it caused a great deal of difficulty, so we put down our standard to thirty-four pounds in order to conform to the standard of the markets. If we were to establish Nos. 1, 2 and 3 in Canada on a basis of weight, it would create the greatest possible confusion, because in one part of the country I know from experience thirty-four pounds represents very respectable and good oats. I know in my province it does not. Take a Winchester bushel of well-grown and well cleaned black oats, and in a good year they will generally come very close to forty pounds to the bushel. Take the Egyptian white oats and they will go forty-five to forty-eight pounds to the measured bushel. When a farmer sells oats he sells at thirty-four pounds to the bushel. My hon. friend from Monck will see the difficulty the moment we begin to establish any particular weight as a basis for oats. The moment we come to make weight a basis for grading oats, a difficulty presents itself which we do not meet in wheat or barley, for I find east grown and west grown barley are pretty much the same in regard to plumpness and weight. I think it will be better to leave the law as it stands.

Hon. Mr. McCALLUM—I know there is a marked injustice. If a Winchester bushel weighs but thirty pounds, and it takes thirty-four pounds of oats to make a bushel, I am sure there is not the value in it that there is in the thirty-six pounds that my hon. friend speaks of. With regard to barley, the quality is not altogether fixed by weight; it is the colour that regulates the price. Barley might be very plump and weigh heavily, but if it is off colour it is put down as seed barley. If the House rejects my amendment, I have nothing further to say. I do my duty in the interests of the country as far as I know how. I must be very dull of comprehension if I cannot see the difference between oats with the hulls partly filled, and plump oats. People can do as they have been doing, look at the oats and weigh them, and if they do not come up to thirty-four pounds to the bushel pay so much less. But oats should be classified, because it would be an inducement to the farmer to clean his grain properly and sell good oats.

Hon. Mr. MACDONALD (P.E.I.)—I do not think that the view which the hon. gentleman from Monck takes of this question is the correct one.

Hon. Mr. McCALLUM—You are for chaff, are you?

Hon. Mr. MACDONALD—No, I want to see the oats properly cleaned and properly sent to market, and if we are going to say No. 3 oats shall weigh thirty pounds to the bushel, it will be such a grade of oats that nobody would buy it for anything but chaff in our province. The description in the bill before us is sufficient to grade oats. It does not matter whether No. 1 oats weighs more than thirty-four pounds to the bushel. It is No. 1 if it answers the description here, and the same with No. 2 and No. 3. Oats which are unsound, or damp, or dirty, are considered in our province unfit for market altogether. That is the way they are described in the bill, and I think that is sufficient.

Hon. Mr. PERLEY—I am quite aware that the amendment of my hon. friend will be defeated; nevertheless, it is on the right track, and I will tell you why. I have bought a good deal of oats in the North-west. What is the first stipulation? The oats shall weigh so much to the bushel. You get oats in Canada all the way from twenty-five to forty-five pounds to the bushel. I have raised oats in New Brunswick that would not weigh more than twenty-five pounds to the bushel and in the North-west that would go forty pounds to the bushel, I would grade the best, No. 1 extra. Now, I want to buy a carload of oats from a dealer. The oats may be late and may not be well developed. They may answer the description in this bill and yet be light oats. The result is you do not know what you are getting. If I buy a carload of oats I ask how much will they weigh to the bushel and I pay two or three cents more per bushel for them if the weight is above the standard. I would have No. 1 extra weigh thirty-six pounds; No. 1, thirty-four pounds; No. 3, thirty-two pounds. The standard bushel will be thirty-four pounds, I understand, and when you get thirty-four pounds, a good

deal of which is virtually chaff, it makes a difference. I have bought light oats very cheaply by the bushel. The proper way is to have the grain graded by weight, and if I go to a man in Winnipeg for a carload of oats of a certain quality, I know then what I am getting.

Hon. Mr. MILLS—The difficulty is, there is such a great variation in oats which if you undertook to classify according to weight would come in the first class. Take for instance in Prince Edward Island my hon. friend from Marshfield might insist that oats should weigh forty pounds to the bushel to be of the first class extra and thirty-six pounds to be the first class, and if they fell below that, to be of the second class, but no Ontario man would be satisfied with that classification, because thirty-four pounds would be as heavy as oats grown with him. You would have great difficulty in classifying according to weight on account of this variation in weight itself in different parts of the Dominion, but you can classify them fairly well in the manner provided in the bill.

The amendment was declared lost on a division.

Hon. Mr. SNOWBALL, from the committee, reported the bill with amendments, which were concurred in.

The bill was then read the third time and passed.

It being six o'clock the Speaker left the chair.

After Recess.

LOTTERIES IN QUEBEC.

Hon. Mr. CLEMOW—I wish to bring under the consideration of the House a matter which I consider of great importance. I suppose hon. gentlemen are all aware that the House of Commons have not thought proper or convenient to pass the Criminal Code Amendment Bill, which was introduced in this House some time ago by the Minister of Justice, and occupied the time of this House for several days in the endeavour to make the Act as perfect as possible. The effect of throwing the bill over to another session has caused the lottery question in Montreal to assume gigantic proportions. I am almost afraid to state the amount that it is expected will be invested in the lottery business. Therefore, I think it behooves us, at any rate, to protest against the action of the Commons in dropping this measure, which was introduced by the Minister of Justice, who is, of course, the administrator of all judicial matters in this country. I do not know whether it would be parliamentary or not that a protest from this chamber should be presented to the House of Commons, and to suggest that, even at this late date, at the risk of keeping the members here for a short time longer, whether it would be advisable, under the circumstances, that they should pass the bill, in order that it might be brought into operation as soon as possible, to prevent these nefarious transactions being carried on as they are at the present time.

Hon. Mr. DEBOUCHERVILLE—What transactions?

Hon. Mr. CLEMOW—These lotteries at Montreal. I do not know what you call them. I have seen several articles in the newspapers severely commenting on the fact that they are allowed to continue, and stating the amount of money which would probably be lost by the poor people, because we all know that these things are taken up by the poor people, I am almost afraid to estimate the amount, but it is said to be millions. In this case the Commons have not performed their duty. They talk of reforming the Senate, but if such a thing occurs again a reform of the House of Commons would be more in keeping with the condition of affairs in this country up to the present time. I feel it my duty to bring this matter before the House, because we all took a very lively interest in the amendments to the Criminal Code. We spent several days on the bill and the Minister of Justice, I have no doubt, spent a great deal of time and gave a great deal of attention to the various amendments proposed. It is a reflection upon him that the Commons have thought proper to withhold their consideration of this important question. They have had time enough, as we all know. They have been squabbling over matters of trivial importance and have allowed matters of great importance to pass unnoticed. It is beyond my comprehension. I do not know whether I am in order in

bringing the matter before the Senate, but I hope they will take it in the spirit in which it was intended, which is merely to give my opinion in respect to the conduct of the Commons in the matter. Hon. gentlemen will know better than I do what course to take, if any course can be taken, and I do hope in the interest of justice and of the people of this country, that something will be done to carry out the provisions of the bill amending the Criminal Code, as introduced by the Minister of Justice. It rests with the Senate to say whether it is convenient or proper that we should take notice of this matter in the way that I have suggested.

Hon. Mr. MILLS—I very much regret that the measure which was carried through this House, which embraced a good many suggestions that were made by judges in various parts of the country, as the text in the Criminal Code required correction both with regard to procedure and questions of ambiguity as well as others, has been dropped. The House of Commons, I believe, allowed the bill to stand over because there was likely to be a very considerable amount of discussion upon some of the provisions of the bill, and among others, that provisions to which the hon. gentleman has alluded, the question of these art associations and art lotteries in Montreal. Some persons have been very much in favour of these institutions. They were organized, it was said, for the purpose of encouraging art, whereas others have declared that they had degenerated into gambling institutions, if they ever had an art feature connected with them, and that they are inflicting serious injury upon a good many of the labouring classes, especially upon boys and girls that are employed in some of the large factories. I regret that the measure could not become law this session. I trust that it may, at no distant period, become law. We have the slaughter of the innocents every session, towards the close, and it has been my fate to submit to the slaughter of this measure in the present session. I say again with my hon. friend that I regret that the bill has not become law, but I believe it was the anxiety of the House of Commons to bring the session to a conclusion, and with a certain knowledge that a number of parties were opposed to the measure and it would likely protract the session for some days if persisted in, that caused the measure to be thrown over.

BILL INTRODUCED.

Bill (179) "An Act respecting the Harbor Commissioners of Montreal."—(Mr. Scott).

SAFETY OF SHIPS BILL.

THIRD READING.

The order of the day being called:

Committee of the whole House on Bill (170) "An Act respecting the safety of ships."

Hon. Mr. SCOTT said:—This bill is not printed in the Senate form, and as it was introduced in the House of Commons it consisted of several clauses. The only clause which comes up to this House is the first clause. If hon. gentlemen have the Commons bill before them, they can see what it is. All the clauses have been struck out except the one. The Act provides penalties for ships going out, without a permit by the port warden, with what are called deck loads, after the 1st October, and the shipping men claim that there is no possible danger with steamships that sail before the 12th October in any year. It is chiefly at the instance of the shipping interests of Quebec that the bill is being promoted.

Hon. Mr. DEBOUCHERVILLE—How is it in England?

Hon. Mr. SCOTT—They are much more particular about deck loads than we are. The Plimsoll Act is in force there.

Hon. Mr. DEBOUCHERVILLE—Will it not affect the insurance?

Hon. Mr. SCOTT—This bill is introduced at the instance of the ship-owners, and it is a matter entirely with themselves. They say they are very careful and never exceed a proper deck load. They assert that steam vessels sailing before the 12th October ought to be exempt from any condition as to inspection by the port warden in regard to deck loads.

Hon. Mr. SNOWBALL—As I understand, the object of this bill it is to conform more closely to the English law than to any law of our own. The English law is that no vessel shall arrive at a port in Great Britain with a larger deck load than three

feet in height after the 1st November. This law is so interpreted as to allow a vessel to sail from this side of the Atlantic up to the first day of October with such deck load, assuming it would occupy thirty days for the voyage, giving sufficient time. The captain has to make an affidavit that he sailed at a certain date to arrive at his destination before the 1st November. At the time this law was passed there were very few steamers carrying deck loads of timber and deals, as they are doing now. The steamboat owners claim that a steamship leaving Canada on the 1st October would be due to arrive in England before the 1st of November. A steamer should cross in from twelve to fifteen days and the government, possibly wisely, has fixed their sailing date the 12th October. It is the arriving on the other side that is the important matter, and not the date of sailing from Canada. A steamer leaving here on the 12th October is as likely to arrive at her destination in time as a sailing vessel leaving on the first of the month. Parties owning vessels sailing from Canadain ports are anxious to get the sailing date with a large deck load extended to as late a date as possible, but underwriters look suspiciously upon it. People in the maritimes provinces have been very unfortunate this year, having to pay an extra rate of premium of insurance on their cargoes, on account of losses which occurred in the River St. Lawrence. When we remonstrated with the underwriters, they told us that the loss occurred in British North America and we have to help make it up, and such extra charges have become extremely serious. Where on and before the 1st August previous to this we had insured our cargoes effected at from a half of one per cent to one per cent for the voyage, and sailing vessels at one per cent up to the 1st August, this year they have doubled our insurance to one per cent on steamships and two per cent on sailing vessels before this date and add another one per cent on it after the 1st of August, and then one per cent addititional every ten days up to the 1st of October, so that it became almost prohibitory for us to ship by a sailing vessel, after say, the 1st of September. Sailing vessels are now becoming scarce and we look more to steam. If the insurance companies are willing to concede a discount on our insurance, if we have the deck load inspected and the port warden gives a certificate that the ship is sea-worthy with an extra deck load up to that period, it will be a great relief to the ship-owner and the shippers as well, because no matter what taxes are put on a vessel, the charterer has to pay them eventually, and it comes out of the proceeds that we eventually receive. I am sorry the minister has not been able to see his way clear to go into the matter more fully than he has done. This bill is intended to be a relief to shippers, and I understand that a minister without portfolio had been in communication with the underwriters on the other side, and they had agreed under certain conditions of restricting the deck load by getting a port warden certificate, that they would consider the reduction of rates. However, it is too late in the session now. Mr. Dobell is now on the other side, and there is no one apparently that will take the responsibility of advising very strongly the course that should be adopted. The move is so far in the right direction, and there can be no objection to the granting of this one clause, but it is unfortunate that it does not go still further and relieve us of some of the burdens which are imposed upon us by extra insurance premiums.

Hon. Mr. FERGUSON—As the hon. gentleman who has just spoken represents the minister without portfolio in the House, will he be kind enough to tell me something which I cannot quite understand? Had all these regulations that are now declared not to apply to steamships up to the 12th October, applied to steamships up to the present time.

Hon. Mr. SNOWBALL—They had.

Hon. Mr. FERGUSON—And we are now proposing to exempt steamships sailing up to the 12th October from these regulations?

Hon. Mr. SNOWBALL—Yes.

Hon. Mr. DEVER—How would that act with reference to the premiums charged by the underwriters?

Hon. Mr. SNOWBALL—A certificate that the ship is sea-worthy should be obtained.

Hon. Mr. DEVER—This question has been discussed in the press of the place from which I come, and the great difficulty is that

the underwriters will not effect the insurance except at 4 per cent extra.

The House resolved itself into Committee of the Whole on the bill.

(In the Committee.)

Hon. Mr. SCOTT—The present law permits deck loads up to the 1st October and this bill extends that period twelve days.

Hon. Sir MACKENZIE BOWELL—The measure has been pretty clearly explained by the hon. gentleman from Northumberland. The clause, as it stands, is to exempt all steamships—not sailing vessels—from the penalties provided in one section of the Act referred to, and to allow steamships to load just as heavily as they please up to the 12th October. My hon. friend from St. John has very properly inquired as to how it will affect the rates charged by the underwriters—whether the extension of that time would not induce the underwriters to charge a heavier rate of insurance than they do at the present time. That is the only point, and it is for the shippers to understand how it will affect them. Before going further, I desire to say that this bill, although short, containing only one clause, is very important, affecting the shipping interests of the Dominion. The question is not only how much further will this affect the underwriters in the old country, but how far will it come in contact with the provisions of the Plimsoll Act, and what effect will it have upon those who do a good deal of shipping? This is another illustration of the bad effect of introducing important measures at the dying moments of the session.

Hon. Mr. POWER—This was introduced on the 10th July.

Hon. Sir MACKENZIE BOWELL—But it did not come up here before. All the bills which have come up to us yesterday, and to-day, are government measures, and if they were introduced in the Commons and had been there for two or three months, it is no reason why we should be asked to pass them without knowing their contents, or without being able to make inquiry as to what effect they would have on the interests of the country. We have had most important measures brought up to us, measures involving the expenditure of hundreds of thousands of dollars. It may be said that the Senate, not having the power to deal with questions of that kind other than to accept or reject them, it makes very little difference what time they come here. I do not take that view of the question. A question like this, particularly, is one that we should have before us sufficiently long to justify our voting for the principles involved in it. My hon. friend says that has been the practice for years. It has been too much the practice. The hon. leader of the House will remember that months ago I referred to what might probably occur at the last hours of the session, and I then intimated to them that the Commons must not be surprised if the senators insisted upon taking a sufficient length of time to acquire a knowledge of the measures which were brought before them, and if they were kept for three or four days by the Senate, in order that we could give due and proper consideration to these measures, I think it would teach them a lesson that might improve their conduct in the future, and that would be the best kind of improvement that we could adopt. I do not feel inclined to take any and every measure thrown down to us, and without a moment's consideration, to place them upon the statute-book, unless perhaps it be the Supply Bill, and we know what the practice has been with regard to that. Further than a short discussion on its contents, it is generally allowed to go. What I have said I do not say in any spirit of carping, but I think the hon. Minister of Justice and the hon. Secretary of State will admit the force of my remarks. Here is an illustration: the hon. gentleman from Northumberland (Mr. Snowball) is the only man who has given any indication of understanding what the bill is. Is he the "Old Man" of the sea representing the Minister of Marine and Fisheries. I do not object to this bill, simply because I do not now what effect it will have. I take it for granted that the Minister of Marine and Fisheries must have known what he was doing when he introduced it. Though Mr. Dobell is looking after bottle-necked ships, or unsinkable ships, I should suppose the Minister of Marine and Fisheries, who was born and has lived by the sea, has a fair knowledge of what he is doing in his department, and how this will affect shipping, and I think it is rather a reflection on the minister of that department for the hon. gentleman from Northumberland to say that Mr. Dobell not being here, there is no one to tell him what

he should do. Let us hope that the Minister of Marine and Fisheries knows his duties better.

Hon. Mr. MILLS—I do not see anything to complain of in the provisions of this bill as it comes to this House. The hon. leader of the opposition has spoken of the late period at which many bills have come to the Senate this session. That is true. Every session must have a beginning and ending, and it is also certain that there are some bills that must come after others, and must come up to the close of the session, because if that were not so, the session would terminate at an earlier period than it is likely to terminate on this occasion, and although the session would have been shorter, the same process would necessarily go on. With regard to the measures of the government this session, I think, we have had a very much larger number here than we have had for a good many years. Then in the other House, hon. gentlemen know that a very large portion of the session was taken up, I think some five weeks, discussing the Speech from the Throne; and after that speeches were made almost continuously upon the subject of the estimates, and if the measures of the government that were initiated in the other House have not come here at an earlier period, it is simply because the House, in deciding upon the orders in which it would conduct its own business, occupied its time very largely with the discussion of the estimates with which we, of course, can have nothing to do until near the close of the session. Now, with regard to this bill, there is nothing complex or difficult to be understood about it. Whether the measure ought to have embraced other reforms than those which are set out in the bill as it has come down to us, I will not say. It is a bill containing but two clauses and the title. It provides that notwithstanding anything to the contrary contained in the Act as it now stands, steamships may take on board deck loads up to the 12th of October. There is no change in the law except the one single point, that is that the law as it now stands, permitting vessels to take on deck loads, is extended twelve days beyond the time which is mentioned in the present Act.

Hon. Mr. FERGUSON—Why is it extended?

Hon. Mr. MILLS—My hon. friend stated specifically that under the English law ships taking on deck loads must arrive in the English ports before the 1st November, and that while the 1st October would be a period quite low enough, perhaps, for sailing vessels taking a risk of delay or accidents in crossing the Atlantic, the period here could be safely extended to the 12th October and still give ample time for the arrival of steamships in British ports before the 1st November. My hon. friend opposite will remember the discussion which took place some years ago on this measure. If I remember rightly, it was primarily introduced to the attention of Parliament by Mr. Mitchell when he was Minister of Marine and Fisheries, and there is no change in the law by this legislation, except giving the steamers sailing from the port of Quebec an opportunity of taking on a deck load up to a later period.

Hon. Sir MACKENZIE BOWELL—It has been changed once or twice since that.

Hon. Mr. MILLS—But the principle is unchanged.

Hon. Mr. MACDONALD (P.E.I.)—A sailing vessel leaving any port of North America for England could not take a deck load after the first day of October, or if she could take any deck load at all, the quantity that she could take on deck was regulated by the port warden. He said that the ships should not be allowed to take over a certain height of load on deck. After this bill passes it will be competent for any vessel——

Hon. Mr. POWER—Any steamship.

Hon. Mr. MACDONALD (P.E.I.)—For any steamship leaving a Canadian port for Great Britain to take on, up to the 12th October, such quantity of deck load as the captain may choose to put on the deck of his vessel. That appears to me to be the effect of this bill. It may possibly be a very good thing for ship-owners to have vessels take as much load as possible on deck, but we must remember that the object of the legislation in Great Britain has been to prevent as much as possible the overloading of ships of all kinds, both steam and sailing vessels, because the masters or the owners of vessels are very apt to put on more than is really safe at times, in order to make their freight as great as possible. This bill is, in my

opinion, doing away with some of the safety that is provided for sailors and mariners on the ships sailing from the 1st to the 12th October, by permitting vessels to take on heavy deck loads when probably they have very heavy cargoes under deck, and is not so safe as it would have been otherwise. There should have been a further provision in this bill that the port warden, or some authority, should have power to see that even up to the 12th October the ships were not overloaded by taking too heavy deck loads.

Hon. Mr. SNOWBALL—The hon. gentleman from Prince Edward Island is rather astray: there is a restriction on sailing vessels after the 1st day of October now, and after the 12th day of October, for steamers, if this bill passes. Up to these dates there is no restriction, so far as deck loads are concerned. A vessel can carry any deck load up to the 1st of October, but the Plimsoll Act comes in there. All British registered vessels have a load line marked on their sides, so that they cannot be loaded at any season of the year below that mark.

Hon. Sir MACKENZIE BOWELL—That is the principle of the Plimsoll Act?

Hon. Mr. SNOWBALL—Yes. But after the 12th October, of course not being able to carry the same deck load, the Plimsoll mark will be seen above the water line. Then, again, we must remember the Plimsoll mark only refers to vessels of British register. Foreign vessels can do as they like. Our vessel owners complain that foreign vessels can come in and take loads which a British vessel is not allowed to carry.

Hon. Sir MACKENZIE BOWELL—Is a Canadian ship considered a British vessel for registration purposes?

Hon. Mr. SNOWBALL—Yes, all Canadian vessels are required to carry this Plimsoll mark, and no vessel registered in the British possession is allowed to go to sea without it. That makes a distinction between Plimsoll and the insurance. The hon. leader of the opposition asked how it affected insurance companies. All the timber cargoes at any rate going out of Canada, and I assume very largely others, if the goods are sold to arrive at a certain date, the parties on the other side make the condition that the shipments are to accompanied by a Lloyds policy of insurance, and as the law on the other side is the arrival time, not the sailing time from this side, the Lloyds insurance comes in all right. I may say the government are well advised, but what I tried to say was that Mr. Dobell had had some conversation with Lloyds in London, being a heavy shipping insurer, that on certain conditions they would make certain concessions, and Mr. Dobell is not here.

Hon. Sir MACKENZIE BOWELL—When this subject was under discussion some years ago, complaint was made of the disadvantage which British ship-owners, and Canadians in particular, were placed when coming into competition with Norweigan vessels which visited this country and are allowed to put on what load they like.

Hon. Mr. SNOWBALL—Up to the 1st October. Afterwards they are subject to British regulations. They cannot sail with deck loads after that date.

Hon. Sir MACKENZIE BOWELL—Would they be subject to penalties on arriving in England, just as a British vessel would be?

Hon. Mr. SNOWBALL—Yes.

Hon. Sir MACKENZIE BOWELL—How is it on the question of insurance? Norweigan vessels, I have been told, are not a very good class of vessels. Do Lloyds insure them at the same rate as a well-built Canadian vessel?

Hon. Mr. SNOWBALL—They did up to a year ago, when, there being no new wooden vessels. These vessels are getting so much worse because they are much older. They have taken their tariff away from them, and insure every vessel now on its merits after the 1st of October.

Hon. Mr. FERGUSON—A Norwegian vessel in our ports would be subject to the Act we are dealing with, but not subject to the Plimsoll Act.

Hon. Mr. SNOWBALL—They are not subject to a load line, but after the 1st of October they are subjet to the Plimsoll Act

Hon. Sir MACKENZIE BOWELL—The only addition to this is relieving ship-owners of penalties?

Hon. Mr. MILLS—Yes, for the twelve days.

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

The bill was then read the third time and passed.

ROAD ALLOWANCES IN MANITOBA BILL.

SECOND READING POSTPONED.

Hon Mr. SCOTT moved the second reading of Bill (175) "An Act further to amend the Act respecting roads and road allowances in the Province of Manitoba." He said:—The object of this bill, is to legalize a plan which has recently filed in the city of Winnipeg. There were errors committed in laying out the streets. The principal street affected is Water street. I have here a report by Mr. Rothwell, the law clerk of the Department of the Interior, on the subject, which I will read for the information of the House. (Here Mr. Scott read the report).

Hon. Sir MACKENZIE BOWELL—If I understand that report, it means this: that Water street is supposed to be 66 feet wide. It has been encroached upon by the original settlers, I understand, without any intention of trespassing upon other than what they supposed to be their own land, and this is to narrow the street to 60·40 feet, and to give to the land holders the other 5·60 feet of land. If they have all agreed to it, and the city has agreed to it, I do not see why we should object.

Hon. Mr. SCOTT—The report we have is from the law clerk of the Department of the Interior.

Hon. Sir MACKENZIE BOWELL—And he reports that all the parties interested and the city have acquiesced in this new survey.

Hon. Mr. SCOTT—Yes, and have sent a draft of the bill to the Department of the Interior to be confirmed here.

Hon. Sir MACKENZIE BOWELL—The only parties who could object would be the city of Winnipeg, and those interested in the width of the road. It is to remove a difficulty, I suppose, rather than put the property owners, who have built on the road, to the inconvenience and expense of moving their buildings. Is that the object of it?

Hon. Mr. SCOTT—That is the object.

Hon. Mr. FERGUSON—I understand that this plan, which is referred to in this report and in the bill only relates to some street—the old trail that goes through the city of Winnipeg?

Hon. Mr. SCOTT—It is limited to Winnipeg.

Hon. Mr. FERGUSON—What is contained in this plan we are asked to legalize. We really do not know, beyond the explanations we have received what is covered by the plan, but it goes on to say that we are to approve of it. Surely all these words "road allowances, highways and great highways" must refer to more than one street in Winnipeg?

Hon. Mr. SCOTT—I have read the law clerk's report to me.

Hon. Mr. FERGUSON—My hon. friend must be mistaken, because it speaks of all "roads, trails, road allowances, highways and great highways."

Hon. Mr. ALLAN—The title of the bill indicates that it relates to more than one street.

Hon. Mr. SCOTT—It is quoting the title of the General Act relating to roads and road allowances in Manitoba.

Hon. Mr. FERGUSON—But it provides that the unpatented lands are transferred to the Crown in the right of the province of Manitoba. Surely they should revert to the city of Winnipeg if they refer to a street in Winnipeg only.

Hon. Sir MACKENZIE BOWELL—The Secretary of State yesterday, when he introduced this bill, gave as an explanation that it was to legalize some trails that ran through different portions of the province—that they had followed the old original Indian trails instead of making roads on the surveyed lines. Now he tells us it affects Winnipeg only. I would suggest allowing the bill to pass through the committee with the understanding that it is not to be read the third time till we have an explanation.

Hon. Mr. DEBOUCHERVILLE—We have no French copy of this bill, and possibly I do not understand it. Reading this:

> Those portions of the land shown as streets on the said sectional plan and so much of the rest of the land contained within the area of the said plan as is unpatented.

This does not relate only to the city of Winnipeg. It embraces more than that. I think it means this, that those lands shall be transferred to the government of Manitoba.

Hon. Mr. MILLS—That is the meaning of the second clause.

Hon. Mr. DEBOUCHERVILLE—What do they mean by the lands? Are you going, by this bill, to give to the government of Manitoba lands which do not belong to Manitoba now?

Hon. Mr. MILLS—My hon. friend has not looked carefully at the clause. It says that "those portions of the land shown as streets on the said sectional plan, and so much of the rest of the land contained within the area of the said plan as is unpatented," that is still in the Crown of the Dominion, "are hereby transferred to the Crown in the right of the province of Manitoba." There is a transfer of that Dominion interest which is now vested in the Crown, to the Crown as represented in the province, but it is not lands indefinitely, but lands represented on the plan.

Hon. Mr. DEBOUCHERVILLE—The plan contains more than the street, and we are going to transfer to the province of Manitoba lands that belong to the Dominion government. There may be lands belonging to schools there.

Hon. Mr. ALLAN—I thought that yesterday the hon. gentleman explained to us that there were certain trails in differents parts of Manitoba, which it was found more convenient to use as roads than the concession lines. Now, his explanation is that there is but one street in the city of Winnipeg which is affected by this bill.

Hon. Mr. POWER—I would suggest to let the bill pass through committee, and allow the hon. Secretary of State to produce the plan sent to the Department of the Interior.

Hon. Mr. SCOTT—The plan is at Winnipeg.

Hon. Mr. DEBOUCHERVILLE—I insist on having the French copy.

Hon. Mr. FERGUSON—Do we understand that a copy of this plan is in the department of Ottawa?

Hon. Mr. SCOTT—I do not understand from the letter that there is any plan here. The plan was filed in the registry office in Winnipeg.

Hon. Sir MACKENZIE BOWELL—As the hon. gentleman does not understand it at all, the bill should be allowed to stand until to-morrow.

Hon. Mr. MILLS—My hon. friend will see that by the first clause of the bill the legislation is confined to the city of Winnipeg.

Hon. Sir MACKENZIE BOWELL—I do not think so.

Hon. Mr. FERGUSON—The plan is filed in the Land Titles Office in Winnipeg, but it may relate to the whole province.

Hon. Sir MACKENZIE BOWELL—It amends the General Act respecting roads and road allowances. Then it says that the sectional plan filed as plan 559 in the Winnipeg office "is hereby approved." We do not know what we are approving, because we have not the plan, nor have we an explanation of the meaning of it. Then it goes on to speak of "streets, roads, trails, road allowances, highways and great highways." The second clause refers to certain streets, and it gives to the province of Manitoba whatever interest the Dominion may have in unpatented lands along those streets on one side or the other. The bill, though short, is more comprehensive, and has more meaning in it than we at present understand, and if the hon. gentleman will let it stand over and get information to-morrow, it would be better.

Hon. Mr. SCOTT moved that the order of the day be discharged and placed on the orders for to-morrow.

The motion was agreed to, and the order was discharged.

CITY OF OTTAWA BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (187) "An Act respecting the City of Ottawa."

(In the Committee.)

On clause 1.

Hon. Sir MACKENZIE BOWELL—Might I ask if that $45,000 includes the care and keep of the park east of the canal, which is government property?

Hon. Mr. SCOTT—The government still retains that.

Hon. Sir MACKENZIE BOWELL—It was originally given by the Mackenzie government to the city of Ottawa, in consideration that the city would keep it in repair as a park. They neglected it, and when Sir John Macdonald came into power in 1878, the government assumed ownership and control and have kept it in repair ever since. That is not included in the $45,0000?

Hon. Mr. SCOTT—No.

Hon. Mr. MACDONALD (P.E.I.)—I think we are treating the city of Ottawa very liberally, indeed, in giving this sum, and if it had not been for the eloquent address of the hon. gentleman from Rideau last night, I should certainly have given my opposition to this measure. The city of Ottawa has many advantages that do not accrue to other cities throughout the Dominion. The whole of the civil service is centred here, and the money which they receive is expended here. The Parliament Buildings are here. The members of the Senate and House of Commons come here and spend, as they have done this year, five months of the year in Ottawa, and the greater part of the money which they receive as indemnity for that time is spent in Ottawa, and in that way the people of the capital have very many advantages that do not accrue to the people elsewhere. The hon. member for Rideau spoke of the large amount that the people of Ottawa had to pay as taxes. It is very true that they may have to pay a considerable amount of taxes, owing to the great value that property in the city has acquired by the concentration of the people who are brought here for the purpose of administering the affairs of the government, and the expenditure of their salaries by other employés of the government. If it had not been for that, the city of Ottawa would probably be a centre for a certain portion of the lumber trade of the Dominion, and perhaps some manufacturing, and it is probable that the value of the property in the city would not be anything like what it is to-day. We must remember then in giving this vote of $60,000 to the city of Ottawa, we are making a grant which very few of the inhabitants of the capitals of the different provinces will look upon with favour. They will consider that they have just as much right to receive from the Federal Government a grant for the improvement of the local capitals as we have to vote that amount for the improvement of this city. But the citizens of Ottawa claim that they contribute, by their fire protection and by supplying water to the different buildings, very handsomely towards the share that the government ought to pay for that purpose. But they must bear in mind that if the government had to pay insurance on these buildings, it would not amount to $15,000 a year, at the ordinary insurance rates, and if they are now paying $15,000 for the water supplied to the buildings, they are paying very handsomely indeed. I feel that we perhaps have some call to do something for the benefit of the capital of the Dominion, but in voting them the sum of $60,000, as is proposed in the clause now under consideration, we are dealing very handsomely, very liberally indeed with the capital of the Dominion.

On subsection *c* of clause 4.

Hon. Mr. O'DONOHOE—If we put a joint authority in the commission and in the corporation it will immediately give rise to great difficulty. The city, I presume, under its Act of incorporation, is bound to construct and keep in proper repair the streets of the city, and if so, I think it would be very unwise to join the commission or confer upon them any authority as to the construction or keeping of the streets in repair. That joint authority would be very embarrassing.

Hon. Sir MACKENZIE BOWELL—Is it contemplated by the words "or the vicinity thereof," to spend any money beyond the city limits? The clause reads the "improvement and beautifying of the city and the vicinity thereof." Take Hog's Back, for instance, which has been referred to.

Hon. Mr. SCOTT—It is improbable that any money will be spent out there.

Hon. Sir MACKENZIE BOWELL—I am asking about the probabilities. I am not asking if this bill gives power to do it; because if they have the power to do it they might do it. Is that the intention of the law?

Hon. Mr. SCOTT—No. If it were thought desirable to extend some highway to a park it might be done. For instance, I do not think Rockliffe Park is inside the limits, and the road to that park is one of the highways that certainly should be improved.

Hon. Mr. POWER—I should be very sorry that the power to make improvement should be limited to the city of Ottawa. For instance, it would be very desirable to have a proper road constructed to the experimental farm. There is really no good road leading to that farm, except the tram road, which does not go near the farm buildings.

Hon. Mr. SCOTT—The bill is broad enough to cover that.

The clause was adopted.

Hon. Mr. FERGUSON—I have not observed that there is any contribution towards the illumination of the city by the government. I suppose it is taken for granted that the presence of members of Parliament here for so long a time is sufficient illumination.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman from Rideau Division does not understand that.

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

Hon. Mr. SCOTT moved the third reading of the bill.

Hon. Mr. DEBOUCHERVILLE—In introducing this bill and proceeding to the third reading, the government has taken a step in the right direction towards the end which it has in view, but which probably will not be attained for some years. It shows that it makes a difference between the city of Ottawa, the capital of the Dominion, and other cities of the country. It is very natural for any good citizen to take a pride in the capital of his country, but there is, in this province, a state of things which, at least to me, seems quite anomalous. In England, France, Spain and Italy, every citizen that goes to the capital knows that he is in his own country. The superior government is not subjected to an inferior government. I wish to explain, when I say that the Federal Government is superior to the local government, that it is only in certain points. In the local governments we have certain attributes. For example, the civil law makes us, on those points, perhaps, superior to the Federal Government, but the Federal Government has the care of the safety of the whole nation. I need not go through all the attributes to show that it may be considered as superior to the local government. The government—at least the members of the House of Commons and the Senate—are subjected to the municipal rules of a government which is not their own government. It is the government of the Ontario people, but it is not the government of the Quebec people. It is not the government of the Nova Scotia, New Brunswick and Prince Edward Island people; it is not the government of Manitoba or of British Columbia. In every country, similar in some respects to ours—that is, a confederation—for instance, the United States and Switzerland, there is a city where every citizen can say: "This is my own country." The people from New York and the people from California may, when they are in Washington, say: "This is our country." But here we are not in that position.

Hon. Mr. CLEMOW—Why?

Hon. Mr. DEBOUCHERVILLE—I thought I had been explaining why. We are under the municipal law, the civil law of another province than our own. Take the matter of police; we are subject to the police of a province which is not our own. We are subject to the civil law. If a man becomes very sick and is in danger of dying, he cannot make his will here according to the laws of the province of Quebec. It is true that in books treating of the conflict of laws they say that a will in another country may be good in the province of Quebec, for example, but lawyers take both views. You will find those questions discussed, and in Quebec there have been cases of that sort decided by the court. It seems to me we ought to occupy in this country the same position that they have in other confederated countries as in Washington, and in Switzerland. In Berne, I understand, the

federal government rules the city. I understand that Berne is something like the district of Columbia. It seems to me that this aiding, by the present government, in the prosperity of Ottawa is a step towards an end which I desire, and which I think a great number of Canadians should desire. I may add that a short time before the death of Sir John Macdonald, in a conversation which I had with him, he told me that it was a mistake that we did not provide for that in the confederation resolutions in Quebec, that his opinion was that we ought to have Ottawa as a federal city with ten miles round Ottawa, forming a district something like the district of Columbia. Although it may not come for a year or two it will certainly come in time. I shall certainly vote for the bill.

Hon. Sir MACKENZIE BOWELL—There is another reason why the principle laid down by my hon. friend should be adopted. In looking at the public accounts and estimates every year, we find that every dollar spent on these buildings is charged to the province of Ontario, and when we speak of the appropriations which are made, speaking of the comparative amounts of the appropriations to the different provinces, all the money spent in the city of Ottawa in connection with the public buildings is charged to the province of Ontario. I have objected for years and years to that classification, always contending that it ought to be under one heading, because it shows to the reading public and to those who look at the public accounts that the province of Ontario is charged with large sums of money annually which really belong to the whole Dominion, as indicated by my hon. friends who have spoken. I have the estimates for this year in my hand as an illustration of what I say. Under the heading of Ontario I find the following:—

Dominion public buildings, renewal improvements, repairs, &c	$10,000
Ontario public buildings, repairs of masonry and so on	4,000
Ottawa public buildings and Langevin block improvements for fire proof attics and so on	24,000

I merely give these figures as an illustration. You sometimes will find it runs up to large amounts and yet that is all charged to the province, when really it should be charged to the Dominion. It is just as much an expenditure for Quebec and British Columbia and other portions of the Dominion, as it is for the province of Ontario, and whenever you make a comparative statement of moneys expended in the interest of the different provinces, you will find hundreds of thousands of dollars charged to this province which should be charged to the whole Dominion and not to Ontario. That is another reason. It does not give a correct idea of the amount of money that is appropriated annually to the different provinces. I do not speak of that from a sectional standpoint, but as a matter of correct book-keeping, I think that the public accounts and the estimates ought to be changed in that respect, whether we go so far as the hon. gentleman who has just spoken, has indicated or not.

Hon. Mr. MILLS—There is a great deal to be said in favour of the theoretical view expressed by the hon. senator from Montarville, that the seat of government ought to be free from the control of the province. That is an arrangement that would put it in exactly in the position of a city. The inhabitants of the city would be, for all purposes, under the absolute control and jurisdiction of the Parliament of Canada and the Parliament of Canada alone could legislate for them. That was the case with regard to the city of Washington after the district of Columbia was ceded by the states of Maryland and Virginia. At a very early day in that district a question was raised as to the right of taxation Congress taxed those people in the city of Washington not represented in congress. They have no member sitting in congress. Congress actually controls the city. They refuse to pay taxes and called attention to the doctrine of the period of the revolution, that representation and taxation went together, and that what justified the colonists in resisting Imperial authority and throwing off the sovereignty of the Queen of England, ought to justify the people of the district of Columbia in resisting the arbitrary taxation of the district of Columbia, and yet the Supreme Court held that under their constitutional system, the tax was properly imposed and that the people, having been taxed by Congress under the constitution, had no right whatever to complain or to resist congressional authority, I think the sovereignty of this Parliament over all matter within the sphere of its jurisdic-

tion is pretty clearly established, and I do not know that we would be practically any better off, and we might in some respects be worse off, if the city of Ottawa and a certain territory contiguous to the city, were placed under the exclusive control of the Dominion. My hon. friend opposite has spoken of the question of conflict of jurisdiction, and said that a person from another province, where a different system of jurisprudence prevailed, might have difficulty in dealing with his property by will in comformity with the law of his own province—that a difficulty might grow up in connection with that matter, but that would be equally true if he were taken sick at Toronto and were a citizen of Quebec, or if he were taken sick at Kingston, or Winnipeg or any other portion of the Dominion. He would not be in any worse position in the city of Ottawa, being within the jurisdiction of the provincial authorities of Ontario, than he would be if a like misfortune befell him in any other portion of the Dominion outside of the province to which he belonged. In the United States a good many practical difficulties have grown up under their system. For instance, following the rule of the English common law they have held that all territories taken over for any public purpose and vested in the authority of Congress as the common law of the state, as it is at the time that the territory is acquired. Take Fort Wayne, near the city of Detroit; that is a federal territory, and it has been held in the state of Michigan that as capital punishment prevailed in the state at the time the United States acquired that territory from the state of Michigan, that a murder committed at Fort Wayne was legally punished capitally, whereas in every other portion of the state it was punished by imprisonment for life. The jurisdiction of the state does not extend to that territory. The changes that have been made in that criminal law in the province of Michigan do not extend to the territory that is held by the government of the United States, and so you have a different criminal law within Fort Wayne from what you have two or three miles away in the city of Detroit. And the same may be said as to other portions of the United States. Take, for instance, the conspiracy to assassinate Lincoln immediately at the close of the civil war. Several parties were tried by martial law and were sentenced to be shot instead of being tried in the ordinary civil tribunals of the country. I have no doubt in my own mind that that was an illegal proceeding, but the reason assigned for it was under the old common law, if you tried and convicted a principal you could not try an accessory for the same offence, and as the person who assassinated Lincoln, the chief offender, had been shot by those who were pursuing him. It was not possible to try any of those who were accessories to the murder of the president by the ordinary common law of the district of Columbia, because Congress had never legislated and the law as it was in Virginia and Maryland at the time that the territory was taken over, still remained law for the district of Columbia, and so wherever the United States has acquired territory in any state of the Union, the law that prevailed in that state at the time the territory was acquired still remains law unless Congress has intervened by legislative enactment for the purpose of changing it. So that there are a great many practical difficulties that arise in connection with the acquisition of absolute control over territory by the federal government and by which you extend its authority further than it exists generally with regard to the entire country, and I think that when all the practical advantages and disadvantages are taken into account, it will be found that under our system, leaving the city of Ottawa under the jurisdiction of the province, so far as the province has jurisdiction under the constitution, will produce less practical mischief and will secure greater equality in the progress, improvement and changes of legislation, than you would have if the territory was absolutely acquired by the federal authority.

Hon. Mr. DEBOUCHERVILLE—The hon. gentleman has cited two cases which, in my opinion, are easily met. He says, first, that there is no difference between a gentleman going to Toronto or Winnipeg and dying there and a gentleman dying in Ottawa just now; but it must not be forgotten that the gentleman going to Toronto is proceeding there for pleasure or business, and there is no reason why he should have privileges which he would not have in other cases. That is not the state of affairs with those who come here as senators and members of the House of Commons. They are bound to come here. They are doing their duty, answering to the demand of the electors, or of the sovereign, who has named them as

senators, therefore, I do not think this clause would apply. The other case in which Washington is cited as being in a peculiar position when the government wanted to impose taxes, it must not be forgotten that we are not in the same position as United States citizens. There are many things in the neighbouring country which do not apply to this country. We are a monarchial country, and have more freedom than they have in the United States. They have the name of being a republic, but in reality they are only a four years' elective monarchy. The direct taxes do not apply to the federal government. The direct taxes are controlled by the local government. You can have no direct taxes even if you have a district here. Therefore, there is no danger from that. It would not prevent them having a corporation which might levy taxes for the improvement of the city or of the territory. This is another case which shows there is a great difference between our position and that of the United States. I admit there would be some difficulty but that would be the business of the government that would undertake to give to this country such a great boon as I have been advocating.

The motion was agreed to, and the bill was read the third time and passed.

SENATE AND HOUSE OF COMMONS BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (191) "An Act further to amend the Act respecting the Senate and House of Commons."

Hon. Sir MACKENZIE BOWELL—I am not going to object to the bill. I think it is an improvement on the Act as it stands on the statute-book, for these reasons: first, that it prevents the fifteen days being allowed to members who are elected during the session. The indemnity will begin to date from the time a member is elected, and the fifteen days absence would have to occur after that. The second clause provides that the time of service of active militia men, who are called out on duty during the session of Parliament, shall not be deducted from their sessional indemnity. That is a very wise and good provision, for the reason that the man who gives his time and the expenses attending it should not be deprived of any benefit to be derived pecuniarly from his connection with Parliament. I have long been of the opinion that this system of deducting fifteen days for absentees is scarcely fair to those who attend here regularly, I do not know whether that view is entertained by many others.

Hon. Mr. PERLEY—Look at the House to-night.

Hon. Sir MACKENZIE BOWELL—Exactly. The very time when the members' presence is most required, they are absent. From the moment the fifteen days begin to run, some hon. gentlemen take advantage of it, and leave us here with scarcely a quorum. I question whether it is wise to make this allowance. If a man who attends Parliament during session, and particularly a long session like this, is not sufficiently compensated it would be much better that the old law should prevail in its entirety, and deduct so much for every day he is absent, and make the sum larger if it be necessary to compensate those who are here continuously. I know many hon. gentlemen share my views on this question, but there is always a delicacy in dealing with a question affecting other members. I feel this delicacy all the more, because I am seldom absent from my duty here. Business called them away, but it is their own business, and they expect to profit by it. I am not going to suggest any change in this bill, further than this: I would rather see the law upon the statute-book as it was originally, and if members of either House do not attend to their duties, let them suffer the penalty, namely, a deduction from that allowance, and let those who attend regularly draw the indemnity to which they are entitled. I have held those views for some time, and I express them now freely. The longer time you allow to absentees the greater will be the absence of members.

Hon. Mr. POWER—This particular bill does not introduce a system. As the hon. gentleman says, it is rather making the present system a little less objectionable; but I may say that the hon. gentleman has spoken pretty nearly my sentiments. When the Act which is now on the statute-book—that is the Act of last year—was before the House the hon. gentleman from Richmond

proposed an amendment to the effect that none of these days of absence should be amongst the last fifteen days of the session. If you were going to have such a thing, that perhaps would have been a judicious provision, because as the hon. gentleman says, here we are, with the most important work of the session, with a bare quorum of members. If we had not this fifteen days arrangement, we should probably have three times as many members present to-night. The government might consider, during the recess, whether they cannot put the thing on a better footing.

Hon. Mr. MACDONALD (P.E.I.)—It proves that these gentlemen who do not remain during the session consider their time is much more valuable at home, or wherever their vocations require their presence, than it is here, for the sum they receive for their attendance during the session of Parliament. This session, which has lasted some five months, is perhaps slightly longer than an ordinary session, but I venture to say that a session which will be much shorter than five months hereafter will be an exception. Now, it is absurd to expect persons who have any business at home, or any profitable employment at all, to leave all their home comforts and come to the capital and spend four or five months for the sum that is now allowed to members. Senators are in a somewhat different position from members of the House. They do not have to run an election in order to come here but their time is equally valuable. They may, perhaps, have served many years in political life in one way or another, but I feel assured many gentlemen whose presence in the House of Commons or in the Senate of Canada would be a credit to either of these branches, and a benefit to the legislature of the country are prevented from taking the position which they might otherwise take in either House by the consideration of the paltry sum that they receive for the time thay have to spend here—time which perhaps to them would be worth five times the money if they remained at home attending to their own business.

Hon. Mr. PRIMROSE—I desire to endorse what has fallen from my hon. friend from Charlottetown. Unless we eliminate altogether from the indemnity the idea of remuneration, what he has stated is actually the true state of affairs. A man who has any business at all to attend to at home can make far more money by giving his attention to it than by coming here as a member of either House; and I think some more adequate sum should be provided as sessional indemnity than that which is at present allowed.

Hon. Mr. PERLEY—We are all meeting here on one common platform as senators of the Dominion. We all have an equal share of the responsibilities and duties to perform, but I do not hesitate to say that I think this country is now under a very great debt of gratitude to the hon. leader of the opposition for calling attention to this matter. The difficulty is because we have had no organization. I have never been asked once since I have been in this Senate to vote one way or another by any one supposed to be my leader.

Hon. Sir MACKENZIE BOWELL—Call me the senator from Hastings, I like it much better.

Hon. Mr. PERLEY—In every speech that is made, the hon. gentleman is spoken of as leader of the opposition. We have proved this session that there is no opposition. The hon. gentleman from Hastings has voted frequently with the government. I admit it is unusual in this House, and I have never seen it practiced so much as since the change of administration. The hon. gentleman from Hastings has done invaluable service to Canada. He has spent five months here, with the exception of two or three days, and has taken an active part in criticising every bill which has come before us, and if there is any man to whom the country is under a debt of gratitude it is the hon. gentleman who has watched the legislation to see that it is based on sound principles. With regard to the way our indemnity is paid, I am decidedly opposed to it. I am not too thin skinned to say that I do not think there is any equality in the way we are paid here. The ministers get a certain salary, which I admit they are worthy of—some of them would be worthy of more—but when they attend twelve months for $8,000 and we spend five months for $1,000, paying our own expenses, our compensation is very small compared with theirs. Only fifteen members of the Senate are present to-night. Yesterday and the day before the

House was opened with fifteen members. The most important legislation has been brought here within the last ten days of the session. Who are absent? Those who can take advantage of the fifteen days. To allow that fifteen days is wrong, because a man does not wish to vote against a measure has an opportunity to step out. The wealthy men are hardly here at all, and yet they get as much indemnity as men who are here. I might have gone home last Saturday. I was offered my pay, but I said "No, there is legislation coming up and I must remain to the end of the session." We remain while wealthy men go home, or away on pleasure, and they are on the same scale of equality as we are with regard to pay. When the question of revising the sessional indemnity and ministers' salaries comes up, it should be on a basis different from that of to-day.

Hon. Mr. MILLS—My hon. friend from Wolseley has announced to me that there is no opposition in the House, no party organization. I am not going to discuss or dispute that, but I was under the impression —perhaps it was an illusion or delusion— that we postponed legislation this session to give hon. gentlemen opposite an opportunity to meet in caucus and decide what course they would take. There was a disposition on the part of some gentlemen of the opposition—and I am not finding fault with it but stating it as merely being at variance with the statement of the hon. gentleman— not to agree to the policy of their leader. But the question before us is not one of the organization or the concerted action of the opposition, or those who are supporting the government, but the question of indemnity and this question is one which has, to some extent, I believe, perplexed every administration since the union. There has never been any scheme proposed that was quite satisfactory, even to those gentlemen who, for the time being, may have adopted it. There are several things to be considered. In the first place, there is no salary voted— nothing that pretends to be a salary. There is an indemnity, and that is supposed to cover the expenses to which a member is put, not merely while he is sitting in the House and while the House is in session, but as an incident to the position he occupies, whether in or out of Parliament, on account of his being a member, and that I think is a fair test of what would be a reasonable indemnity. Every government has felt that it was most undesirable to make that indemnity so large that it would be a temptation to parties, when a general election comes on, to become candidates for the sake of getting into Parliament in order that the indemnity might be received. It would cease to be an indemnity, properly so called, and would become a salary for services in Parliament. That would be an unworthy and undesirable condition of things. Of course, we cannot, in this country, adopt the English system of giving services in Parliament gratituously, because, otherwise, it would be only those who are wealthy who would be able to sit in Parliament at all. The compensation that was thought fair at the time it was proposed to adopt the thousand dollars as an indemnity for a session, was when a session would be one of about ten weeks. That was the supposition; at all events, that it would not exceed a three months session. It was for a session of that length that a thousand dollars was considered a reasonable indemnity. When the session became a little more than three months, then this practice of taking a fortnight, so that a member might have some opportunity during the session, when it was longer than three months, to look after his own private business, was allowed to him. What the effect of that would be, when it was first proposed, upon the session of Parliament itself, was not perhaps sufficiently considered. The tendency, I believe, has been, in the estimation of most members, to lengthen the session and make it longer than if no such deduction has been made. If the session is to be longer than three months, undoubtedly the indemnity is altogether inadequate. I think every hon. gentleman recognizes that, but I have often heard the gentleman who was long at the head of the Conservative party in this country say that it was not desirable to hold out any temptation to members to remain here, for it was the interest of every government to get rid of Parliament at as early a date as possible. That sort of feeling, I daresay, exists at the present time This session has been very much longer than the government desired, longer in my opinion than was necessary. When you take a period of five weeks, a thing unprecedented in this country, to discuss the Speech from the Throne, and when one member in the House of Commons makes two speeches of

from seven to nine hours each, it can be seen how possible it is to prolong a session altogether beyond the ordinary period. It is most desirable that we should ascertain what is a normal session in this country and make our indemnity accordingly, for although the indemnity is for the purpose of covering the expenses incident for being a member for the twelve months, the greater portion of that expense is incurred while Parliament is in session. My hon. friend has referred to the fifteen days as being an allowance that it would be to the advantage of Parliament if it were withdrawn. I am inclined to think that that is true ; I am inclined to think that the business would be more systematically conducted if that were the case, and the habit of those living between here and Toronto and between here and Montreal and Quebec, leaving here every Friday in the afternoon and not returning until Monday afternoon, has also had a tendency to lengthen the session. Whether the provision under clause two is a desirable one or not, it is patriotic, at all events, giving members of the volunteer force of Canada an opportunity of attending to the training in camp. Whether it is to the practical advantage of Parliament is another question. I might say that the bill, although it is unlimited in time, must of necessity, as every bill upon this subject has been, be regarded as a mere tentative measure, and I have no doubt before we meet again there will be an opportunity of considering the subject, and perhaps of deciding upon some other plan of indemnity than that which exists at the present time.

Hon. Mr. PERLEY—There is another matter to which I wish to refer. I think when an arrangement is made, the government ought to call Parliament together earlier in the year. This calling of Parliament to meet in the spring and keeping us here all summer, is a detriment to the business of every man of us who has business to do. I understand the long debate on the address was due to the government not having business ready.

Hon. Mr. MILLS—Not at all. I believe the gentlemen of the opposition in the House of Commons got it into their heads that the government desired to have a short session and go to the country, and it was with a view to frustrate what they considered the policy of the government.

Hon. Mr. ALLAN—I am glad the hon. gentleman has drawn a distinction between the indemnity and a salary. I should be very sorry if the indemnity we receive here was considered a salary. The indemnity is paid to us to enable those of us who could not very well sustain the expense of remaining at the capital four or five months to defray the cost we are put to during that time. I do not like this fifteen days arrangement. I think it would be better, if it is necessary to do anything of that kind, to adopt the suggestion of the hon. gentleman from Hastings (Sir Mackenzie Bowell), and increase the indemnity rather than open the door to those who may be disposed to take advantage of it to absent themselves from their duties here. What I was going to refer to principally, and what I have been forestalled in by the hon. gentleman from Wolseley, is with regard to the time of the meeting of Parliament. It would be greatly to be lamented if politics should fall to a very great extent into the hands of mere professional politicians, and I think that is very likely to be the case if year by year it is made a still more trying and difficult thing for gentlemen who have occupations and large stakes in the country to give regular attendance for four or five months at this period of the year. In addition to simply private business, a great many of us here have public duties in the various places where we reside, and it is very often absolutely necessary to leave here to give attendance on those occasions. When Parliament met somewhere about the 15th of January and adjourned in April, there was comparatively little difficulty in giving regular attendance, but now the late period of the year when Parliament meets makes it an almost intolerable inconvenience to a very large number of the members of both Houses, and I think it would be very desirable indeed if the government would take some measures to prevent that in the future. There is another matter connected with this question of indemnity which I think is ot quite fair. As I understand the law at present, gentlemen come here, attend for a few days, go way and perhaps not come back for the greater part of the session, but they receive their share of the indemnity for any time during which the House may not be in session. That is a very unfair arrangement, and one which ought not to be permitted. I do not want to mention names, but I know cases

in which gentlemen attended in that way, and were absent for a number of weeks during which there was an adjournment, and those days were not deducted. This is a matter of great importance if we are to get gentlemen who have a very great stake in the country, to bear their part in the legislature of the Dominion, and I think it will be an evil day for Canada when it falls into the hands of men who make politics their business and do not care how long they stay here. For these reasons it is very desirable that the government should make some effort to establish, if not by enactment itself, at least by custom a certain time in the early part of the year when Parliament should meet, and the business of the House should be transacted, and we should be allowed to return to our homes in the early part of the season.

Hon. Mr. FERGUSON—I do not agree altogether with the view expressed by some hon. gentleman that increasing the amount of the indemnity would cause a greater competition for parliamentary positions. I think the true result is that when you make the amount of the indemnity lower, you do not lessen the competition in the slightest respect, but you bring it down among a lower class of men. When the salary is placed higher, there will be a greater desire for public life on the part of able men whose services command larger salaries in other respects. I can point to a distinct case where the public of Canada made a great loss from the fact of the sessional indemnity beirg insufficient. I happened to know about it at the time. The late Sir John Macdonald, ever on the watch for brilliant men for public life, took notice of a gentleman who has since made a very distinguished place for himself. Yet a comparatively young man, he was then in one of our Canadian universities or colleges in Nova Scotia, teaching at a salary of less than $1,000 a year. I refer to the President of the Cornell University. Sir John Macdonald was anxious to get him into public life in Canada : I know he made an effort in that direction, but when Professor Schurman looked into it, he had no means but those which would result from his profession, and he had prospects in that profession which he did not see in politics, and if the salary had been sufficient for him to live on, he would have entered public life ; but instead of that, he drifted to the United States, and he is chairman of the commission which is regulating the affairs of the Phillipines, and Canada has lost a good man. He was a native of Prince Edward Island. He had a taste for public life in Canada, and he would have worked in that direction if the indemnity had been large enough to have enabled him to live on. I think if the indemnity was made somewhat larger it would induce, or at least help to induce, men of greater ability, and men who are able to command larger remuneration in many of the walks of life, to look towards obtaining seats in Parliament than they do under the present system, and I think it would be a decided improvement. There was one remark made by my hon. friend the leader of the opposition to the effect that the length of this particular session is to be attributed in a large degree to the prolixity in debate on the part of the opposition in another place. I think my hon. friend will have to be willing to divide the blame and allow some of it to go in another direction. Our friends in the government were not always so prompt in bringing down information as they should be. If the information had been forthcoming the debates would not have occupied so much time.

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

The bill then passed its final stages.

The Senate adjourned.

THE SENATE.

Ottawa, Thursday, 10th August, 1899.

THE SPEAKER took the Chair at Eleven o'clock a.m.

Prayers and routine proceedings.

QUEBEC HARBOUR COMMISSIONERS BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (178) "An Act respecting the Quebec Harbour Commissioners." He said:—The Great Northern Railway Company, which was originally chartered by the pro-

vince of Quebec, propose to make a junction with what is called the Booth system, the Ottawa, Arnprior and Parry Sound Road and the Canada Atlantic, and by that means have a through line from Parry Sound to Quebec. It is proposed to erect an elevator at the city of Quebec, in conjunction with that railway system, and the object of this bill is to allow the Quebec Harbour Commissioners to guarantee the bonds of the railway company to an extent not exceeding $200,000. The railway company is not permitted to increase its debt to that extent. It is limited to its present issue of bonds, which is $20,000 a mile, and the Harbour Commissioners are permitted by this bill to guaranteee the interest on the indebtedness.

Hon. Mr. MACINNES—What is the amount of the indebtedness of the commission?

Hon. Mr. SCOTT—I have heard it stated at $5,000,000.

Hon. Mr. LANDRY—That is including the interest?

Hon. Mr. SCOTT—Yes, all the back charges. Of course, the only criticism of the bill is that to that extent it weakens practically, the security of the Dominion of Canada on the indebtedness of the Harbour Commissioners. However, the amount is not very large, and it is thought that the connection at Quebec with so important a line as the Parry Sound Railway, will increase the trade very largely, and in that way enable the Harbour Commissioners of Quebec to pay, probably a portion of the interest they owe the Dominion. We are all hopeful that there will be increased traffic there from the direct connection of Lake Huron with Quebec by an all rail route. The Parry Sound Road will connect with the Great Northern and cross the Ottawa River at Hawkesbury.

Hon. Mr. FERGUSON—What part of the Great Northern Railway is built.

Hon. Mr. SCOTT—I think all but thirty or forty miles. There is that much to be completed yet.

Hon. Mr. POWER—That is being built now.

Hon. Mr. SCOTT—The Ottawa and Parry Sound Company proposes building to Hawkesbury, which is in the county of Prescott, on the Ottawa River, and a bridge is to be built there across the Ottawa. There is a subsidy this year for that particular bridge. That will give a direct line from Parry Sound to the Ottawa River at Hawkesbury, then on the north side of the Ottawa River they make a connection with the Great Northern, and if I am well advised, the Great Northern will soon complete that link, the distance uncompleted at the present time, as I understand being about thirty or forty miles.

Hon. Mr. DEBOUCHERVILLE—That will be completed next year.

Hon. Sir MACKENZIE BOWELL—This seems to be a proposition, when analyzed, to grant a subsidy to the Great Northern Railway Company of $200,000 for the construction of an elevator in a city where at present there is an elevator which has been in existence for some years; and, as I am informed, has never had a bushel of grain in it yet. It is true that on the face of the bill it gives power to the Harbour Commissioners of the city of Quebec to guarantee the bonds of the railway company, which company is to erect an elevator. The guarantee is to be for three per cent interest upon the issue of bonds to the extent of $200,000, for twenty years. Upon the face of the proposition, it would seem to be unobjectionable, if we were unacquainted with the facts as they really exist. We have been advancing for years millions of dollars of the public money of Canada to assist the Harbour Commissioners of Quebec in making that harbour useful for a larger class of vessels than formerly visited that city, and providing what they call an inner basin where the vessels can go for repairs and for other purposes. The Quebec Harbour Commissioners, while they have been expending millions of money to the extent of an indebtedness at the present moment, including interest, of between five and six million dollars, have never paid one single cent to the government of the interest upon the amount advanced out of the public chest. The interest that has been paid to the bondholders, whoever they may be, in the past has been paid out of the capital advanced by the government. This proposition is to give a preferential lien upon this $200,000, thereby depriving the Harbour Commissioners of the power, in case they earn the money, to pay the interest due

the Dominion to that extent. That is the whole proposition, and as there is not the slightest probability of that harbour paying, no matter whether the elevator is built or not, and even supposing it be built, and the trade of the country increases to the extent anticipated, through the connection which, it is hoped, ere long will be made with Quebec, then the question is whether the shipping in that port, particularly with the facilities which are given for all ocean vessels to reach Montreal, will ever be able to pay a dollar of interest to the country. We might just as well, to my mind, wipe the debt off at once and make a present to the city of Quebec and the Harbour Commissioners of the amount they owe the country. From the trend of trade at the present day, we cannot come to any other conclusion—at least I cannot—than, that while we advanced and assisted the Grand Trunk Railway to the extent of over $15,000,000 for the construction of the road, we have constantly, ever since that advance was made, been passing laws giving fresh issues of bonds a preference over the government claim upon that amount of money, until it is utterly worthless as an asset; and while in our public accounts we have set it down there an asset of twenty or thirty million dollars against the Grand Trunk Railway, including the interest upon the amount advanced, it is absolutely worthless. The harbour of the Quebec improvements, from all present appearances, and what has heretofore taken place, will be to the country a similar asset in the future, unless there is a development in the trade of the country that none of us can anticipate, so far as the port of Quebec is concerned. Now would it not be possible to save to the country the interest upon this $200,000? If the Harbour Commissioners of Quebec are able to pay interest upon the issue of that amount of bonds, out of the earnings, why should that not come to the country instead of being paid to the bondholders for the construction of an elevator which, to all appearances at the present moment is useless. When I say useless, I mean needless, because if the trade is to develop, as I hope it will, and I anticipate there will be a large carrying trade built up by the construction of the road from Parry Sound to Quebec, surely they could, for the time being, use the Canadian Pacific Railway elevator which stands there idle and useless.

Hon. Mr. FERGUSON—By whom was the money furnished to build that elevator?

Hon. Sir MACKENZIE BOWELL—I take it for granted that that was built by the Canadian Pacific Railway out of their own money, and the subsidies they had received from the government in connection with the purchase of what is called the Northern Road. Unless there is some other object in view, that object being the expenditure of money in the city of Quebec, there can be no reason in the world why the Great Northern Railway should not have made arrangements with the Canadian Pacific Railway to utilize their elevator until the trade of the country became so large as to justify the construction of another; and then, if it did, no public man in Canada would object to a large subsidy in order to assist in building up the trade in that old city. The statement is that there never has been a bushel of grain in the elevator built in Quebec, for the reason that the Canadian Pacific Railway Company have not carried the grain from the North-west to that city. Speaking of this railway of Mr. Booth's, no man in Canada, to my mind, deserves greater praise and consideration from the Dominion and from the provinces of Ontario and Quebec, than does Mr. Booth, when we consider his great enterprise in the opening up of a shorter route to the sea. The late government stepped beyond the system which they had adopted in granting bonuses, and nearly doubled the bonus in connection with the portion of that Booth road where it is very difficult to build, westward from Ottawa. The present proposed expenditure seems to be another instance of the reckless manner in which the government of to-day are dealing with the public funds. Look at the whole of the estimates, from beginning to end, and the current expenses connected with the year, and the amount for which the country is being pledged runs up, if you examine it carefully and capitalize the annual payments which we are making, it amounts to a sum of nearly $70,000,000 this year alone. When I say that, I include the estimates for the year, the supplementary estimates for last year, and the indirect indebtedness which we are creating, and which, if you capitalize the amounts to be paid annually, you will find runs the total up to nearly $70,000,000. Whether Canada can stand this kind of expenditure con-

tinuously is for the people to consider. It is a grave question for the government to take into their most serious consideration when they are relieving those who are indebted to the country from the payment of the interest due to the coffers of the country. I make this statement from what I can glean in connection with the whole work. I do not say that the present government is to blame altogether for this. The government of which I was a member were to blame, to a certain extent, in connection with it, but the time has come when we will have to cry a halt. We expended hundreds of thousands of dollars at Three Rivers. Is there a dollar being paid back? I do not want it to be understood that I am trying to shirk any responsibility which rests upon me individually as a member of the government which made that expenditure. We advanced a large portion of money to the city of Quebec and never received one cent in return therefor, and now the government are going still further, and in a direction which I think every business man will say is not justifiable, and not required. Should we go on with that kind of work? I have given expression to these opinions because I believe them to be in the interest of the country. I honestly believe what I say to be correct, and I think it is high time to stop this kind of expenditure. If I could see into the future—even in the distant future, not the near future—a probability of a return to the country, I would say we should do all that we possibly can in order to develop the trade. We are deepening the St. Lawrence every year and not improperly. Why? For the purpose of bringing the shipping and trade to the city of Montreal, the head of ocean navigation. Another bill will come in shortly for the expenditure of a large amount of money in the city of Montreal. We shall be relieving the city of Montreal of an indebtedness and a charge upon their revenues which formerly existed. They had to pay out of the receipts of the Montreal harbour all the interest upon the bonds for the deepening of the St. Lawrence below Montreal. The late government relieved them of that, and I think properly relieved them of it; and if this government goes a little further in that direction, I do not say that they will be doing wrong, for this reason, that the deepening of the St. Lawrence between the city of Montreal and Quebec cannot be looked upon in any other light than a continuance of the canal system which exists in the Dominion of Canada, and particulary in the province of Quebec and the province of Ontario. For that reason I think that any government would be justified to a reasonable extent, in relieving the city and the harbour that in the past have paid every cent of the interest due upon the issue of their bonds and the advances which have been made, but when you appply that same system to a city that is actually losing its trade, for many reasons which I will not discuss now, and through the operations of the government itself, we should not go on expending money to the extent to which we are doing, and then relieving them of the responsibility of paying the interest on that indebtedness to the country, in order to assist in the construction of an elevator to the extent of $200,000 when there is no evidence before the House and the country that that elevator is required. There is an elevator at Quebec that is equal to all immediate demands, and I repeat that if the western trade of the country is so developed as to require additional elevator accommodation in order to build up the trade of the city of Quebec, no one would be more ready to lend his voice and his vote for any reasonable amount in order to accomplish that; but, believing as I do, and from the facts as they exist as every public man or public reader knows, that this elevator is not required, because the accommodation is there, should we under the circumstances pass this bill? I regard it as a wasteful expenditure of the public money to the extent of the interest upon that $200,000. They say we are only giving a preference to the bondholders for the bonds issued for the construction of the road and are not advancing any money. We have advanced the money and want the city of Quebec, if they can earn it, to pay back the interest on that money, and this relieves them and gives it to other people to the extent of $200,000 and to my mind it is nothing more or less than an absolute grant of $200,000 out of the public chest to assist a private company in the construction of an elevator.

Hon. Mr. MILLS—I do not quite follow the argument which the hon. leader of the opposition has addressed to the House on this subject. He says that the city of Quebec is indebted to the government to the extent of $5,000,000. The city of Quebec

will never pay either the debt or the interest on it, and the evidence of that is that she has been paying nothing for some time, that it might as well be written off, that it is an asset that is worth nothing. Now, granted that all that statement is true, we are not adding $200,000 to the indebtedness of the country. It is not proposed to incur a liability by the country. The liability is being incurred by the Great Northern Railway. That liability is being guaranteed by the Harbour Commissioners of the city of Quebec. If the Great Northern Railway Company do not pay it, the liability will fall, not upon the public, but upon the Harbour Commissioners, and the payment will be made by the Harbour Commissioners. What interest have we in that? Because the Harbour Commissioners will, if the hon. senator is right, in no event, pay us anything. We will receive nothing from them, and if the Harbour Commissioners are called upon to pay and do pay the creditors of the Great Northern Railway for the construction of this elevator, in what way does that concern us, assuming the argument of the hon. gentleman is sound in this regard? If the Great Northern Railway Company incur the liability, there is no doubt whatever that the creditors of the Great Northern Railway Company—those who advance the money for this purpose—will consider first the value of the Great Northern as a creditor, whether it has a prospect of paying, and in the second place the worth of the parties who guarantee that payment—that is the Harbour Commissioners of the city of Quebec. That being so, if these people ask for power to guarantee the construction of this work, and the payment of three per cent interest on $200,000 for a period of twenty years, I do not know that that specially concerns us, and I do not know that it, in any way, increases the liability of this country or imposes any special burden upon its population. The hon. gentleman has taken rather a gloomy view of the prospects of the city of Quebec. He says that we have deepened the River St. Lawrence. In the first instance, it was done by the enterprising men of the city of Montreal, who undertook to convert Montreal into a seaport rather than to have it continue what it previously might be regarded as—a lake port, and to extend the seagoing navigation from the city of Quebec up to the city of Montreal. That has been done. It was for many years a question of controversy as to whether the country was going to gain anything by extending the deep water navigation for seagoing vessels beyond the city of Quebec up to Montreal, and the assumption was that the country had no special interest in it; that if it concerned anybody, it concerned the people of the port of Montreal, and if Montreal was to be made a seaport, then the deepening of the navigation of the St. Lawrence ought to devolve upon the commercial men of that city. That was the view taken. I am not going to argue the question as to whether the people of Canada as a whole, outside of Montreal, have gained by transferring the seaboard generally from the city of Quebec on the St. Lawrence to the city of Montreal. At all events, that has been done, but the impression is to-day, whether that impression is well founded or not I need not argue, nor go into a detailed discussion of it—the impression is that in consequence of the growth of the western portion of the Dominion of Canada, Manitoba and the North-west Territories, with the development of new Ontario to the west, the commerce of the great lakes that will seek an outlet by the lakes and by the River St. Lawrence must rapidly increase, and must grow to an indefinite extent far beyond anything that has been known in the history of this country in past years. Formerly our western border was the Detroit River, and we had no trade originating west of that boundary. Our commerce is rapidly going far to the west of that, and we have an amount of products that must seek an outlet either through the highways furnished by the United States, or by Canadian channels, far beyond anything known in the history of this country in former times. We are deepening the canals, and improving the navigation between Montreal and Port Arthur with a view of securing that trade, and it is believed—and I think it is not an unreasonable belief—that Montreal is not likely alone, for some time to come, to furnish adequate store room for the immense amount of grain that will be carried from the west down to the seaboard. That being so, many lake going vessels, instead of stopping at Montreal, can go on to Quebec and many of the railways may seek to carry grain to that point. My hon. friend has referred to the enterprise of a gentleman who has invested his money in the Atlantic and Parry Sound Railway. That

has been a most enterprising venture, and certainly we ought not to do anything that would tend to make it unprofitable to the gentleman who has invested his money in it. That road extends at the present time from Parry Sound to the vicinity of Montreal. With this connection it may be extended on further, and the grain instead of being left at Montreal, may be carried by rail to the city of Quebec.

Hon. Sir MACKENZIE BOWELL—It might go by water but not by rail.

Hon. Mr. MILLS—The hon. gentleman shakes his head, but however, that may be, time will show. He says there is an elevator built at the city of Quebec by the Canadian Pacific Railway. The Canadian Pacific Railway has, in all probability, since the elevator was built, adopted a different policy, and it is of more consequence to act upon their later view of their commercial interests than it is to make use of the elevator which has been constructed at that point. However, this may be, I am of the opinion that the men who are proposing to construct the elevator ought to be regarded, on the whole, as the best judges of what is to their interests, and they would hardly borrow money at three per cent to erect an elevator for the purpose of storing grain, if the elevator was to remain empty. If they come to the conclusion expressed by the hon. gentleman opposite in this regard, they are not likely to go on with that erection. If they do go on, it is an evidence that they wholly dissent from the view of the hon. gentleman. Then the parties who advanced the money will have an interest in deciding whether the venture is likely to be a profitable or profitless one. They have a special interest in inquiring into the matter and ascertaining whether the parties are likely to make a profitable use of the money they obtain for this purpose. Then there are the Harbour Commissioners whom you empower—you do not compel—to guarantee the bonds which those persons may issue to the extent of three per cent on $200,000 for a period of twenty years. All those parties have an interest in the careful consideration of this whole question, and abstaining from investing any money in it unless they see that they can make the venture a profitable one. However, it may be, the country itself is not nvolved in the transaction.

Hon. Mr. FERGUSON—The bill before us, as I understand it, contains two main provisions. It confirms an agreement entered into between the Great Northern Railway Company and the Harbour Commissioners of Quebec by which the latter guarantee interest at 3 per cent on the amount of $200,000 for twenty years, for the purpose of erecting an elevator by the Great Northern Railway Company. It provides that this guarantee, which the Harbour Commissioners give, or three per cent interest on those bonds, shall have priority over the present claims of the government of Canada against the Harbour Commissioners. That is the whole substance of the bill. The hon. gentleman who has just spoken says my hon. friend the leader of the opposition takes altogether too gloomy a view of the prospects of the harbour of Quebec. To my mind, after hearing the statements of the two hon. gentlemen, I would be inclined to say it was my hon. friend opposite who takes the most gloomy view, because he tells us that the harbour of Quebec will never pay a dollar of its indebtedness to the government of Canada.

Hon. Mr. MILLS—I did not say that.

Hon. Mr. FERGUSON—I paid close attention to the hon. gentleman while he was speaking, and if the hon. gentleman did not say that we have no prospect of ever getting that money or interest back, that was the conclusion I drew from his remarks, that that was an amount we had no expectation to get and he used the words "It might as well be written off."

Hon. Mr. MILLS—My hon. friend did not make good use of his attention, because I simply repeated what was said by the hon. gentleman opposite (Sir Mackenzie Bowell), I did not pass an opinion on it.

Hon. Mr. FERGUSON—I listened to the hon. gentleman attentively, but if he was only paraphrasing my hon. friend's remarks, I was mistaken.

Hon. Mr. MILLS—I did not paraphrase; I repeated what he said.

Hon. Mr. FERGUSON—My hon. friend took good care that he did not combat that view, and did not tell the House that that view was fallacious. He did not say that any portion of this money would be got back

from the Harbour Commissioners. I would not be altogether disposed to take that view, I go further than my hon. friend the Minister of Justice, and I venture to say that it may not be altogether hopeless that a portion of this money may yet be received back from the Harbour Commissioners. It is true trade at the harbour has been languishing, and is still in a languishing condition, but I fully agree with what has been said by both hon. gentlemen who have addressed us, that there is a good prospect opening for the harbour of Quebec when this new railway gets to that harbour, and I would not say that when that goes into operation the harbour of Quebec may have valuable trade directed towards it, and that a better state of things may result in the future; but I do think, in view of the fact that the Harbour Commissioners of Quebec are not now paying one cent of principal or interest on the indebtedness to the Dominion, we should not encourage the Harbour Commissioners of Quebec to give a new guarantee which I do not conceive is necessary at the present time, and particularly as we are giving that guarantee priority over the amount due to the government of Canada. This view seems all the more reasonable from the fact that we have been told in this discussion that the Canadian Pacific Railway people built an elevator some years ago at the harbour of Quebec, and that not one bushel of grain has passed through that elevator up to the present time. It is on the hands of the Canadian Pacific Railway Company. Whether it is that they do not want to send trade there, or that commercial conditions have changed, the fact remains that the elevator is idle and there is not the slightest doubt that an arrangement could be made with the Canadian Pacific Railway by which the use of that elevator could be obtained for a reasonable amount, and in place of interposing a guarantee of this kind, standing in the way of payment of interest owing to the government by the Harbour Commissioners, the Great Northern Railway Company should proceed in another way to the Harbour Commissioners and use their influence with the Canadian Pacific Railway, or something should be done to bring about the use of the Canadian Pacific Railway elevator in the harbour of Quebec. It is possible, after the above system is completed, a system which has many good prospects for Quebec, it might turn out that the elevator would be necessary, and the Harbour Commissioners of Quebec might so profit by the extensive trade to that harbour that our security against that city would not appear so hopeless as it is to-day. All this indicates, to my mind at least, that this is not a bill that should be passed at the present moment. It will be some time before the Ottawa will be bridged. There appears to be no hurry, and why should not the Canadian Pacific Railway elevator be used until the financial position of the Harbour Commissioners of Quebec was better determined than it is at the present time.

Hon. Mr. POWER—We are again making a mountain out of a molehill. This proposal is simply to authorize the Harbour Commissioners of Quebec to guarantee the payment of interest at three per cent on bonds to the amount of $200,000. How does this measure come to be here? It comes to be here because the Canada Atlantic Railway Company, controlled by Mr. Booth, has entered into arrangements, as I understand, with the Great Northern Railway Company, and under these arrangements the fifty miles which intervene between the Canada Atlantic system and the Great Northern system are being now constructed and will probably be completed by the end of the year. The hon. gentleman from Marshfield says there is no hurry and why cannot the government wait, and why should they incur this additional liability? Under this agreement the elevator is to be completed by the 1st of May next. The work is to be begun on the elevator this fall, and the Canada Atlantic Railway Company want to be in a position to ship grain at Quebec with the opening of navigation next spring.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. POWER—The hon. gentleman laughs. Things are moving very fast in that direction. The Canada Atlantic Railway system carried a vast amount of grain to Montreal last season, and I have no doubt that those who control that system understand their business quite as well as the hon. gentleman who leads the Conservative party in this House. Perhaps they do not, but I assume that they do. Now the hon. leader of the opposition and his first lieutenant ask would it not suit the Northern Railway just as well to use the Canadian Pacific Railway

elevator. If the hon. gentlemen were familiar with the condition of things in the city of Quebec, they would know that it would cost probably four times as much to extend the Great Northern Railway to the Canadian Pacific Railway elevator as the government propose to authorize the corporation to guarantee, so that that is simply out of the question, even if the Canadian Pacific Railway Company were likely to be willing to make an arrangement which would be advantageous to a rival railway corporation. Further, this guarantee has been to a certain extent, unintentionally misrepresented. In the first place the railway company are primarily liable. The probabilities are that the Great Northern Railway Company will be absorbed into the Canada Atlantic Railway system, and the Canada Atlantic Railway is in the habit of paying interest on its bonds. If there is anything which is calculated to put the Quebec Harbour Commissioners in a position to pay the interest on their bonds, it is the completion of a work like this. If, through the means of this elevator and its railway connections, a large amount of freight is brought to the city of Quebec, it is just the thing which will put the Harbour Commissioners in a position to pay the interest on their bonds. The hon. gentleman from Marshfield said that the interest on these bonds for $200,000 was to have priority over the existing bonds. I do not so read the bill. In the first place, the agreement is ratified by the bill. When I turn to the clause in the agreement which deals with the guarantee, I find this :

The elevator to be held as security by the commissioners subject to the bonds aforesaid to the extent of two hundred thousand dollars for the payment of the interest so guaranteed, and the guarantee only to take effect when the elevator is completed and ready for operation. Such guarantee shall be a preferential charge upon the revenues of the commissioners after the capital and interest of the bonds authorized by the Act 61 Vic., Cap. 48 ; but shall rank equally with, and not be preferential to the interest upon any other bonds which may hereafter be issued by the commissioners in connection with improvements in the harbour of Quebec.

That is what the agreement says. The bill ratifies the agreement.

Hon. Mr. McCALLUM—That may take place hereafter, not what has taken place heretofore.

Hon. Mr. POWER—This guarantee is postponed to the payment of the interest on the bonds authorized by the Act 61 Victoria. Those bonds were for $350,000. The bill itself says in the 3rd clause :

3. All amounts payable by the corporation under the guarantee provided for by the said agreement shall be a charge upon the revenue of the corporation and shall have the same priority of payment as the interest on the debentures or bonds which the corporation is authorized hereafter to issue under the Act passed during the present session of Parliament intituled *An Act to amend and consolidate the Acts relating to the Quebec Harbour Commissioners*, and shall rank equally with, but shall not be preferential to such interest.

The 4th clause provides :

4. Section 36 of the last cited Act is hereby amended as regards paragraph 3 thereof, so as to make the principal and interest of all debentures or bonds now issued by the corporation under the provisions of chapter 48 of the statutes of 1898 payable before and in priority to the principal and interest of debentures or bonds hereafter issued by the corporation under the authority of the said Act passed during the present session of Parliament, and in priority to any interest payable under the guarantee provided for by this Act.

So that it is not true that the bonds are to take precedence of all other bonds, and, inasmuch as you have a railway which, when it becomes part of the Canada Atlantic Railway system, will be probably a solvent and prosperous corporation, and will pay interest on its bonds, I do not think the country is running any great risk, and for that reason in raising a serious question about a comparatively trifling matter like this, hon. gentlemen opposite are making a mountain out of a molehill.

Hon. Mr. McCALLUM—My hon. friend says we are making a mountain out of a molehill. One hon. gentleman said that it was $5,000,000 the Harbour Commissioners of Quebec owed the government of this country. Another gentleman says $6,000,000.

Hon. Mr. POWER—That has no connection with this.

Hon. Mr. McCALLUM—The hon. gentleman may consider that a molehill, I do not. If they cannot pay the interest on $5,000,000 or $6,000,000, I do not see how they are going to pay it any better when they increase their liability by $200,000 more. I do not think the building of this elevator is going to help them very much. I hope trade will improve largely, and I am satisfied it will improve, but I think we are going wild on this question. The taxpayers

of this country will think we are going wild. I look upon it that these bonds will take priority on the indebtedness to the governmen to-day. I look upon it the same as a bottomry on a ship—the last mortgage comes first, and justly so, because the object of putting bottomry on a ship is to enable the master of the vessel, if he gets into trouble, to pay for repairs, and it is very much the case in this. Hon. gentlemen on both sides of this House give great credit to the people of Montreal for what they have done in making that city a seaport. I must say that they are enterprising. I remember the time when the harbour dues at Montreal were so excessive that they drove the trade away from that port. The government of the country relieved the city of Montreal from deepening the St. Lawrence between Montreal and Quebec, and it was said they gave that to Montreal, but it is not to Montreal they gave it at all. They gave it to the trade of this country. But now the question is this, are we not giving away too much? If there is one elevator at the city of Quebec, I say it is premature to build another. We are going too fast when we allow the Harbour Commissioners of Quebec to build another elevator and put the securities of the country back. Hon. gentlemen seem to think the Harbour Commissioners never can pay their debt. Perhaps not, but they cannot pay it any better if they increase the debt by $200,000. They do not use the elevator that is there now. It is all very well to say it does not cost us anything. There is $5,000,000 or $6,000,000 of the public money that the Quebec Harbour Commissioners have got. We should try and get some of it back if we can, and if we cannot get it back, we had better wipe it off the slate entirely, and know exactly where we are. There is no use deceiving the people of this country and let other people get ahead of us. As far as I am concerned, I am in a quandery about it. I do not know whether I could vote for the bill—in fact, I do not think I shall vote for it, because it is a question whether I would not vote to wipe the debt off altogether and give the Harbour Commissioners of Quebec a fresh start. As it strikes me now, I think I shall vote against the bill.

Hon. Mr. MACDONALD (P. E. I.)—This is a matter which should have been settled by the local government of Quebec. If they desire an elevator there the local government and the corporation of the city of Quebec should guarantee the money required for the purpose of erecting that elevator. We know that in the city of St. John there are three elevators, and they were built by the joint assistance of the local government and the city corporation and the Canadian Pacific Railway. It is true, the Canadian Pacific had a subsidy for building its railway through the province of Quebec, but they did not come to the Federal Government for assistance to build the elevators at the city of St. John. The people of Quebec ought to be in the same position. If they require a second elevator, they should build it themselves. They have one there which they have not, up to the present time, used. While the Harbour Commissioners of the city of Quebec are indebted to the government of the Dominion for such a large amount as $5,000,000, and while about two-thirds of that sum is composed of the overdue interest on the moneys they received from the government, we ought to be very careful in advancing them any further sums of money, or guaranteeing any further expenditure. It may not be required of the Dominion Government to pay out any further sum at present, but if the enterprise is gone on with and it fails to be a paying one they may fall back on the Dominion to make good this sum. It has not been shown either that there is any necessity for a second elevator at Quebec, and it appears to me we are in considerable haste about undertaking this guarantee for an elevator for which there is at present no necessity.

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 the first clause.

Hon. Sir MACKENZIE BOWELL—I confess I listened with a good deal of interest to the speech of the hon. Minister of Justice, and I cannot help complimenting him on the dexterous manner in which he evaded the point I endeavoured to make in reference to the payment of interest. The hon. gentleman attributed to me and repeated what I did say, but conveniently left out that portion

in which I qualified the remarks I made. The hon. gentleman says that if my arguments were correct, and the position I took had had any force, then it could not affect the revenue of this country in any way. What I said was this, that there being an elevator in the city of Quebec, capable of doing all the work for a number of years to come, there was no necessity for the construction of another, and if the trade of the city of Quebec developed to an extent which would enable the commissioners to pay the 3 per cent upon the $200,000 bonds, then that 3 per cent could be paid in liquidation of the debt which they owed to the country. That was the position which I took. Whether the trade will develop to that extent, or whether the extending of the Parry Sound Road into the city of Quebec will furnish sufficient freight, in wheat particularly, during the six months when navigation is open, is altogether problematical. I question very much whether it will, and even if it should, my statement is quite correct as to the facilities which are offered for doing that trade at present without incurring this $200,000 additional debt. If this is not to affect the indebtedness due to the country by the Harbour Commissioners, then the bill is useless, because, if I am correct in this statement, the Harbour Commissioners are obliged to pay whatever surplus they may have, over and above the working of the Harbour Commissioners, to the government in liquidation of the interest which is due, and if that is diverted to any other purpose, it must deplete their resources for accomplishing that end.

Hon. Mr. MILLS—Not if this work creates a revenue by which it is paid.

Hon. Sir MACKENZIE BOWELL—Which is exactly what it will not do. There is where I take issue. If the extension of the railway to Quebec will increase the trade of that harbour to the extent of enabling the Harbour Commissioners to earn a sufficient amount to pay the interest on the $200,000, should they be called upon to do it? The earnings could be paid to the government on account of the liquidation of the interest on the bonds. The hon. gentleman from Halifax, who looks on this as making a mountain out of a molehill, very seriously told the House that it might possibly happen that it would cost more than that amount of money for the Northern Railway to reach the elevator which is already built upon the Louise Basin. The hon. gentleman, when he made that statement, must have been either drawing on his imagination, or he knows nothing of the location of the terminus of the Lake St. John Railway in Quebec, because, that is to be the terminus of this Great Northern Railway system. It is only a very short distance from the terminus of the Lake St. John Railway in Quebec to the Louise Basin on which the elevator is erected, and to which there is already a railway constructed.

Hon. Mr. POWER—The hon. gentleman knows how much land damages cost in Quebec.

Hon. Sir MACKENZIE BOWELL—There would be no land damages in the case.

Hon. Mr. MILLS—I am told there is.

Hon. Sir MACKENZIE BOWELL—All that would be necessary in leasing from the Canadian Pacific Railway the use of their elevator, would be to make arrangement to run over their tracks to the Louise Basin, and the distance between the terminus of the Lake St. John Railway, and the road that runs to that point is short. In fact the connection can be made before you reach the terminus at all, for they both have to enter the city, so that on that point there is no reasonable argument in the position he has taken. My principal objection has been just what I have already stated. The trade of the country does not require it at the present moment. If it does require it, the facilities are there for doing it, and the very moment the facilities which are now offered are insufficient to carry on that trade, then would be the time to do precisely what the government is proposing to do at the present moment. I admit frankly what the hon. gentleman says with reference to the development of the trade of this country. When we look at the returns and see what the tonnage is that passes through the Sault Ste. Marie Canal, and the rapidity with which it is growing, exceeding to a very large extent annually the business carried through the Suez Canal, and when we look at the building up of the Great North-west and its development, we can scarcely anticipate what will be the result; but we have this to consider, whether the trade of that Great North-west is always to come in this direction. We are spending large amounts of money in the way of subsidies in the construction of rail-

ways in the North-west Territories, which, if the prediction be correct—I confess I have not the confidence that others have in it—will develop trade by the Hudson Bay route, it will carry the trade away from Ontario and Quebec. The Booth system of railways has established a line of large steamers on the upper lakes in order to feed the line at Parry Sound. We know it has carried millions of bushels of grain during the past year, but where has it carried it? Partly to Montreal and partly to United States ports. That which came after the close of navigation would not be carried to Montreal to remain there all winter, nor would it be carried to Quebec, because it would have to remain there until navigation opened, unless they crossed the Quebec bridge which is to be built and carried to St. John or Halifax. There is another fact which must be borne in mind, and I give the hon. gentleman the information which I have on the best authority: the carrying of wheat by the Parry Sound Railway to the seaports during the past season has not paid the railway. On the contrary, it has been carried at a loss. This is done with commendable enterprise on the part of those people in the hopes of building up that direct trade, to make a profit out of it hereafter. It is all very well to talk about having this new route opened up next May.

Hon. Mr. POWER—That is the contract.

Hon. Sir MACKENZIE BOWELL—Does not the hon. gentleman know that it is utterly impossible to make that connection by next May? Does he not know that the first step has not been taken yet towards the construction of the mile and a quarter bridge across the Ottawa River at Hawkesbury? Yet the hon. gentleman tells us, with all the solemnity of the pulpit, that this expenditure is necessary in order to have it all completed by next May.

Hon. Mr. POWER—I did not say that.

Hon. Sir MACKENZIE BOWELL—What is the good of an elevator next May, unless you can reach it? The great trade of the west cannot reach there by the Canada Atlantic Railway until the bridge is constructed, and they have not even commenced the construction of the bridge yet. They are preparing for it. They have given out the contract for building the links to connect the pieces of road already constructed. If the bridge is built by next fall, it will be an extraordinary feat in the construction of a public work. I am yet at a loss to know, and I have not yet been informed, either by the Minister of Justice or the Secretary of State, of the necessity for this bill—if it is to give priority to these bonds which are to be paid out of the money which legitimately and properly belongs to the Dominion, unless they propose to give the Harbour Commissioners the $200,000 as a bonus. If that were proposed, I would look on it as a fair, straightforward proposition. This proposition is to expend that which you have not the courage to do otherwise. I hope I may be mistaken as to the results of the construction of this road. Nobody would be better pleased than I would be to see the city of Quebec as prosperous as the city of Montreal. I hope the trade of the country will develop to make it so, but I question if it will while hon. gentlemen are doing everything they can, by the expenditure of money, to take the trade away from that city.

Hon. Mr. SCOTT—There is an element about the agreement which has escaped the attention of the House, and which I think is important in considering the proposition; that is, that the city of Quebec undertake to free any steamship company from tolls and charges for a period of five years that will establish a fortnightly line between Quebec and some British port. If I am correctly advised, the Elder Dempster Company have already acquiesced in the proposal. I see by the papers that the company have accepted the offer of the city of Quebec. If they are going to start their steamship line in May next, one can understand the importance of having the elevator there for the business next spring.

Hon. Sir MACKENZIE BOWELL—How are you going to get it there?

Hon. Mr. SCOTT—By water in the meantime. That is one of the possibilities, but it is an important element in this, that the steamship company has already agreed to run a portion of the service from the city of Quebec, which would be rather hopefu of the wishes that we all entertain that the city of Quebec would receive a portion of the trade.

The clause was adopted.

On clause 3.

Hon. Mr. FERGUSON—Before we adopt clause 3 I wish to obtain some further information. During the present session of Parliament we were called upon to pass a measure, which I think has received the assent of the Crown, to amend and consolidate the Acts relating to the Quebec Harbour Commissioners. We were told by my hon. friend the Minister of Justice when he submitted it to the House, that that measure was an Act simply to consolidate the Acts relating to the Quebec Harbour Commissioners. It was very voluminous. It purported to consolidate a great number of Acts, I could not say how many, and it purported to consolidate all these measures and nothing more. When we look at this bill before us we find that a great deal more had been done, if I understand these sections aright. Clause 3 of this bill reads:

3. All amounts payable by the corporation under the guarantee provided for by the said agreement shall be a charge upon the revenue of the corporation and shall have the same priority of payment as the interest on the debentures or bonds which the corporation is authorized hereafter to issue under the Act passed during the present session of Parliament intituled *An Act to amend and consolidate the Acts relating to the Quebec Harbour Commissioners*, and shall rank equally with, but shall not be preferential to such interest.

Here we find that under the Act passed by this Parliament the bonds shall have a certain rank, and, therefore, it is as plain as possible that some borrowing powers have been given to Quebec and the right to issue debentures, and that a certain priority is given under this consolidated Act. What are they? We turn to clause 4 of this bill, and we find the following:

4. Section 36 of the last cited Act is hereby amended as regards paragraph 3° thereof, so as to make the principal and interest of all debentures or bonds now issued by the corporation under the provisions of chapter 48 of the statutes of 1898 payable before and in priority to the principal and interest of debentures or bonds hereafter issued by the corporation under the authority of the said Act passed during the present session of Parliament, and in priority to any interest payable under the guarantee provided for by this Act.

I turn to the Act of this session, section 36, with its six subsections, and all these relate to the priority of the debts of the corporation. Section 3, to which reference is made in the clause now before us, says:

The principal and interest on debentures or bonds issued by the corporation under the provisions of chapter 48 of the statutes of 1898 and this Act——

These words "and this Act" have been inserted in that consolidated Act, so that it gives priority to new obligations entered into by the Harbour Commissioners of Quebec under the Act of the present session to the government alone. These words "or of this Act" ranking the new obligations entered into by the corporation of the city of Quebec under the Act of the present session with the obligations incurred under chapter 48 of the Act of 1898.

Hon. Mr. SCOTT—That is the $350,000.

Hon. Mr. FERGUSON—Yes, which the Harbour Commissioners of Quebec were allowed to borrow, to secure additional lands on the front, and to secure wharf accommodation and so on. This Act of 1898 gave this sum of $350,000, priority over the government claims of $3,000,000, with accumulated interest of $2,000,000. That was done with the eyes of this Parliament entirely open. We consolidated these Acts this session, and in the Act of consolidation of this year we declare that further obligation that might be entered into under this consolidated Act would rank with this $350,000 and would take precedence over the government claim of $5,000,000.

Hon. Mr. MILLS—No. The hon. gentleman is all wrong in his statement. The words "under this Act" give the commissioners no aditional powers.

Hon. Mr. FERGUSON—We will see.

Hon. Mr. MILLS—I will state the fact for the information of the hon. gentleman. The whole issue under the Act of 1898 had not taken place, but the balances that were authorized under that Act are provided for under the Act of this session. The statement I made to the House is strictly accurate.

Hon. Mr. FERGUSON—These liabilities, if there are any, must have preference over the government claim. These words were not put there without some meaning.

Hon. Mr. MILLS—The meaning was the authority to issue the balance of $350,000 provided for by the Act of 1898.

Hon. Mr. FERGUSON—We will read this clause and find whether the present bill will harmonize with that. The Act of 1898 was not repealed. It was in force and was consolidated with the other, and it still remained on the statutes. Section 36 gives the $350,000 precedence and priority over

the old debt which the Harbour Commissioners owe the government of Canada. That is what my hon. friend explained. The explanation is that the words "or of this Act" have only reference to the consolidation of the Act of 1898 into the Act of this session, and it refers to the same amount.

Hon. Mr. MILLS—Certainly.

Hon. Mr. FERGUSON—Supposing that that is all right, we still have the fact that these two sections that we now have before us do two things; they go to rank this $350,000 as being a prior claim upon the Harbour Commissioners of Quebec—prior to any other. Then they go to rank the amount we are now authorizing under the bill now before us to come next and to rank with these other words of the Act "or of this Act." That is where the strange part of the business comes in. The 4th clause reads:

Section 36 of the last cited Act is hereby amended as regards paragraph 3° thereof, so as to make the principal and interest of all debentures or bonds now issued by the corporation under the provisions of chapter 48 of the statutes of 1898 payable before and in priority to the principal and interest of debentures or bonds hereafter issued by the corporation under the authority of the said Act passed during the present session of Parliament, and in priority to any interest payable under the guarantee provided for by this Act.

It provides, to my mind, clearly that this amount will take rank next to the $350,000, that it will rank next after the $350,000 and before the old indebtedness of the Harbour Commissioners to the government of Canada. As far as I am able to understand it, that is what it means, and therefore the argument of the hon. gentleman from Halifax is not to the point. I did not, at the time of my observations before the House went into committee, understand the exact bearing of the $350,000. I understand that that is a first lien. Then, I understand that the interest on the $200,000 comes next and will rank after the $350,000, which makes the matter, as far as the government of Canada is concerned, a little worse than I thought it was when I formerly addressed the House.

The clause was adopted.

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

The Senate adjourned.

Second Sitting.

THE SPEAKER took the Chair at Three o'Clock.

Routine proceedings.

SECOND AND THIRD READINGS.

Bill (128) "An Act to amend the Weights and Measures Act."—(Mr. Mills.)

QUEBEC HARBOUR COMMISSIONERS BILL.

THIRD READING.

Hon. Mr. SCOTT moved the third reading of Bill (178) "An Act respecting the Quebec Harbour Commissioners."

Hon. Sir MACKENZIE BOWELL—Before the bill is read the third time, I wish to make a short explanation. When the bill was before the House this morning I was not so well acquainted with its real object and purpose as I am at the present time. There is much more in the bill than was understood by the House generally, when we considered it this morning. I find that the Harbour Commissioners were authorized under Act of Parliament some time ago to issue certain bonds for the improvement of the Quebec harbour, the interest upon which was guaranteed by the government. In 1898 a bill was passed authorizing the Harbour Commissioners of Quebec to issue $350,000 of debentures, being a portion of that amount which they were authorized under previous Acts of Parliament to issue; but the only reason for the passage of the bill in 1898 was to enable them to issue $350,000 of debentures giving them priority over all other debentures, that is cutting out the government lien upon the receipts of the harbour until the interest was paid upon the $350,000 of debentures which they were authorized to issue, giving them priority, as I have already said, over the government lien. During the present session a bill was introduced consolidating all the Acts which were formerly upon the statute-book relating to the Quebec harbour, and the advances which were made to them by the government, and the guarantee given by the government of a certain amount of interest upon the debentures which they issued. There the matter stood until this bill was introduced which we have been con-

sidering to-day. That bill gives to the Harbour Commissioners of Quebec the right to endorse or guarantee the interest upon $200,000 of debentures which are to be issued by the Great Northern Railway Company, and it goes further: it places the $200,000 in the position of claiming the interest out of the revenues of the harbour immediately after the interest upon the $350,000, which the law of 1898 gave them the right to issue. That is the position: so that instead of the government's lien being placed behind the $350,000, it is actually placed now, under this bill, behind the $550,000, but that is not all. The law says "and such other debentures as may issue under this Act"—that is, the bill now before us. So that really, as I understand it, and as far as I could understand it by looking at the three different Acts, there is scarcely any limit to which they could go, in the future, to place the government behind the whole of them. Or, in other words, it is tantamount to saying to the Harbour Commissioners of Quebec, we forgive you the $5,000,000 we have advanced. That is really the case as it stands, and it is just as well that the Senate and the country should know, that by what we are doing to-day, we are virtually wiping out the claim of the government against the Quebec harbour amounting to over $5,000,000.

The motion was agreed to, and the bill was read the third time and passed.

HARBOUR COMMISSIONERS OF MONTREAL BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (179) "An Act respecting the Harbour Commissioners of Montreal." He said:—Last year we had a bill before us which passed into an Act of Parliament, authorizing the Harbour Commissioners of Montreal to borrow $2,000,000 to be spent on harbour improvements. Hon. gentlemen will recollect that there was a good deal of discussion as to the locality on which this money should be spent There was a great difference of opinion between those who favoured the east and those who favoured the west. A compromise was arrived at, and it was provided in that bill that $750,000 of the $2,000,000 should be spent below St. Mary's Current, at the east end of the city. This bill authorizes a change in the Act of last session. Instead of $750,000 going to the east end, the sum of $250,000 only goes there. The $500,000, the balance of the $750,000 that was allowed to go to the east, would be spent in the west end.

Hon. Mr. LANDRY—Is that the result of a compromise?

Hon. Mr. SCOTT—I suppose it is.

Hon. Mr. LANDRY—The bill of last year was.

Hon. Mr. SCOTT—In the estimates for the present year there is a sum of $500,000—it is not referred to here—which is to be granted to the Harbour Commissioners, and which I assume is to replace the $500,000 taken out of the vote of last year to be spent in the west. The $2,000,000 is raised by the harbour board, but in the Supply Bill which will come down to us, I think there is an item of $500,000 towards the improvements generally at the city of Montreal, and I assume it may fairly be concluded that that $500,000, or part of it, will be spent in lieu of the $500,000 proposed to be spent in the east end. The bill before the House is a very short one. It substitutes $250,000 in lieu of the $750,000 to be spent at the east end of the city. The remaining portion of the $750,000 is to be expended at the Windmill Point basin, subject to the approval of the Commissioner of Public Works.

Hon. Mr. DEBOUCHERVILLE—This bill, it seems to me, means this—giving $500,000 to the west.

Hon. Mr. SCOTT—No; I think it is giving it to the east.

Hon. Mr. DEBOUCHERVILLE—By the bill of last year there was $750,000 given to the east end to build a dock and other improvements. This year they take away $500,000 of that from the east and give it to the west, and they take from the east the promise of having a dry dock, and they say that the government itself will build a wharf for $500,000. Why not come here frankly and tell us we are going to give $500,000 to the west and nothing to the east?

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. DEBOUCHERVILLE—Why do you give $500,000 to the west and not a cent to the east?

Hon. Mr. SCOTT—There was a very strong protest against the $750,000 going to the east. It was alleged that the docks at the east were not used to their full capacity, while the docks at the west end do not afford accommodation for the shipping going there. The main business is in the centre and towards the west end. That is the impression I have formed from statements I have read in the discussion that has arisen on the subject. It is stated now that there are docks in the east which are not used to their full capacity, whereas in the west there is admittedly a great dearth of accommodation for ships, and it is admitted that the city of Montreal is not equipped at the present time for the traffic that is going there. The shipments of wheat alone last year amounted to 30,000,000 bushels, and the facilities were taxed, and if there is to be any increase in shipments, there must be an increase in the accommodation. The loan of $2,000,000 is to meet that want. There has been a wrangle over it owing to local jealousies, and very little has been done. I understand a compromise has been arrived at and the works are progressing. I assume, as far as I can gather, that the parties interested accept this arrangement. Although it is not referred to in this bill, as I have said, it amounts to this, the government are, in addition to the authorization of the $2,000,000, granting to the harbour of Montreal, $500,000.

Hon. Mr. LANDRY—Who are the parties interested in the matter?

Hon. Mr. SCOTT—The Allans, the Torrences, the Elder Dempster Company, and the large lines favour the centre and west end. I am told that the docks and wharfs in the east are not utilized to their full capacity.

Hon. Mr. LANDRY—Who are the interested parties who came to a compromise?

Hon. Mr. SCOTT—I gather my information from the public press—the Montreal *Witness*, *Herald* and *Gazette*. I have read a good deal about this controversy.

Hon. Mr. LANDRY—That is the same press that reported the Fitzpatrick interview with the Prime Minister.

Hon. Mr. SCOTT—The press is not always correct, but it does afford a certain amount of information. Last year, when the bill was before the House, it was held up for a considerable time for a compromise. I am not aware that there is any opposition to this bill.

Hon. Mr. LANDRY—If I understand right, last year the legislation which passed this House was the result of a compromise. I think we should see that that compromise has been broken and a new compromise has taken place. We have nothing of the kind before us. Is the hon. minister aware that there was any opposition in the House of Commons by the mayor of Montreal upon this subject?

Hon. Mr. SCOTT—I could not really say.

Hon. Mr. LANDRY—Perhaps the press might tell him.

Hon. Mr. SCOTT—I think I should have heard it if there was.

Hon. Mr. DEBOUCHERVILLE—The hon. gentleman says that the docks in the east end are not frequented by steamships.

Hon. Mr. SCOTT—Not to their full capacity.

Hon. Mr. DEBOUCHERVILLE—Since we are speaking of the papers as an authority, the newspapers say that if shipping should stop at the east end they would be at such a distance that the carrying of freight would cost as much as the voyage from Liverpool. That is certainly an exaggeration.

Hon. Mr. SCOTT—I thought so.

Hon. Mr. DEBOUCHERVILLE—The Grand Trunk and the Canadian Pacific Railway lines extend to the wharfs, and freight for Toronto can as easily take the Grand Trunk or the Canadian Pacific Railway at the wharfs there as anywhere. That is not a very good reason, but there is another reason given by the hon. minister. The docks in the east are hardly used. Then why are you going to build another wharf, costing, $500,000, in a place where the government say there is no trade to be had? Not only that, but you refuse to the east what the east expected, a dry dock, which certainly, if it could not be built with $750,000, cannot be built with $250,000. I want the hon. gentleman to explain why it

is necessary to build a $500,000 wharf if there are no ships coming there.

Hon. Mr. SCOTT—The hon. gentleman has misunderstood me. The $500,000 is to build a dock between two of the present docks, as laid down on the present plan. It is not in the east, but in the centre, towards the west. Of course the trade will naturally gravitate towards the west, being near the canal. The canal brings down a large amount of traffic and I presume that is one of the reasons why there is more trade there, but I did not mean to say that the $500,000 was to be spent in the east end.

Hon. Mr. LANDRY—I saw in the public press lately that the Minister of Public Works was not aware of that change.

Hon. Mr. SCOTT—I do not know. He is in France now.

The motion was agreed to on a division, and the bill was read at length at the table.

Hon. Mr. SCOTT moved the third reading of the bill.

Hon. Mr. McCALLUM—If I understand the question, this $500,000 is to be spent according to the discretion of the Minister of Public Works, just as he pleases.

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. McCALLUM—It says it is to be approved of by the Minister of Public Works.

Hon. Mr. SCOTT—That refers to the plans.

Hon. Mr. McCALLUM—Who spends the money—the $500,000?

Hon. Mr. SCOTT—Harbour Commissioners.

Hon. Mr. McCALLUM—Where is the $250,000 to be spent?

Hon. Mr. SCOTT—That is in the east end.

Hon. Mr. McCALLUM—Instead of spending $750,000 at one place you are going to take $500,000 to the west end and the other $250,000 is to be spent in the east end.

Hon. Mr. LANDRY—Are we to understand that since that compromise took place harmony prevails?

Hon. Mr. SCOTT—I hope so.

Hon. Mr. LANDRY—Do the papers say anything about that?

Hon. Mr. SCOTT—The hon. gentleman has the same opportunity of seeing the papers that I have. It was rather an interesting family quarrel.

Hon. Sir MACKENZIE BOWELL—I obtain my information where the hon. Secretary of State obtained his, from the editorials in the Montreal *Witness*, *Herald* and *Gazette*, as to the trouble between the Minister of Public Works, Mr. Tarte, and the Harbour Commissioners of Montreal. The question really was which was to be master, and I think Mr. Tarte was too much for the whole of them. He had the money and the government at his back, and consequently he could twist the ropes round their neck just as he pleased, and being a man of iron will, he has done just as he liked.

Hon. Mr. DEBOUCHERVILLE—The Harbour Commissioners have got the best of it, and the east end of Montreal has got the worst of it.

Hon. Sir MACKENZIE BOWELL—I am glad to hear it. I watched the debate in the House and I did not notice that the mayor of Montreal, who was an exponent of the east end of the city, had anything to say in opposition to this arrangement, and I suppose he must have acquiesced in it. If he has gone back on his friends in the east, we will allow him to settle with them.

The bill was then read a third time, and passed on a division.

MANITOBA ROADS AND ROAD ALLOWANCES.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (175) "An Act further to amend the Act respecting Roads and Road Allowances in the province of Manitoba." He said:—Since this subject was before the House I have succeeded in obtaining further information. The bill as it now stands was drawn at Winnipeg and sent here. The explanation I asked for was in reference to the enumeration of trails, road allowances, highways and great highways. When the bill first came down I assumed that would refer to trails outside of Winnipeg. It did

not seem to me that the expressions there were quite applicable to the city of Winnipeg alone, but I find that in an Act passed in 1895 that was the language used in describing and legalizing similar plans, and in that Act there was a provision which reads as follows :—

Nothing in this Act shall affect any right claimed or set up in any action or proceeding now pending in a court of competent jurisdiction, or any right heretofore adjudicated upon or in any action or proceeding in any such court, or shall affect sectional plan number 7 of the city of Winnipeg or any trail, road allowance, highway or great highway shown on that plan, or any original road, trail, road allowance, highway or great highway within the area shown therein.

It appears at the time that road allowances were formed by this Parliament in 1895 that reservations were made in consequence of certain suits that were then in existence in relation to what is known as Water street in the city of Winnipeg. I have before me the plan of the city of Winnipeg.

Hon. Mr. DEBOUCHERVILLE—Is that plan number 7A ?

Hon. Mr. SCOTT—No, plan 7A is on file in Winnipeg and we cannot get it.

Hon. Mr. DEBOUCHERVILLE—We cannot pass the bill without it. How is it the bill speaks of a plan we have not got ?

Hon. Mr. SCOTT—Section 10 reserved any lawsuits that were then existing. Those lawsuits referred to Water street, patents were issued for lands that protruded on the street. The street was originally 66 feet wide and in consequence of buildings put up, it was narrowed down to 60·40 feet, and in the Act of 1895, there was a reservation that it should not affect any suits then pending. I will read a memorandum from the department which will explain the matter. It is as follows :—

The streets affected are Water street and Main street at its junction with Water street, both in the city of Winnipeg, as shown upon the accompanying tracing.

Water street was originally intended to have a uniform width of 66 feet for its whole length, from the Red River to its junction with Main street. The street was, however, encroached on by the Northern Pacific Railway Company on its south side, near the Red River, and on its north side, where it joins Main street, by the original owners of a parcel of land which was formerly parish lot No. 2 in the parish of St. John, and which is now subdivided into city lots. This parish lot faced Main street and is bounded on one side by Water street and on the other side by Notre Dame street. Main street, it may be here stated, was formerly part of one of the old Manitoba trails referred to in different Acts of Parliament as the "trails," "old trails," "highways" or "great highways" of that province.

The encroachments in question have resulted not only in uncertainty and dispute as to the correct boundaries of Water street, and incidentally of Main street, but in several actions at law.

According to a letter addressed to the Minister of the Interior on the 29th June last (copy herewith) by Messrs. Hough & Campbell, solicitors of the city of Winnipeg, the interested parties are the city, the Northern Pacific Railway Company and the Canada Landed and National Company. The last named company are now the owners of the city lots on Water street at its junction with Main street, lots within the boundaries of parish lot No. 2 in St. John's parish for which the late Sir John Schultz obtained a patent.

The city represented by Messrs. Hough & Campbell, the railway company represented by Messrs. Ewart, Fisher & Wilson, and the other company represented by Mr. J. B. McLaren, having arrived at a settlement, the city of Winnipeg caused a special survey to be made of that part of the city of Winnipeg affected, under the provisions of the Special Surveys Act, chapter 142 of the Revised Statutes of Manitoba. The plan of this new special survey has been filed in the land titles office at Winnipeg as No. 559, and is the plan 7A referred to in the bill. A copy has not been furnished to the department.

The words in the first clause of the bill as to the boundary lines of "all roads, trails, road allowances, highways and great highways" correspond with the last part of section 4 of chapter 30 of 58-59 Victoria of which a copy is herewith.

The bill was framed by Mr. Wilson, of Messrs. Ewart, Fisher & Wilson, and was approved by the city solicitors and by Mr. McLaren.

If the bill becomes law, Messrs. Hough & Campbell state that it will settle the disputes on account of which section 10 of chapter 30, 58-59 Victoria, was passed. For this reason the city solicitors urge the passing of the bill during the present session of Parliament.

A bill was drawn and sent down here by the solicitor for the city of Winnipeg with a request that we would pass it. Parliament, in confirming the other streets in 1895, introduced a clause holding in abeyance any streets as to which there were law suits then pending.

Hon. Mr. McCALLUM—As I understand it, this plan only deals with the city of Winnipeg.

Hon. Mr. SCOTT—That is all.

Hon. Mr. McCALLUM—It does not go outside the city of Winnipeg.

Hon. Mr. SCOTT—No, I was misled by the reference to trails and highways. Those are the words used in the original Act.

Hon. Mr. McCALLUM—We do not know what the area of the plan is. It may be a plan of the city of Winnipeg and it may be a plan of the whole of Manitoba.

Hon. Mr. SCOTT—The plan on the table is a copy of the plan referred to.

Hon. Mr. McCALLUM—If it only deals with the city of Winnipeg I am satisfied with the bill.

Hon. Mr. SCOTT—That is all it deals with.

Hon. Mr. McCALLUM—If it deals with all the trails of Manitoba I have a decided objection to it.

Hon. Mr. SCOTT—You would be quite right.

Hon. Mr. McCALLUM—We have in Ontario trails made by cattle, and it would never do to legalize them.

Hon. Mr. SCOTT—It only deals with that part which was left undealt with by the Act of 1895. It provides that wherever there were suits then existing, the Act should not apply. The suits having terminated, this bill is to transfer the streets not included in that Act. At the time the Act of 1895 was passed, there was this lawsuit about Water street, and therefore Water street was excluded from the legislation under the Act of 1895.

Hon. Sir MACKENZIE BOWELL—It goes beyond that. When you look at the second clause of the bill, it transfers all the interest of the Dominion in the rest of the land contained within the area of the said plan. We have no knowledge whatever of the extent or value of the territory which is to be transferred to the government of the province of Manitoba. It may be $1,000 or $100,000. Those who know anything of the city of Winnipeg, know the rapid increase in the value of property there, and though there is no boom such as they had a few years ago, still there may be a great value in the lands which are to be transferred and which are not yet patented, and I think before the hon. gentleman asks us to accept this bill as it is, he should place himself in a position to give information to the House as to the value of them, or if he desires to have the boundaries to which he refers settled, then he had better strike out the last portion of the second clause, because we have not heard any reason yet why the lands now in the Crown, and if sold would form a part of the revenue of the Dominion, should be handed over to Manitoba without any consideration other than to give them another douceur. We have given them over half a million dollars already. We have assumed the debts which were incurred a long time ago for the building of government house and the parliament buildings, amounting to half a million dollars. How much more are we to give them by the provisions of this bill?

Hon. Mr. SCOTT—I thought I explained that when we had it up before. I explained that Water street was laid out 66 feet wide, and there had been encroachments which lessened it to 60·40 feet. There are odds and ends, as the hon. gentlemen will see, between where the land has been encroached on, because the encroachment has not been uniform all over Water street, and those odds and ends of five feet here and there, of course, go to the Crown of Manitoba.

Hon. Sir MACKENZIE BOWELL—Why?

Hon. Mr. SCOTT—Because the streets are now in the Crown.

Hon. Mr. DEBOUCHERVILLE—If they belong to the Crown, leave them as they are.

Hon. Mr. SCOTT—In order to make the street uniform, we are now narrowing it to 60·40 feet wide. Between that width and 66 feet, there will be little gaps of land 5·60 feet wide, and there is no reason why they should go to individuals.

Hon. Mr. DEBOUCHERVILLE—If it belongs to the government of Manitoba, what right have we to interfere and narrow it?

Hon. Mr. SCOTT—We are now, in conformity with the law that has prevailed heretofore, correcting an error in regard to one of the streets. We corrected in 1895 a number of other errors, and we held over the errors connected with Water street. The parties have now come to an agreement and we propose to deal with Water street just as we dealt with the other streets of Winnipeg, so there is nothing I can see of any substantial value, and the Crown as represented in Manitoba should have those odds and ends. I do not know their value.

Hon. Sir MACKENZIE BOWELL—I do not understand the Secretary of State. He first tells us that in the past they gave these streets to the province of Manitoba. If they are held by the government of the province of Manitoba, what right have we, as a Dominion Parliament, to interfere with the width of streets that belong to the city of Winnipeg, and to the province of Manitoba, and what necessity is there for declaring in this bill that such portions of the land as remain unpatented should be given to the province of Manitoba? If it is theirs already, there is no necessity for making a provision to give it to them. If there is any portion of the lands not yet patented and not yet sold, then it belongs to the Dominion; and you are assuming the ownership of that land from the very fact that you are making provision in this bill to hand over all that portion of unpatented lands to Manitoba. The hon. gentleman shakes his head.

Hon. Mr. SCOTT—It is a purely technical question.

Hon. Sir MACKENZIE BOWELL—The bill says those portions of land shown as streets, and so much of the rest of the land contained within the area of the said plan as is unpatented.

Hon. Mr. SCOTT—The Crown in Manitoba holds the sixty-six feet. We are now altering the width.

Hon. Sir MACKENZIE BOWELL—My hon. friend does not seem to understand it, or I am incapable of explaining it. There are certain lands presumed to be unpatented by the wording of this bill, and you say that in narrowing the street from 66 feet to 60·40 you will give all the unpatented lands to the province of Manitoba. You must own it if you can give it. If you have disposed of it under some other provisions of the law, there can be no necessity for redeeding it.

Hon. Mr. MILLS—My hon. friend undertakes to give a broader meaning to those words than they are intended to have. The words are "those portions of the land shown as streets on the said sectional plan."

Hon. Sir MACKENZIE BOWELL—Which we have not got.

Hon. Mr. MILLS—It continues:

> And so much of the rest of the land contained within the area of the said plan as is unpatented, are hereby transferred to the Crown in the right of the province of Manitoba.

In 1895 a bill was carried through Parliament transferring the proprietory interest in the street from the Crown as represented by the Dominion to the Crown as represented by the province of Manitoba, but that really was only adopted with regard to these streets about which there was no controversy. There were certain streets reserved which were not transferred from the Crown of Canada to the Crown of Manitoba in consequence of this controversy. Now, this bill deals with those streets exactly in the same way as the former bill dealt with the vast majority of the streets. The street was supposed to have been 66 feet wide. Encroachments had been made upon certain portions of it, and those encroachments made the street somewhat narrower than the original intention. The first clause is:

> The sectional plan numbered 7*a*, filed in the Land Titles Office for the city of Winnipeg, on the 27th day of June, 1899, as number 559, is hereby approved, and the boundaries and lines of all roads, trails, road allowances, highways and great highways, as such boundaries and lines are shown on the said plan, are hereby declared to be the true boundaries thereof, whether or not they are the true boundaries and lines according to any Dominion Government survey thereof.

There is the declaration that these boundaries, as they are settled by that plan 7A, are to be regarded as the true boundaries, whether they were originally so in fact or not. Now, if there be portions of the land along these streets that have not been encroached upon, although they are more than 60·40 feet, they will be vested in the Crown of Manitoba as portions of the street. They do not belong to any individual, and you would not want to have in front of any particular lot four or five feet of land vested in the Crown here, instead of being vested in the Crown of Manitoba to which the street is intended to belong. That is the whole question, and this bill will put those particular streets undealt with, which were in controversy until very recently, in exacting the same position as the other streets were put by the Act of 1895.

Hon. Mr. SCOTT—I will read clause 3 of the Act of 1895:

> 3. Section six of the said Act is hereby repealed and the following substituted therefor:—
>
> 6. The unpatented land forming part of any road transferred to the Crown in the right of the province

by or under this Act or declared by this Act to be the property of the Crown in the right of the province shall be vested in the Crown as aforesaid.

It assumes, where the width is altered and there are odds and ends, that they belong to the Crown and not to individuals.

Hon. Sir MACKENZIE BOWELL—Supposing the hon. gentleman's contention is correct, those unpatented portions would be at the disposal of the province to sell to whom—to the owners of the property lying behind them? Does that belong to the Dominion?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—This law is not sufficiently clear to my mind. Do those road allowances referred to in this Act of 1895, include the streets, roads, (and old trails of the city of Winnipeg), as well as of the province? The question for us to consider now is the amount of land and its value we are transferring to the province.

Hon. Mr. DEBOUCHERVILLE—There is no doubt that this plan which was before us just now has been amended by plan 7A. Therefore this plan is not correct.

Hon. Mr. POWER—This is a certified copy of plan 7A.

Hon. Mr. LANDRY—No, it is not.

Hon. Mr. POWER—It is a copy of a portion of sectional plan number 7.

Hon. Mr. LANRRY—Then it is not 7A.

Hon. Mr. DEBOUCHERVILLE—It is very fortunate that it is so. If it were a copy of plan 7A it would have put the minister in a bad position, because he told us that he did not have plan 7A. I am glad the hon. member has acknowledged he was mistaken; 7A is a different plan from this, and it was made to amend this plan. We can only form suppositions, and those suppositions, I suppose, should be admitted until we can get something surer. If the government simply asked that those portions simply shown as streets on the sectional plan be transferred to the Crown, I do not see much difficulty about it. But the clause further says: "And so much of the rest of the land contained within the area of the said plan." What does that amount to? Does anyobody suppose that this plan only contains those lots which have not been sold and which, therefore, are not patented? It says: "So much of the rest of the land contained within the area of the said plan as is unpatented." Therefore, there remain in Winnipeg certain lots that are not patented. This bill asks that the Dominion Government should give to the local government the unpatented lots. They may amount to a large sum. The hon. leader says that the city of Winnipeg is not booming just now. I think I have seen the statement that it was booming a little. It is not hard to suppose that one-quarter of the city of Winnipeg is not patented. That might amount to $100,000; it might amount to $300,000, and this would appear to be a way to obtain what we refused last year—the $300,000 that they asked for. We would be shifting from one plan to the other, and giving by this means what we refused to give last year. Will the government consent to strike out "And so much of the rest of the land contained within the area of the said plan as is unpatented."

Hon. Mr. MILLS—I have not seen the bill before, and so have not the information upon it which amounts to perfect accuracy, but the impression I have with regard to it is that in the case of the unoccupied or unpatented lands, the street there remains at its normal width of sixty-six feet, and therefore there is a portion of that street the title of which is still in the Crown, that if you confine your conveyance to the Crown as represented by the province, it would be a narrow strip of land vested in the Crown of Canada between the lot and what becomes the streets.

Hon. Sir MACKENZIE BOWELL—Does it not go further than that?

Hon. Mr. MILLS—I do not think so. I cannot say positively that it does not, because the words might be broad enough to include other lands, if there were other lands undisposed of, but I am not aware of any lands belonging to the Crown undisposed of in Winnipeg.

Hon. Sir MACKENZIE BOWELL—The explanation given by my hon. friend is just the one that suggested itself to me. They have given to the city of Winnipeg a

street 66 feet wide, and they now propose to reduce it to 61·40 feet. This leaves a strip of land along the front of the whole of the buildings, and this strip they propose transferring to the government of Manitoba, because it was a part of the street which was originally given to them. But you go further than that; you say "all the unpatented lots." Now, if there are fifty unpatented lots, or a hundred unpatented lots along that street, that had not been yet patented or sold by the Crown, you gave them also. Let me call attention to a remark made by the Minister of Justice which verified the statement I made in reply to his remarks a couple of sessions ago. This is another illustration of governing by heads of departments without the knowledge of their colleagues.

Hon. Mr. MILLS—Oh, no.

Hon. Sir MACKENZIE BOWELL—Oh, yes. My hon. friend told this House not five minutes ago, that he had never seen this bill. Now this is a bill affecting the laws of the country. It is a bill affecting the transfer of lands, and it is a bill which should have been considered in the Department of Justice before it was acted upon by other departments. If that bill had been suggested under the late government, it would have come before the council from the Department of the Interior, and the council would have referred it to my hon. friend's department to see how it would effect the law of the land, and upon his report they would have acted. It is quite evident the Minister of the Interior has taken the responsibility upon himself. My hon. friend the Secretary of State shakes his head. I took it for granted, drawing my conclusions from declarations made in this House some time ago, that they were not going to pursue the old fogey plan, as they designated it, of letting each of the cabinet ministers know what was going to be proposed, hence the Minister of the Interior took upon himself the responsibility of sending this bill into the House of Commons and carrying it through. Perhaps he was able to give all the information necessary. The Minister of Justice, who should have been consulted in this matter, and who should be able to tell us what effect this will have upon the laws at present upon the statute-book tells us that he never saw it before. He will excuse me for calling attention to this, I do so because it is always a gratification to any one to be able to say that his predictions have been verified. "I told you so" is a very old remark, and here is an illustration of it. We have had it in almost every bill that has been introduced here to-day, for the simple reason that in every instance, except the bills which came from the department of the Minister of Justice, and particularly those which were introduced and attempted to be explained by the hon. Secretary of State, they have not been able to give any explanation at all.

Hon. Mr. MILLS—Oh, pshaw!

Hon. Sir MACKENZIE BOWELL—If these bills had been approved by council, the Secretary of State and Minister of Justice would have been in a position to give such explanations as were required. The only point in the bill, is really this, how much land are we giving to the province of Manitoba. If it were only the mere strip that was cut off, I say that it would not amount to much, and it would be the best way to get rid of it. If it includes a dozen, or a hundred, or fifty of valuable lots on this street then it is worthy of further consideration.

Hon. Mr. SCOTT—It could not. It only refers to one street.

Hon. Sir MACKENZIE BOWELL—Yes, take for instance Notre Dame street, or Sherbrooke street in Montreal each is but a street, and might include a lot of property. Water street is not one of the best streets in Winnipeg, but it is a street running from the Main street down to the water's edge, and there is valuable property on it. If the House thinks proper to pass the bill, I do not propose to object to it.

Hon. Mr. POWER—I may be allowed to add a word to the discussion which has already occupied some time. I may say the question presents itself to the House in this way: The Parliament of Canada, when the hon. leader of the opposition was leader of the government, in 1895, passed an Act, chap. 30 of the Acts of that year, which gave the road allowances in the province of Manitoba to the Crown in the right of the said province. That was as to places outside of Winnipeg. Then section 4 reads:

All roads, trails, road allowances, highways or great highways of any of the classes referred to in the

said Act, as hereby amended, which are shown on any sectional plan——

It says any sectional plan, not one sectional plan.

Any sectional plan of the city of Winnipeg, &c., are hereby transferred to and vested in the Crown in the right of the province of Manitoba.

Section 5 continues the same thing:

The Governor in Council may, on the report of the Minister of the Interior, transfer to the Crown in the right of the province of Manitoba all such roads, trails, road allowance, highways and great highways as are referred to in the next preceding section.

So that Parliament, at the instance of the hon. leader of the government, was prepared to transfer, without any hesitation, to the province of Manitoba all the road allowances in the city of Winnipeg set out upon all the sectional plans. Now there was just one exception to that, and it is in the last section of the Act of 1895. The section reads:

10. Nothing in this Act shall affect any right claimed or set up in any action or proceeding now pending in a court of competent jurisdiction, or any right heretofore adjudicated upon in an action or proceeding in any such court, or shall affect sectional plan number seven of the city of Winnipeg, or any road, trail, road allowance, highway or great highway shown on that plan, or any original road, trail, road allowance, highway or great highway within the area shown thereon.

Whatever was shown in that sectional plan seven was excepted from the Act of 1895, because there was litigation going on with respect to the roads. The litigation has been terminated by compromise in some way, and the parties to the litigation prepared a bill and sent it down to us to pass, which simply amounts to repealing section ten of the Act of 1895. That is repealed because the causes have ceased to operate.

Hon. Sir MACKENZIE BOWELL—I think the hon. gentleman must imagine that the members of the House are far more simple than himself, when he asks us to accept this explanation. This 4th section of the Act is distinct and positive in its character. It transfers all roads, road allowances, trails, highways and great highways of any of the classes referred to in the said Act as hereby amended, which are shown on the sectional plan of the city of Winnipeg, which has been prepared and confirmed by the Lieutenant-Governor of Manitoba and so on. It does not transfer one single yard or foot of land other than the streets and highways. This bill goes further than that. It reads:

And so much of the rest of the land contained in the area of the said land as is unpatented is hereby transferred to the Crown in the right of the province of Manitoba.

Why does the hon. gentleman want to impress upon the minds of hon. senators, a fact which does not really exist? We were not contending against transferring to the province of Manitoba any land that was situated on and formed part of Water street. That has been transferred by a former Act, by this Act we are assuming the responsibility and the power of narrowing a street of 66 feet wide, which we had actually given by a bill to the city of Winnipeg, and then we turn round and say that portion of the land which is not included within 60·40 feet, we will not only convey back to the province of Manitoba, but we will give all unpatented lands that are shown on plan 7A, whatever that may be. That is the distinction, and I am surprised that my hon. friend from Halifax should, even unintentionally, mislead the House on a question of this kind.

Hon. Mr. SCOTT—This bill was not drawn by us. The bill was framed by the solicitors for three different concerns, the city of Winnipeg and the other parties who were interested. They knew what they were about and sent this down to us. Probably they drew the Act of 1895.

Hon. Mr. DEBOUCHERVILLE—Better give them a little further time.

Hon. Mr. SCOTT—The solicitors for the parties have written to me as follows:—

WINNIPEG, MANITOBA, 29th June, 1899.

Hon. JAMES A. SMART,
Deputy Minister of the Interior,
Ottawa.

Re WATER STREET.

DEAR SIR,—You will remember that last year there was some correspondence as to amending the law as to Water street.

The parties interested were and are the city of Winnipeg, for whom we act. The Northern Pacific Railway Company (solicitors, Messrs Ewart, Fisher & Wilson) and the Canada Landed and National Company (Mr. J B. McLaren). The last named company own the lots at the intersection of Water and Main streets formerly owned by Lady Schultz.

As intended thirty years ago Water street should have a width of 66 feet but the railway company on the south side have according to the city's contention encroached on the street on its south side near the Red River and the owners of the Schultz estate encroched on it near Main street on the north side of the street.

A settlement has at last been arrived at, under the city's direction a new plan has been made "plan 7 A"

which has been filed in the Land Titles Office as No. 559. This gave Water street a uniform width of 60 $\frac{4}{10}$ feet. The city council by resolution approved this and by it directed us to obtain legislation necessary to validate it. We inclose you two clauses drawn up by Mr. Wilson and approved by Mr. McLaren and by ourselves which we think will meet the case. This will put an end to the trouble given your department in 1894-95 as to title to the strip in dispute.

It settles the disputes on account of which sec. 10, cap. 30, 1895 Dominion was passed. As titles in that part of the city depend upon the fixed location of Water street an enactment this season is important.

Yours truly,

HOUGH & CAMPBELL,

Winnipeg, City Solicitors.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman should accept the bill without the second clause.

Hon. Mr. SCOTT—We could not do that. I called my hon. friend's attention to a similar clause in the Act of 1895. It speaks of the unpatented land forming part of any road.

Hon. Sir MACKENZIE BOWELL—The bill goes further than that. The clause says "all unpatented land." It does not say "unpatented land forming part of the road."

Hon. Mr. SCOTT—I do not think it amounts to much.

Hon. Sir MACKENZIE BOWELL—It may not it amount to much, but still it is there.

Hon. Mr. LANDRY—Before the motion is put, I should like to ask the minister if the government would not consent to strike out the following words "and the rest of the land contained within the area of the said plan?" If not, I think it would be our duty to propose an amendment.

Hon. Mr. SCOTT—It is a compromise bill between the city and the other parties, and I do not feel like making any changes.

Hon. Mr. POWER—It might be amended when we go into committee.

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

The House resolved itself into a Committee of the Whole on the bill.

(In the Committee.)

On clause 2.

Hon. Mr. DEBOUCHERVILLE — I move that this clause be amended so as to read in this way:

Those portions of the land shown as streets on the said sectional plan are hereby transferred to the Crown in the right of the province of Manitoba.

Hon. Mr. MILLS—This stands in a different position from the other. The clause in the bill which the hon. leader of the opposition referred to is scarcely applicable. The clause would convey nothing but the 66 $\frac{4}{10}$ feet. The intention of the clause, as it now stands, is that where the street was originally wider than that, and has not been encroached upon, it has been more than 66 $\frac{4}{10}$ feet. There will be a strip of what was originally intended as a street between what is now actually the street and the lot, and the suggestion is to convey that, and I do not think the words are broad enough.

Hon. Mr. LANDRY—It was shown as streets before.

Hon. Sir MACKENZIE BOWELL—Would not this settle it, "That portion of the land shown as streets on the said sectional plan No. 7A, and unpatented is hereby transferred."

Hon. Mr. MILLS—That would not serve the purpose.

Hon. Sir MACKENZIE BOWELL—The present bill only refers to unpatented lands.

Hon. Mr. SCOTT—The sixty-six foot was never patented. That was reserved as a road allowance, and therefore it is the unpatented portion of Water street.

Hon. Mr. MILLS—You leave everything that is objectionable in it when you leave the word "unpatented."

Hon. Sir MACKENZIE BOWELL—Then strike out the word "unpatented."

Hon. Mr. MILLS—Then you convey nothing.

Hon. Mr. DEBOUCHERVILLE—I ask leave to withdraw my amendment, and I move an amendment that the second clause be struck out.

Hon. Mr. POWER—Then the bill is not good for anything. That is the operative clause which transfers the lands to the province of Manitoba. The better way is to throw the bill out altogether.

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman thinks so he should move it.

Hon. Mr. SCOTT—This is a very small matter. It affects only one street in the city of Winnipeg, little scraps of land which are not patented because of the narrowing of the street. Wherever the street is 66 feet wide, the city will probably leave it so. Hon. gentlemen will see we are dealing with a subject where we do not know the details. The city of Winnipeg, in a small matter of this kind, ought to be trusted to do what is right. The lawsuits have been withdrawn and this bill is introduced at the request of the city of Winnipeg.

Hon. Mr. LANDRY—They forgot to send us a plan.

Hon. Mr. SCOTT—They could not.

Hon. Mr. LANDRY—How is it we have a correct copy of the plan of 1894 which comes from the same source?

Hon. Mr. SCOTT—I am giving you all the information that plan 7A can give. Hon. gentlemen can see the narrow line on the plan where the encroachments are.

Hon. Mr. ALLAN—Could not the hon. gentleman meet the objection by inserting something to show that the bill refers only to Water street?

Hon. Mr. SCOTT—I have read the original correspondence from the solicitors of the city of Winnipeg. I think we can trust them.

Hon. Sir MACKENZIE BOWELL—There are three parties interested, the city of Winnipeg being one, and the hon. gentleman contends, that they, having agreed to this, we should accept it. The province of Manitoba has passed legislation demanding the transfer of the whole of the unpatented lands of the province to them, to be disposed of by them. If there is anything in that argument, we should give the province of Manitoba all the unpatented lands on the same principle.

Hon. Mr. SCOTT—The government of Manitoba have nothing whatever to do with this. They have not been consulted. The only reason the government of Manitoba is mentioned is that they are technically the representatives of the Crown in reference to all road allowances, just as in Ontario the Crown is represented by Ontario and is the owner of all road allowances, and so in every province. The only parties really interested are those I have mentioned.

Hon. Mr. DEBOUCHERVILLE—In the province of Ontario the government own all the wild lands. It is not so in the province of Manitoba.

Hon. Sir MACKENZIE BOWELL—A suggestion has been made to me by the hon. gentleman from Halifax which meets all objections. Strike out after "the plan" in the second line, and the word "are" in the third line and it will read "those portions of the plan shown as streets on the said sectional plan No. 7A are hereby transferred to the Crown in the right of the province of Manitoba." That will transfer the streets.

Hon. Mr. MILLS—My impression is from that fact that a plan is referred to and that plan is prepared with reference to the carrying out the compromise, that that will be uniformly throughout the whole length of that street $61\frac{4}{10}$ feet and nothing more, and if my impression is right, the property that is intended to be surveyed beyond that is the original street that has not been encroached upon, and that will be left untouched if you carry that amendment.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman may be quite correct, but that is a matter we know nothing about, because we have had no information upon it. Let it go down to the other House and if they see it is not correct they can put it in shape. We do not want to be in a position of transferring a whole lot of property we know nothing about.

Hon. Mr. MILLS—Supposing the hon. gentleman were to add to that "and the original street laid out to its full extent, where it is not encroached upon."

Hon. Sir MACKENZIE BOWELL—I have no objection to that, but some other gentlemen have.

The committee divided on the amendment, which was adopted.

Contents, 9; non-contents, 7.

Hon. Mr. SNOWBALL, from the committee, reported the bill with an amendment.

Hon. Mr. SCOTT—I shall not move concurrence in the amendment. I will not stultify myself by moving concurrence in an amendment which I do not approve of. The gentleman who moved the amendment should move the concurrence.

Hon. Sir MACKENZIE BOWELL—This is a government bill which has been amended in committee, and the practice has been always either that the mover drop the bill altogether, or accept the amendment. If the hon. gentleman does not like to accept the decision of the committee, the bill drops and he takes the responsibility.

Hon. Mr. SCOTT—I will move that the amendment be concurred in. Let the bill go to the House of Commons and the amendment can be dealt with there.

The motion was agreed to.

The bill was then read the third time and passed.

RAILWAY SUBSIDIES BILL.

SECOND READING.

Hon. Mr. MILLS moved the second reading of Bill (190) "An Act to authorize the granting of subsidies in aid of the construction of the lines of railway therein mentioned." He said:—There are a number of lines that are mentioned here, some of which it is proposed to aid for the first time, and some are roads to which subsidies have been voted by Parliament in former sessions. The first part of the bill is taken up with the interpretation of its provisions, what is to be considered the cost of the road, certain charges, as for instance a bridge that costs more than $25,000, the terminals of the roads and the cost of equipment are not included in the cost of construction of the road. Then there is a provision as to the amount of subsidy up to a certain sum, $3,200 a mile, and when the cost exceeds $15,000 a mile, a larger subsidy may be voted. The bill contains a list of the roads, and the length of road it is proposed for the current year to aid, and after the list come certain conditions as to the terms upon which these grants are made. There are certain duties that the roads so aided are to discharge for the public, as for instance the carriage of persons, the carriage of mails and so on. Those duties are to be undertaken and discharged for the public over these lines of road up to the sum of three per cent on the amount of money that has been advanced towards their construction. If there is anything done beyond that sum during the year on behalf of the government of the country, then payment is to be made for that. I need not go over the list of roads and mention the names of the lines to be aided. I have brought, for the information of the Senate, the maps with the lines marked in red upon them, so that any hon. gentleman who wishes to see where any one of those roads is situated, its terminal points and the direction in which it lies, and its connection with other roads, will be able to obtain that information by looking at the maps laid upon the table. Those roads lie in every province of the Dominion east of the Rocky Mountains. The first mentioned is the Central Ontario Railway, twenty-one miles in length; the second is the Quebec Railway, fifty-three and a half miles in length; the third a Quebec railway sixty-six one-hundredths of a mile in length; the fourth, an Ontario road twenty-four miles in length, running in a north-westerly direction from the town of Strathroy; the fifth a road in New Brunswick fifty-nine miles long, lying between the county of York and the county of Carleton; the sixth a Nova Scotia road thirty miles in length, extending from the Straits of Canso to St. Peters, and so on. The number reaches fifty-one. Besides those fifty-one roads that are to be aided in various parts of the Dominion, there is the Ontario and Rainy River Railway, 140 miles in length; there is the Quebec bridge to receive aid not exceeding $1,000,000, the Yamaska River bridge to the extent of $50,000; a bridge over the Richelieu River at Sorel, $25,000; a bridge across the St. Francis River, $50,000, and a bridge over the Nicolet River, $15,000. Then there are some further and smaller sums in other portions of the Dominion.

Hon. Sir MACKENZIE BOWELL—Could the hon. gentleman tell us the total amount to which the country is pledged by these subsidy resolutions.

Hon. Mr. MILLS—I cannot tell my hon. friend. I know we went over it, and the sum total was made up, but I have forgotten. I do not carry it in my mind, and besides that, I think some slight modifications were made.

Hon. Sir MACKENZIE BOWELL—I do not suppose that there is any intention on the part of the Senate to interfere, to any great extent, with the bill or the proposition which is now before it; but I think it well to call attention to the fact that the hon. gentleman himself, and those with whom he has been associated, have denounced in unmeasured terms former governments for having brought down propositions of this kind a few hours before the prorogation of Parliament. If it were a crime in the old government to bring down propositions for the expenditure, in the way of railway subsidies, of sums amounting to $2,000,000 or $3,000,000 in the dying hours of the session, how much greater is the crime on the part of my hon. friend to ask a House of about sixteen members; to pledge the country to a sum exceeding $6,000,000? That is the position in which the Senate is placed at the present moment. First of all, I do not hesitate to say that the system of bonusing railways, to the extent which is now being carried on, is imposing a burden on the revenues of this country that is totally unjustifiable. When the proposition was originally made to bonus railways, it was upon the principle of granting a sum equal to the expense of the metal which would be required to rail all portions of the road subsidized. It was also laid down as a principle, that the roads which were to be subsidized should be those lines which opened up and developed certain unsettled portions of the country. This was the original principle on which bonuses were granted. I do not wish it, however, to be inferred, that that principle was strictly adhered to during the whole of the time that these bonuses were granted, but I do say this, that the propositions which are now before us are of a character altogether different from and apart from the principle upon which bonuses were originally granted, and which was followed for a number of years. Any one looking at these proposed bonuses will find that not only has the amount which is to be paid in assisting in the construction of roads been doubled, but that it has gone much further. It is aiding roads with double the amount of subsidy originally proposed to be paid, and it is double the amount in cases where the local legislatures and the municipalities have also bonused the line to an extent which will nearly build the road. Or, in other words, the bonuses which are to be received by a number of these roads are sufficient in amount to almost cover the construction of the whole road, or very nearly so. To put it in other words, the roads are being built through the aid from the Dominion and local governments and municipalities, and made a present of to the parties who speculated, because if you get within a few thousand dollars of the amount required to construct the roads in the way of bonuses, and the company has bonding powers, in all cases running from ten to twenty thousand dollars a mile, it simply means the placing of a large amount of money, perhaps thousands of dollars per mile, in the pockets of promoters and contractors. When I say the contractors, I mean in many cases the construction companies which are composed of those who form the companies, and consequently they have the disposal of the money which comes into their hands. Then, again, you will find that there is the proposition in some of these proposed subsidies to aid short lines of a mile or two in the very centre of industries which are in existence in towns or villages, and they want to extend the railway from a particular industry down to the wharf, which is a purely local matter, and the Dominion Government, with its paternal care over these particular sections of the country, for some unknown reason, come down and make a proposition to aid in the construction of such short roads. They can have no Dominion or even local object in view, but simply to aid the gentlemen or the company, whoever they may be, in the construction of a road to assist in carrying on manufacturing industries. You might as well go to the city of Montreal and say to the sugar refining company, "You require a road to connect with the Grand Trunk Railway at a certain point on the canal. We will give you $3,200 per mile in order that you can lay down rails to enable you to carry your raw sugar which arrives at one of the basins of the canal into the refinery." I unhesitatingly say that that was not and should not be the object of granting the railway subsidies. The object was the opening up and developing the country.

Hon. Mr. MILLS—Eighteen thousand dollars was given to build a road six miles long to a saw-mill in the county of York by the late Minister of Finance.

Hon. Sir MACKENZIE BOWELL—So much the worse. The hon. gentleman has intensified the error. We assisted in building six miles and you have reduced the length to two, and even in that case I do not say it was right. On the contrary, I think the principle has been carried too far even by the government of which I was a member. The error has been intensified by the propositions which are now before us, and the sooner the country puts a stop to this mode of expenditure, and the involving of the country, in one session, in this kind of railway subsidies to an amount exceeding $6,000,000, the better it will be. As senators we cannot amend these bills, I suppose, because they are money bills. We have either to accept them in toto, good or bad, or throw them out. I am not prepared to assume that responsibility. I leave that with the government which proposes these subsidies and with the country which has to decide upon this question when asked to give a verdict. I will, however, take this opportunity of placing upon record still further the sentiments of some of the gentlemen, my hon. friend opposite among the rest, upon this question of railway subsidies. We have only to look at the declarations which have been made throughout the whole Dominion for the last fourteen years, during the time these subsidies were proposed by the late government, to find that almost every hon. gentleman who now holds a portfolio, and those in the cabinet who have not the responsibility of a portfolio upon their shoulders, denouncing in most unmeasured terms the propositions which were made. They were declared, more particularly by the Minister of Trade and Commerce to be not only improper expenditures of the public money, but bribes to the sections of the country where the roads were to be built—not only those sections of the roads which were going into the northern part of our country, opening up new settlements and assisting in the development of the resources of the country in that way, but more particularly the subsidies to those short roads which were declared to be for the purpose of buying up constituencies. I do not want to particularize, but I know of one case—and it is a road which is being subsidized by these resolutions—where a certain portion of a constituency always gave a Conservative majority, or a majority in favour of the government of the day. The Ontario Government gave them $99,000 in aid of the construction of certain railways. These resolutions add to that amount, and the last local election gave the Hardy government a majority in that particular locality of a hundred and one, or in other words, just about a thousand dollars for each one of the majority, or very nearly so. I do not mean to say that the granting of the bonus purchased that municipality, but I give hon. gentlemen the facts and they can draw their own conclusions. The present government are aiding in the extension of two miles in that particular municipality to-day. But do not forget how they guard themselves in the immense return they are to have in the three per cent postage service which they are to deduct from these subsidies in consideration of giving it. That is the three per cent on two miles of road running from a manufacturing establishment to a wharf. What mails they are going to carry, I do not know. Be that as it may these are facts, and they are incontrovertible, as the result of this class of bonusing, and the rapidity with which we are running into debt. In fact that in those very estimates they are for the ordinary purposes exceeding by millions those subsidies which they condemned in the late government, and the pledging of the country to an amount verging on nearly $70,000,000 this year, is a question for the country seriously to consider as to whether it is not time that they began to cry a halt. When we discuss the budget, I think that I shall be able to show, without occupying very much time that the statement which I have made is not at all exaggerated. Let us look at the position the present government occupy on this question, commencing with the Premier and going down to his colleagues. In looking at *Hansard* hon. gentlemen will find that the Premier used the following language:

> The policy of bonusing railways by cash and land grants from the Dominion Government has become a fruitful source of jobbery, peculation, and corruption. Under its operation favourites of the government have been enriched. Appropriations have been made for the sole purpose of purchasing the support of constituencies, and vast sums of public money have been voted without regard to the public interest, while millions of acres of land that should have been held in trust by the government for the future homes of hardy and deserving settlers have been handed over without consideration or justification to charter-hawkers, whose intervention actually retards the construction of the lines whose franchises they control for the purpose of extorting money from the ultimate builders of the roads. The policy of granting these

subsidies has repeatedly been condemned in Parliament by the Liberal party, and this resolution is in harmony with the attitude of the Liberal party upon this question.

That is when they moved the resolution condemning the granting of subsidies to any road. Then Sir Richard Cartwright stated, in answer to a letter written to the president of the Patrons, that there should be no railway bonuses. He said:

There is simply no single one of all these objects which the Liberal party have not been fighting for, moving resolutions for, and doing their very best to obtain any time during the last twenty years.

Yet they come into power and propose these resolutions. They intensify the wrong which they say was perpetrated by their predecessors by doubling and trebling the sums which they propose to give in aid of every conceivable proposition which can be made to them; from opening up the unsettled lands of the country, to which not one of us would have any objection, to the building of roads to assist the manufacturers in the particular cities and towns in which they exist. Then coming to the point from which I started, that they condemned in unmeasured terms the bringing down of railway subsidies at late periods of the session, we find in 1894 Sir Wilfrid Laurier using the following language:

The session has lasted four months, and the government have had more time than was necessary to prepare these resolutions. How is it possible that this House can discuss these resolutions intelligently, covering as they do about sixty different railway schemes, and involving as they do over three millions of dollars? It is quite impossible under such circumstances that any man in this House can give intelligent attention to this question. I protest against such proceedings.

He was followed by a gentleman whom we all respect, and who now has the position of leader of of the government in this House, the Hon. David Mills, who said:

We are in the fifth month of the session, and we now have for the first time brought under our attention and have no opportunity to consider.

Now, if that were the case with subsidies about fifty per cent less than we are now asked to give, I suppose if the argument had any force, then it would be equally forcible and pertinent to the case before us, unless my hon. friend thinks the members of the opposition to-day are much more intelligent than he and those with whom he was connected were at that time, and consequently are able to master a $6,000,000 appropriation for railways, easier, quicker and more expeditiously than they could $3,000,000. If he puts it upon that ground, which I should not have any thought of doing, we would have no particular cause to complain, but I question very much whether he will.

Hon. Mr. MILLS—No, I do not think so.

Hon. Sir MACKENZIE BOWELL—I do not think the hon. gentleman's lack of self esteem, or the organ so described by phrenologists, being situated some where on the top of the head, is of such a character as to enable him to concede any superiority, intellectually, on the part of anybody over himself and his colleagues. That is a point I am not going to dispute with him. I will concede all that he claims for himself, and leave the country to judge of the correctness of the estimate. Then Sir Richard Cartwright followed. He said:

This abuse is one of long standing, and therefore all the worse. We ought in all conscience at the time of the budget or about that time to get a description of what our obligations are and what further obligations it is proposed the country should incur. The practice of putting these resolutions off until the end of the session is carried on for the express purpose of stifling and preventing inquiry.

If that were applicable in the past how much more applicable is it to-day, when we have the House of Commons just passing the last of the items in the estimates which are to form the Supply Bill, and we are left to consider a $6,500,000 appropriation in a very few hours. I confess I am somewhat inclined to the view expressed by the hon. Minister of Justice some time ago, when he denounced this system, and I think very few of us are capable of mastering the whole subject in so short a time. Then we have the Postmaster General who, as we all know, is not only choice in his language, but very moderate in anything he says when speaking of his opponents. He said:

To-day we have scarcely more than one-half of the House sitting.

We have not a fourth of the Senate sitting here, and venture the assertion that the Commons have not more than a third, and perhaps not more than a fourth. Mr. Mulock said:

To-day we have scarcely more than one-half the House sitting and not one of us has had the opportunity of communicating with the outside world before we are asked to vote away public money. It is on the line of the whole financial administration of this government. They are practically engaged in wrecking the finances of Canada. A government that has shown less regard for the finances of Canada has

never occupied the treasury benches since we have had responsible government. I am but voicing the sentiments of the thoughtful people of Canada when I say that the finances of our country to-day are in the hands of reckless men, who are prepared to sacrifice the interests of our country in order to maintain themselves in power. The recklessness with which the rights of the people are being dealt with, the recklessness with which our finances are being handled, the recklessness with which our credit is being dealt with, the recklessness with which the possibilities of this country are being disregarded, convince me that the interests of the country are entirely subsidiary to the interests of the men who are on the treasury benches.

With a proposition to spend during the coming year, or to involve the country in an indebtedness—because it may not all be spent this year—of the amount to which I have referred, between $60,000,000 and $70,000,000, have we not evidence of the truth of this statement as applicable to the present government? If we have not, then I do not know how you could find language to properly express the true position of the government. I shall not proceed any further in quoting the sentiments of the present ministers when they were in opposition, upon this question, and which principle then advocated by them, they have so flagrantly violated. I confess that when I sat in the gallery of the Commons the other day, and heard those sentiments hurled at the ministers, and particularly at an old friend of mine for some twenty-five years, and when I saw that gentleman rise and walk out without attempting to defend himself on his change of front, I felt if he was not humiliated, those who had any respect for him would be, and I, for myself, felt a sorrow that I do not care about expressing at the position in which I saw an old friend, although only part of the time politically a friend, and part of the time a political opponent, placed in. It may be and perhaps the hon. Minister of Justice will tell us, that the exigencies of party and the difficult position which he holds necessitates the change of front. He may tell us that he has not changed his opinion. Frankly, I do not think he has changed his opinion upon this question, but he has changed his practice; and in this, like most other cases of pledging themselves to certain principles, they violate them as soon as as they get into power. I do not know that I could explain this better than to repeat what a writer for a Liberal newspaper, said, namely, that the gentlemen who now occupied the treasury benches in the House of Commons and in the Senate of Canada had most flagrantly violated every promise that they had ever made in the past except one, and that was "Do not walk on the grass." I do not know if any one has ever accused them of violating that little sign that is on the lawns round this place about walking on the grass. But I thought it was expressive and truthful in its character—that they had violated every promise that they had made except the one "Do not walk on the grass." It is between them and the country, and we must leave it with them and with the country to decide in the future. I have quoted the opinions expressed by the hon. gentlemen who now occupy the treasury benches, and who are responsible for the present proposition, as illustrative of the character of politicans out of office and politicans in office; and I think we shall have to ask the people ere long how far they are prepared to support a continuance of the policy which has been pursued, more particularly during the last two or three years, and then carry it further back so far as the expenditure of money is concerned. I have come to the conclusion that it is time that we call a halt, and that unless there are sections of the country that require aid to open up and develop, that we ought to stop this bonusing system, and the sooner those gentlemen come to that conclusion, the better it will be for the Dominion. I admit that there are roads which deserve aid; I admit that the Rainy River Railway, in what is now termed New Ontario, is worthy of support, and opening up by the aid not only of the Dominion, but of Ontario, in which province the great wealth of that section exists. I am also prepared to admit that in the great North-west, and in portions of that country which require railway facilities to enable the new settler to go in and select lands, for a home for himself, and to enable him to take to market the produce of his farm—carrying the bonusing of railways to almost any extent in that respect would pay the country by enabling parties to go into those sections of the country and get out the products of their farm, which they could not otherwise dispose of. But that applies to other provinces as well as to the North-west. In the free grant territories of other provinces, there are many portions 75 to 100 miles from the Grand Trunk Railway, and the bonusing of roads to run into those sections of the country, and particularly

by the province, often aided to a certain extent by the Dominion, is not only excusable but justifiable. More justifiable on the part of the province, because in going into those sections of the country it enables the government to sell their lands and place the proceeds in the treasury, and to obtain much larger prices for their timber, which is to be found principally in those sections of the country. Hence they have a direct pecuniary interest in bonusing railways. The Dominion, in assisting them, can have but one interest, and that is the increasing of the population of the country, by inducing emigrants to go into those sections which are not now occupied, and increase the consumption of imported articles, and by that means indirectly and directly add to the revenues of the country, and thereby assist in carrying on the government and the maintenance of peace and order in the Dominion. To that extent I do not think any Canadian, who has considered the question, will have any objection. But to continue to grant subsidies to build roads in the best settled parts of the country, the most wealthy parts of the country, is going beyond the functions of any government. The hon. gentleman may hurl back the assertion that it was done by the late government and that he is only following the example that was set by the late government. I accept the responsibility in that respect. We carried it too far, but these gentlemen are carrying it infinitely further, and it is time to call a halt. I have taken this opportunity to give my sentiments on the general principle involved rather than to do it in Committee of the Whole. When we are in Committee of the Whole we may ask questions as to particular items, as to why the subsidy is granted and what return it is expected will be received therefor. My hon. friend spoke of that three per cent. It was well explained by another newspaper man, one who belonged to his own party. When he called my attention to it, he said, "What do you think of it?" I said I do not think it amounts to anything. "But," he said, "it is a good thing to talk about." Yes, it is a good thing to use on the stump. You can say "See how we are safeguarding the interests of the country. We are going to save in the amounts to be paid for carrying the mail, and therefore in granting bonuses we are going to have it all paid back again in the shape of a reduction of the amount."

Hon. Mr. McCALLUM—That is not the return they expect.

Hon. Sir MACKENZIE BOWELL—No, it is a political return they are expecting. If my hon. friend would take one of those lines and make a calculation, he will be able to answer the question that he is asking. I will give him one case where he can make the calculation and satisfy himself. We are subsidizing about four miles to connect the Gatineau road with a bridge here at Ottawa. Take the three per cent on the amount they will pay for carrying the mails, and you will have a very good idea of the amount the country is to receive, and particularly when we remember that the Canadian Pacific Railway Company is paid a mileage rate to carry the mails to this particular point. You can get an idea from this instance of the infinitesimal amount that is to be received. The principle applies in almost all these cases, because the subsidies granted, except in a few cases, are for short lines of road and extensions of roads. There are certain roads which, from my knowledge of the localities, are bonused for no other reason than to enable the party to extend his road to where he can get wood, because there is nothing to develop beyond bringing out the wood that is on the route. It shows the pernicious policy which pervades this whole system, and the purpose for which it is pursued. The Finance Minister in this country gets about one hundred and thirty miles of railway subsidy, and he gets some fifteen or sixteen appropriations running from $2,000 to $10,000 for wharfs and breakwaters. I do not know that I could find fault with that. The constituency furnished him with a seat in the House of Commons, and enabled him to retain the portfolio which he holds. Probably that fact alone is a sufficient compensation for this large expenditure.

Hon. Mr. BAKER—In what way?

Hon. Sir MACKENZIE BOWELL—That is a question which must be answered by the people themselves. My hon. friend, I am afraid, has not sufficient confidence in the gentleman to whom I am referring when he supposes that the securing of a seat is not a sufficient return for the expenditure of that amount of money. I would not like to say that to my hon. friends opposite, or to the hon. gentleman from Northumberland. He

may think that the Finance Minister is worth a great deal more than that; but that is merely a matter of opinion, which I suppose, in this free country, we are permitted to hold. Going back to where I started, I believe that if the hon. gentleman who moved these resolutions were to express to-day the honest sentiments of his own mind, and his belief as to what they should do in the future and what they should have done in connection with these bonuses, we should differ very little in our conclusions, and that if he had his way he would carry out the principles and doctrine which I have attempted to enunciate here in the few remarks that I have made.

Hon. Mr. MILLS—If I were to congratulate the hon. gentleman at all, it would be on the fact that he is giving us a blue ruin speech.

Hon. Sir MACKENZIE BOWELL—Oh, no.

Hon. Mr. MILLS—My hon. friend has imbibed the spirit which he formerly attributed to the Minister of Commerce, that he never made a speech in public that was not of the blue ruin character. My hon. friend has to-day given us a speech pointing strongly in that direction.

Hon. Sir MACKENZIE BOWELL—I am very sorry that I should have followed the hon. gentleman's example.

Hon. Mr. MILLS—The hon. gentleman has occasionally been complimenting the government this session on the fact that they had adopted the policy of their predecessors in office, and the country was greatly benefited by the fact that the government was treading in the footsteps of those who had preceded them. But my hon. friend has departed from that rule to-day, and has given us a blue ruin speech, not because we have gone in opposition to the course which was taken by our predecessors in office, but because, in this regard, we have followed in their footsteps, and have stepped longer than those who preceded us. The hon. gentleman admits that the government of which he was a member, with regard to these railway subsidies, adopted a bad policy—that in many respects they did what was wrong—that they had made serious mistakes, and that we were, by following their example, in some respects going further than they had done, and were doing so to the detriment of the country. One of the things that the hon. gentleman complained of was the very short lines of railway in some instances that we were subsidizing, not because there was not more to it, but simply because we were not granting a subsidy for more than the parties were likely to do during the present season. I may mention a case to the hon. gentleman where a subsidy of $3,200 a mile was granted for six miles of railway, I think in the county of York, then represented by the late Minister of Finance, for the construction of a road, and when it was inquired into it was found to be a road to a large lumber mill in his constituency; and besides the $3,200 a mile, if I remember rightly, there was also granted old rails to construct that branch running from the existing road down to this mill. That was one of the subsidized lines when the hon. gentleman was in office, and when he was responsible for the government. If the hon. gentleman will look at the list of the subsidies that were granted in the year to which he refers, when I think the total amount was something over $3,000,000, he will find roads subsidized at that time one-quarter of a mile in length, one mile in length—a number of them.

Hon. Sir MACKENZIE BOWELL—Was that right?

Hon. Mr. MILLS—I am not questioning that. I am pointing this out to the hon. gentleman.

Hon. Sir MACKENZIE BOWELL—Was it right?

Hon. Mr. MILLS—It depends on the circumstances, but I would say this, that by the rule the hon. gentleman has laid down to-day, if there was a wrong in the one case which he has mentioned, there was at least a treble wrong in the cases to which I have referred.

Hon. Sir MACKENZIE BOWELL—That is as six miles is to two.

Hon. Mr. MILLS—More than that. In one instance, as I understand, there was a railway subsidized a quarter of a mile in length and another a mile in length.

Hon. Sir MACKENZIE BOWELL—Tell us where?

Hon Mr. MILLS—For a line of railway from Cap de la Madaleine to connect with the Piles branch, three miles. To the Canada Eastern Railway Company for an extension of one mile from the west end of their railway to connect with the Canadian Pacific Railway, a subsidy of $3,200. There are two cases, one three miles in length and the other one mile.

Hon. Sir MACKENZIE BOWELL—But connecting with the main lines.

Hon. Mr. MILLS—It does not matter where.

Hon. Sir MACKENZIE BOWELL—The case to which I referred does not connect with anything except one part of a man's industry and another.

Hon. Mr. MILLS—It is an extension. The hon. gentleman has spoken about paralleling lines.

Hon. Sir MACKENZIE BOWELL—I did not say a word about paralleling lines, but I might.

Hon. Mr. MILLS—The hon. gentleman spoke about constructing a road in an old district where they were already supplied.

Hon. Sir MACKENZIE BOWELL—I never spoke about paralleling lines at all, though I could have done so.

Hon. Mr. MILLS—I was going to call attention to a road which the hon. gentleman subsidized from Tilsonberg to Port Dover. That is an old district. There was a road subsidized from Woodstock to Detroit which most of the way is not a mile from the Grand Trunk line, for 130 miles. The hon. gentleman will remember that line.

Hon. Sir MACKENZIE BOWELL—I do. I did not refer to that principle at all.

Hon. Mr. MILLS—Then there was the Brockville, Westport and Sault Ste. Marie; the Tilsonberg and Lake Erie; the Brantford and Waterloo.

Hon. Sir MACKENZIE BOWELL—The Brockville road is not parallel to any other railway.

Hon. Mr. MILLS—It is through an old country.

Hon. Sir MACKENZIE BOWELL—And a pretty hard country.

Hon. Mr. MILLS—There is the road from Veaudreuil to Ottawa. So I might go through the list of roads down in the maritime provinces where aid was given. One, if I remember rightly, from Pictou to New Glasgow is where a road already existed, and where it was represented as shortening the distance very considerably, and where it was found that the difference in the length of the road was to the advantage of the old railway, if I remember rightly, by a mile and a half. There are several other cases. The hon. gentleman has spoken about the position taken by myself and by some of my colleagues in office in our opposition to those railway subsidies. Our idea was that the subsidizing of all those subsidiary roads within the provinces ought to be left to the provinces, and if we left them there, unless a road was a very great necessity to the province, the construction was not likely to be undertaken. But that rule was wholly broken down in 1882, when the present leader of the opposition in the House of Commons, if I remember rightly, was Minister of Railways. He introduced the rule that all roads that were connected with any of the great trunk lines were to be regarded as roads for the general advantage of Canada, and under that rule roads that had been subsidized to the extent of some twelve or fourteen millions of dollars by the province of Ontario and municipalities were wrested out of the hands of the local authorities and made Dominion railway enterprises. When the hon. gentleman and his colleagues adopted that rule, the rule for which we contended was wholly broken down. A new rule was introduced, a rule which we thought objectionable, but a rule which was adopted by the government of which the hon. gentleman was a member, and, after the adoption of that rule, there was nothing for it by any government except to assist roads in these new sections of the country which were without roads, or where there were in old sections of the country the necessity for a railway line owing perhaps to special connection with the express companies that could not accommodate the population in an old district. Look at the roads that are being subsidized in the province of Ontario. You have a road extending northward from

the county of Victoria into the new county of Haliburton. It is proposed to extend that road further north. Ultimately that road must be connected with the Parry Sound Railway. It will be a great advantage to the new settlers going into that district that that should be done. Then, the road from Parry Sound north to Sudbury forms part of a line in which we are all interested, in obtaining commercial connections at no distant date with the Hudson Bay. If we do not do so, our neighbours over the way will obtain control of the commerce of that bay. For 150 years that was regarded as an inland water exclusively under our control. For a number of years United States fishermen have gone into the Hudson Bay and have carried on fishing operations without any protest on our part, or on the part of the Imperial authorities. The moment you cross the height of land, both in Ontario and Quebec, there are large areas of land, about 30,000 square miles in each province, well suited for agriculture. A gentleman who had traversed that country for several weeks and who also had agents out surveying the country, told me that between the Albany River and the height of land, there is an immense area well suited for agricultural purposes, free from rocks, with fair timber upon it, and where thousands of settlers might be placed. That district is much nearer to us than a great deal of the territory lying in the North-west. We have many people coming into the country that would prefer, on account of their means, to go into a wooded country rather than to go into a prairie country, and between the fertile belt which lies to the north of the height of land and the settled districts there is an immense mineral belt, and we have had propositions made to us by men ready to invest money in mining operations to go into that new district if access was given to them. The hon. gentleman admits that the Rainy River Road is a necessary undertaking and will be advantageous. In my opinion it will prove so. It will form part of a continuous line extending to the Yellowhead Pass in the next three years, connecting with the existing roads, and you will have two great trunk lines extending throughout the Dominion of Canada across nearly the whole continent. I have no doubt it will be found necessary, at no distant date, to build others. It is a great mistake to suppose that the northern part of the provinces of Ontario and Quebec are simply rock and water, subject a great portion of the year to severe frosts and utterly incapable of sustaining an agricultural population. From all the information I get that is a very mistaken view, and it seems to me that a reasonable expenditure of money upon lines of railway extending northward into the new country, especially when you find that the government of Russia is pursuing a policy in Finland which is likely to lead to the expatriation of a considerable portion of the population, we should put forth efforts to settle them in the northern portion of these provinces, where the country is not unlike in climate the country from which they come. This has also to be borne in mind. Take the revenue for the present year. Hon. gentlemen know that the rate of taxation is less at the present time than it was before the present government came into office. I am speaking of the rate of customs taxation. Under that rate you have a very large revenue. What does it indicate? A very rapid growth of our commerce within the past two years. That is partly due to the increased hopes of the population; the increased number of the mining population coming into the country, and the increased number of immigrants into the North-west. I trust that nothing may take place to check that immigration, and if it continues there is every reasonable ground to look for a continued and steady growth of the commerce of the Dominion, and if there is an increased population it seems to me it is not merely a speculative or doubtful enterprise to assist in the construction of those roads which are here set out, the greater number of which are in new districts, and where large additions may be made to the population. I need not say more with regard to the general principle upon which these subsidies are being asked. The rule has been settled of aiding roads throughout the Dominion rather than relying upon local contributions from the provincial governments. When the rule was adopted in 1882 of making all the tributary roads of the great trunk lines Dominion roads, you effectually wiped out the system that the opposition at that time had been endeavouring to foster, and which they had sought to carry into effect in the local legislatures that were at the

time under their control. That has been departed from in a large degree and a new system has been adopted.

It being six o'clock the Speaker left the Chair.

After Recess.

Hon. Mr. McCALLUM—The government appear to be anxious to get this bill through, and I shall not detain the House long. Those who have come into the Senate lately may not know the course I have always taken with regard to subsidizing railways. I have always considered it my duty, in the interests of the country, to oppose large subsidies to railways, for the reason that I could not see that it did any good. In the first place, the government tax the people to give subsidies to railways, and I know in the province from which I come the railways have all gone into one or two hands, either the Grand Trunk or the Canadian Pacific Railway. They have absorbed all the railways, and there is no competition. One railway does not run where it gives competition with another, and in that case we simply tax the people to help to build the railways, and then the railway companies charge such freight rates that the people are paying twice. In this case the government say that they are going to give a sugar coating to the pill, and they think the people of this country are going to swallow it. What is the arrangement they are going to make about carrying the mails? It does not amount to anything. That is not the way they calculate to get their pay. I know better than that. The government get their pay because it gives them political influence. They need not try to deny it. I can prove it if necessary. I can prove what has taken place previously, and of course it will take place again. I was amused at the hon. Minister of Justice telling the hon. leader of the opposition that he was preaching blue ruin now. A few years ago the hon. minister himself was preaching blue ruin. The people of this country should understand that when one party is in power it is all lovely with them, and the other party is preaching blue ruin. I know that the gentlemen forming the ministry, and their supporters, always preached blue ruin until they got into power, and it is worth something to the people of this country for the millions it has cost us to make them good loyal subjects and give them confidence in the country. We subsidized railways in Ontario to a large extent. I remember when I had the honour of occupying a seat in the local legislature of Ontario and I had a seat here as well. The Hon. Mr. Blake was Prime Minister of the province of Ontario, and I know that he is the gentleman who largely introduced this subsidy assistance to railways. The Hon. Sandfield Macdonald was the Prime Minister before Mr. Blake. I know that the Sandfield Macdonald government of that day set aside $1,500,000 to aid railways in the thinly settled districts. Then there were some protested elections and there were, I think, some six seats short. Sandfield Macdonald moved the address in reply to the speech from the throne, and Mr. Blake offered an amendment condemning Sandfield Macdonald's government mainly because they had set aside that amount of money for railways. What was the effect? He defeated Sandfield Macdonald's government by a majority of one. He had an adjournment for about ten days, and I think my hon. friend the Secretary of State came into that government as Speaker at that time. He knows whether I am saying what is correct; if I am not he can correct me afterwards. I can tell hon. gentlemen—and the votes and proceedings of the local house will show it—that Mr. Blake turned that majority of one to a majority of twenty-five in a very few weeks. How did he do it? He did it by subsidies to railways. These gentlemen are going to go one better than the old government did. They want to do the same thing. That government of Mr. Blake's in Ontario, although they turned out the Sandfield Macdonald government because they gave subsidies to railways, added $400,000 more to the $1,500,000 that the Sanfield Macdonald government had set aside, and they mortgaged the province of Ontario for twenty years for $100,000 a year, making in all $3,900,000 and gave us only twenty hours to decide whether we should swallow it or not. These new converts were purchased. If it is parliamentary, I say that the Prime Minister of that day purchased them all; it was as plain as possible. What has been the result? To-day we are selling annuities in the province of Ontario in order to pay that indebtedness which has been lying on our shoulders since that time.

I know something about subsidies to railways. I was fairly disgusted to see the political influence that it had. In this House I have made it a rule that unless I saw clearly that the company should be aided, I would not support the granting of them,and I say now with due deference to all who are interested in railways, that if my vote could throw out this bill holus bolus, I would vote against it, and I would consider it was the best thing I could do in the interest of the country. Just look at it.! We are going railway mad. Not satisfied with the money we are spending in other ways, we are giving over $6,000,000 to the railways. We are putting it into the hands of the government to enable them to control the electors of this country. That is what it is for more than anything else. Talk about blue ruin and about people being comfortable when they strike oil, or, as they say, when they get into a safe harbour, when they get to be members of government, it is all lovely then. But I tell the hon. ministers that the people of this country will not be satisfied with them if they go on discounting the future as they are doing now, and continue increasing the expenditure. I am not going to say one word more about the expenditure, I will try and confine myself to railways, because when the estimates come in I may have a few words to say on the subject. The government should be careful; they should be economical. Look at the pledges they gave to the people of the country. They declared that they would not give such aid as this to railways. When the former government voted half that amount they said it was robbing the people, and I heard the remark that the present government do not take as much money, out of the people as the former government did,—that the taxation is not so high. They mean to say, I suppose, that the percentage is not so high. I do not look upon that as anything at all. I want a pretty good charge put upon all the imports that come into this country which come in contact with the products of our own people. I do not want advantage given to people who send silk and shoddy stuff into this country. All we want should be manufactured here, in order to give employment to our own people. But my hon. friend tells me that he thinks everything is quite right because we get large imports. It is not the imports coming into this country that help the people of the country but the exports. The balance of trade is against the country now. We have a spendthrift government going under full sail. They do not care what becomes of us. They are discounting the future. They have plenty of money, and it is all very well now and there is no blue ruin. The hon. Minister of Justice says the blue ruin is on the other side just now. If any hon. gentleman will move the six months' hoist to this bill, I shall be glad to support him, because I believe it would be in the interests of the country. Just imagine $6,000,000 added by this bill to the expenditure of the coming year. It was said that $38,000,000 was too large an amount for the current expenditure of the late administration, but the estimates this year show that the present government are spending $12,000,000 more. It is no wonder that my hon. friend the Minister of Justice is comfortable now, while the hon. gentleman on the other side preaches blue ruin. I am not going to single out this railway or that railway for criticism; I am opposed to the whole thing. I want the people to have a rest. I want to call a halt in this matter, because my experience has shown me that when a railway is built it is absorbed by a larger railway and there is no competition and the producers of this country have to continue to pay high rates for freight. We cannot keep the railways from amalgamating. They are getting so clever that they will amalgamate and bleed the producers of this country all the time. It is fearful to think of the way the government of this country is going mad in the matter of expenditure. What is going to become of us? They are taxing the people and taxing the children yet unborn—discounting the future. We should be satisfied to go on and try to keep our expenses within our income. That is what the government promised to do. They fairly deceived the public by telling them they would do so. I do not know that they gave a direct pledge, except what Sir Richard Cartwright said in adopting the platform of the Patrons. That platform is no subsidies to railways, and Sir Richard was very friendly with the Patrons. His party desired to make friends with everybody before the last election. Any port in a storm. But, now they do not want to be confronted with these facts, and they do not wish to be reminded of these pledges. They said they would reduce

the annual expenditure of the country $4,000,000 and they are not satisfied to be told about that. I have seen enough of this subsidy business in the province of Ontario. I feel for the people; they were deceived by the government of Ontario. They claim to have a surplus every year, although they are selling annuities to anybody that will buy them. Sandfield Macdonald was a very economical Prime Minister and he saved the public money. His successors have squandered it till the people have got so disgusted with them that the government have got down to ballot stuffing and hugging the machine in order to keep themselves in power. It is not a very desirable thing for the people of this country to have their money thrown away, and it looks to me as if that were going to occur. This subsidy business commenced in the province of Ontario under the Hon. Edward Blake. Every word I have said to-night about that subsidy business in the province of Ontario is true. I have not got the books here, but I remember what occurred. It is vividly impressed on my mind. There is at least one hon. gentleman in this chamber—yes, there are two, if they choose to admit it—who can corroborate what I say. I think the hon. gentleman for London knows it. He knows that I am speaking by the book. I divided the House on that occasion. I think there are only three of us left, and if there are only three to-night ready to throw out this measure, I am willing to be one of them. But the hon. gentleman is anxious to get through with it, and I do not wish to stay here all summer. It might be convenient for the hon. minister to remain here through the summer, but he gets $8,000 for twelve months and I only receive $1,000 for five months, but if he can stand it I can. When I am speaking of that, I am not speaking for myself particularly, but I say to the House, and I would say it before all the electors that ever supported me, and there have been a good many in the eighteen years that I was in the House of Commons—that the members of the House of Commons and the senators who spend five months here and only receive $1,000 are not fairly treated.

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. McCALLUM—I say, further, that I voted against the increase to the controllers. I know that one of the controllers, my friend who used to represent Brant, has very hard work and I would not have any objection to his receiving the larger salary, but I dislike retroactive legislation, such as has been brought before us on two or three occasions this year. I hope to be able to explain something about the estimates when they come before us, and I will make some inquiries, and perhaps the hon. Secretary of State and the Minister of Justice will be able to tell us why all this expenditure is necessary. We cannot alter them; we can throw the measure out altogether, but we cannot take that responsibility. If we had more power, and if the expenditure of the country was more in the control of the Senate, it would be much better in the interests of the people of this country, If we cannot vote, we can at all events tell the people of this country what we think, and the people of this country will make them do something by and by. The people of this country find the music and they do the dancing, but by and by it will not be carried on in that way. My desire is to see this country prosperous. We have no blue ruin yet, but I am afraid that if the government carry on in future as they have in the past, there will be a little storm. Then it has been said that we could pass an insolvency law. I am afraid that if the government continue in their present course it will be necessary to obtain a benefit of some kind for the government as they will not be able to pay for all these undertakinings full.

Hon. Sir MACKENZIE BOWELL—We will have a bankruptcy law next year.

Hon. Mr. MACDONALD (P.E.I.)—There is one respect in which we will all agree with the hon. gentleman from Monck: that is, that we are here now longer than any of us expected during the present session, and I tkink a longer time than the law provides for the members of the legislature to be present at Ottawa, still, after the length of time we have been here, we find in the very last hours of the session, when we have a bare quorum present in the Senate, that one of the most important bills that has ever been brought before the Parliament of Canada is submitted to us. It is within my recollection, and within the recollection, I daresay, of other members of the House, that when this same course was pursued by the late government, and a measure of this

kind was brought before the House in the last hours of the session, the hon. gentleman from Monck, who has addressed you, and myself, were two members who expressed our decision at that time, that if ever a similar bill was brought before the Senate at such a late period, it would receive our opposition. There is a great deal in a bill of this kind that requires to be looked into and criticised much more effectively than is possible in the dying hours of the session, with less than twenty members of the Senate present in the House or in the city of Ottawa. A bill of this kind, granting aid to a railway in almost every constituency, at any rate in some fifty constituencies, in the Dominion of Canada should receive much more consideration and be more fully gone into, and the merits of the different subsidies that are there provided should be better canvassed and more fully discussed, than it is possible to do with a bill coming in at this late period. Under this measure we find some fifty different railways throughout the various parts of the province for which subsidies are provided, ranging from $3,200 up to $6,400 for some of the railways. Some of them are of considerable extent, others are exceedingly small. I find that there is one which a $\frac{66}{100}$ of a mile long. That is a very small railway indeed, that it should be necessary for the Parliament of Canada to provide a subsidy for its construction. There is another one, two miles and a half long, one of four miles, one of three miles, one of two and a half, another of two, a third of two, one of three miles, two or three of five miles, and from that they go up in various increasing numbers of miles, and there is one of 100 miles long, and several about eighty. Making it up roughly, in the brief time we have had to look into this measure, I find there are about 1,650 miles of railway for which subsidies are provided under this bill. It may be true that for some portion of that number, subsidies had been provided under some previous Act of Parliament, but the conditions on which some of those were granted were not fulfilled, and yet they are provided for under the present bill. So that there is now required a sum of about five and a half millions to provide for those railways. Even at the ordinary rate of subsidy of $3,200 a mile, it amounts to upwards of five million dollars. With the increase of subsidy going up to $6,400, it must amount to a very considerable sum more than that. Then there is, besides that, a sum of about two and a half million dollars provided for bridges. Under this bill we are making an expenditure of about $8,000,000. It is a very large sum of money. The finances of Canada are said to be flourishing. They would indeed require to be flourishing when we expend money as liberally as we are doing under the present bill. It is possible that if the Senate had the right of rejecting any single item within the four corners of the bill, there are several items in it that would receive the approval of senators and possibly the approval of the country also; but when I look through the bill and see the various lines to which this money is appropriated I cannot come to the conclusion that they are all in the public interest. Many of them may be of local interest, and of interest to the representatives of certain districts in Canada, and still not to the general advantage of the country. Under the circumstances, I do not feel that I would be justified in voting for this measure. We are bonusing railways promiscuously, I might say. The expenditure is extravagant. Notwithstanding the favourable position in which the trade of this country stands, in my view of the matter, the expenditure that we are providing for now is extravagant. It is a larger amount than ever was passed in any similar bill, with the exception of the bonus that was given to the Canadian Pacific Railway. I think it is not in the interest of the Dominion to vote, at this session, such a large amount of money in the way of bonusing railways. If that vote was distributed over a series of years, it might be possible to justify it, but I venture to say there is no justification for it as it stands. The electors of the country have not expressed their approbation of many of the subsidies proposed in this bill, and it is very doubtful if the question was put to the electors of any single province within the Dominion, whether they would approve of all the subsidies voted within the province itself—whether they would by a majority sanction any such expenditure, even though it might possibly be of benefit to themselves.

Hon. Mr. MILLS—Is there any locality which will object to the vote for that locality?

Hon. Mr. MACDONALD (P.E.I.)—People would likely vote in favour of a

subsidy to aid a railway in their own locality; still, there is to be found in the electorate of Canada a large body of men who have judgment and are possessed of sound views as to the financial management of the Dominion, and I doubt very much whether people of that class would approve of expenditures which are made to a great extent for political purposes, even within the province from which they come. I think it would be the duty of a large body of the senators who are now absent to be present on an occasion of this kind, and to express their views on a measure of such importance as this. I regret that those who are interested sufficiently in the welfare of the Dominion to give their attendance here even at a pecuniary loss to themselves are not present to express their views on such an expenditure as this. I feel in accord with the views expressed by my hon. friend from Monck on this occasion, as I was in accord with him on a former occasion when a similar bill was under consideration, and am not prepared to vote against the adoption of the bill in its present shape.

Hon. Mr. SCOTT—The hon. gentleman's criticisms because of the bill coming down at a late period of the session are no doubt well founded; but, unfortunately, it has been the practice, since I can remember, that bills of this kind are never brought down until sometimes when the guns are booming for prorogation. I have under my hand here the action that was taken by the Senate on bills of this nature in former sessions, and I find in some instances the most important bills of the session came in on the day the House was prorogued. It is due to this fact that some of the most important bills are held in the House of Commons until the last moment. This bill has been brought down earlier to this House than any former Railway Subsidy Bill was ever brought down. In the important session of 1884, when very large subsidies were granted, I find that on the very day that the House was prorogued the bill was brought down.

Hon. Mr. MILLS—And a great many others besides.

Hon. Mr. SCOTT—Yes, but I am referring to this particular one. It is so throughout, as you will find if you examine the statute-books as many years as I have examined them. Take the session of 1886, on the very day that Parliament was prorogued, there was the Act respecting the bounty on pig iron; the Act to amend the Act relating to duties of custom; the Act to authorize the granting of subsidies in money in aid of lines of railway. These bills passed through the House the day that Parliament was prorogued. Then a bill was brought down to authorize the granting of subsidies in land in aid of railways—not only a bill aiding by subsidies in money, but a bill granting subsidies in land. Those bills were passed in a very short time and His Excellency came into the House and prorogued Parliament. It is unfortunate, but it does not seem possible to get away from that practice. It is simply due to the fact that the House of Commons claim the prerogative of discussing those measures, and they continue to discuss bills of that kind until the very last moment. If hon. gentlemen will examine the proceedings of the last day of any session for the past twenty-five years, they will find that the most important bills only came down at the last hour.

Hon. Mr. MACDONALD (P.E.I.)—Yesterday was supposed to be the last day of the session.

Hon. Mr. SCOTT—I should have liked very much if it had been the last, but we were held up. The hon. gentleman has found great fault with the size of the Subsidy Bill. No doubt it is very large, but the circumstances and conditions are different from those which existed when any other Subsidy Bill was introduced. The applications, I am creditably informed by the Minister of Railways and Canals, amounted to $22,000,000, and of course they had to be cut down very much.

Hon. Sir. MACKENZIE BOWELL—They will come next year.

Hon. Mr. SCOTT—I think not.

Hon. Sir MACKENZIE BOWELL—These are only short extensions.

Hon. Mr. SCOTT—It will be some time, probably, before all this money is spent. In a period of great expansion, when enterprises are being undertaken, no government can possibly resist the pressure to consider proposals that seem to have merit in them. The principle of subsidizing railways

is not a new one, and no government at present could live and refuse to recognize that principle. The hon. gentleman from Monck (Mr. McCallum) says he is going to vote against this bill. I think the hon. gentleman's own locality has a fair share of this kind. It gets aid for an important railway and an expensive bridge, and I do not think he has a right to say he will cut off every other enterprise in the province. The subsidies are pretty fairly distributed. On this occasion the principal subsidies go to open up western and northern Ontario,—New Ontario, as it is called. Then aid is given towards the construction of a railway northward from Winnipeg up the Saskatchewan country, a railway that has been favoured by both political parties, and is thought to be going through a very valuable section of country where settlement is rushing in as fast as the railway is constructed. Railways in these two sections take up at least one-fourth of the whole amount of the appropriation—perhaps a greater proportion. Then, hon. gentlemen must recollect that perhaps not one-fourth or one-fifth of the money voted this year will be spent for perhaps two or three years. A portion of the $6,000,000, or whatever the amount may be, consists of revotes.

Hon. Mr. McCALLUM—A small amount.

Hon. Mr. SCOTT—It is over a million dollars.

Hon. Mr. McCALLUM—Yes, and the whole expenditure is over $6,000,000.

Hon. Mr. SCOTT—These probably are revotes of grants made by our predecessors. The parties have not been able to build the railways; still they think they can build them now, when money is more easily obtained, and therefore they are given another chance. I think I am safe in saying that during the current year the proportion that will be spent will be comparatively small.

Hon. Mr. CLEMOW—I have consistently opposed from time to time, since I have had the honour of a seat in this House, the introduction of these important measures at the latter end of the session, and I think the Secretary of State when in opposition, was just as strongly opposed to it as I was or could be.

Hon. Sir MACKENZIE BOWELL—He was not in power then.

Hon. Mr. CLEMOW—Of course not. What seems extraordinary on this occasion is the change of principle in contrast with the action taken by the hon. gentleman when he was in opposition. He and his friends were in opposition for a great many years, and they opposed in the most strenuous manner every subsidy that was proposed for the consideration of Parliament. In those days circumstances in this country were very different from what they are at the present time. I am and always have been in favour of giving aid to new localities—places where they cannot afford to construct those roads on their own account, and where I believe railways would be a benefit in the settlement of the country. I remember occasions when I attended with deputations that waited on Sir John Macdonald, they used to try to persuade him that their country possessed great riches which would be developed by improvements. His uniform reply was, "If you have a great country possessing all those advantages, you should be able to build those works yourselves without assistance." What is the position of matters at the present time? An amount of money has been voted for the purpose of opening up settlements in the western and northern sections of Ontario, but what are these others? We cannot tell. This measure has been before us but a short time, and until we get the information from the Minister of Justice it is impossible to say whether the subsidies should be voted or not. In the past we have been too apt to grant charters to anybody and everybody who applied for them, without sufficient discrimination as to whether they were in a position to carry out the schemes they were promoting or not. That has been the cause of a great deal of trouble in this country, and it will continue in the future unless some measure is adopted to prevent a recurrence of such events. I know many people come here for the purpose of getting railway charters without the remotest intention or the ability in any way to carry them out. They try to make an arrangement with the government for a subsidy to carry out what should be done by private means. I do not think it is fair to the country. The people of Canada are willing to assist any legitimate railway enterprise that is in the interests of the country at large, but I do not believe that they are willing to appropriate money for political or other improper pur-

poses. I do not say that there are any projects of that kind in this measure, but we know that all governments are likely to be influenced in that direction by their friends.

Hon. Mr. MILLS—You have never had a division of this House on the subject.

Hon. Mr. CLEMOW—I know that, but I have spoken forcibly on the subject on every occasion. No one will dispute that. I am thereby conscientiously carrying out a principle. I do not believe in voting for these measures without having an opportunity of considering them. It is all very well to say that the government are responsible, but the members of this House become parties to the wrong if they permit this measure to pass without having an opportunity of considering it. I am not actuated by any political bias, but I want to see a business-like system carried on in the interests of the country. I did expect, when this government came into power, with all their professions in the past, with their strong denunciations of the manner in which business was carried on by the late government, that they would have initiated a new principle, and that I would not have to complain of their method of doing business. I have heard of "blue ruin" to-day for the first time since the change of government. I thought it was dropped out of our vocabulary. While the late government were in power we heard nothing but "blue ruin." The opposition of that time were continually decrying the country in every way. We are asked to vote six or seven million dollars by this bill, and we must remember that the government has already involved the country in an expenditure of $15,000,000 by the acquisition of the Drummond County Railway and the lease of the Grand Trunk Railway. It is increasing our public debt enormously. Is the country capable of standing all this? The country is progressing favourably, but there is a limit to its means, and we ought to be careful not to do anything that may be injurious to the future of the Dominion. It is all very well to say that money can be raised easily. That is true, but the money has to be repaid, and must be raised out of the pockets of the people. It will take a long time before this money can be recouped —if it will ever be recouped. It may be said that it will have the effect of lowering the freight rates. Has that been the effect of such expenditures in the past? No. We generally find these parties combine and instead of diminishing freight rates they will increase them in the interests of the stockholders. Under all the circumstances, viewing it as a business man, I believe we ought not to exceed what we can reasonably expect to meet in the way of liabilities in the future. If we go on in this way there is no knowing where it will end. It is said that the subsidies granted this year amount to only six or seven million dollars. It may be more next year, and we will be told that it can be increased indefinitely. Is that a safe policy to pursue?

Hon. Mr. MILLS—The hon. gentleman is getting blue.

Hon. Mr. CLEMOW—No, I never have been blue. The hon. gentleman never heard me cry "blue ruin." I have never decried my country; I have been a loyal subject and will be to the end of the chapter. I have nothing to gain either from one party or the other, and it makes no difference to me which party is in power. I only want the affairs of this country so administered as to benefit the whole Dominion. I do not care whether it is Hon. Mr. Mills or Sir Mackenzie Bowell leads the House; I want them to do what is right. I protest in the strongest terms against this bill being brought down at the very end of the session. The Supply Bill has to come down yet, and it comes at such a time and in such a shape that we know nothing about it. Members of the government ought to know their business. I presume they do, and I am perfectly willing that they should be remunerated in the proper way. I voted against the bill to increase the salaries of two ministers the other day, but it was because of its retroactive character; I should have been very willing, but for that, to vote for increasing the salaries of those two gentlemen, because I think they are worthy of it. I am perfectly willing to acquiesce in any fair measure brought up for our consideration, but I want an opportunity of satisfying myself that it is of a character that is entitled to our support. The thinking people of this country criticise everything that is done here as carefully as we do ourselves, and it is to that class of people I am trying to do justice when I

ask for information in order to see that we are only doing what is right.

Hon. Mr. POWER—I wish to say a word or two with respect to the point made by the hon. gentleman from Rideau, and some other gentlemen also—that is, that the government are very much to be condemned for bringing down an important measure of this character at the closing hours of the session. I have, on former occasions, felt that there was a good deal of force in that contention; and if hon. gentlemen will only consider, they will find there is substantial reason why these subsidy bills should not be brought down earlier in the session. The Secretary of State has told the House that there were applications in for railway subsidies which would have totalled about $22,000,000. The bill before us totals something like $6,000,000. If this measure had been brought down, say in the middle of the session, and had got before the public eye, there would have been a tremendous pressure upon the people who represented the remaining portion of the $22,000,000 on the government to have their claims considered, and instead of having a $6,000,000 bill, we should have had a $12,000,000 one at any rate. That would be the practical result. I might say this with respect to governments, as a rule, however, no matter whether they are Liberal or Conservative—the government does not wish to spend money. The desire of the government is to spend as little as possible, and it is just a question how strong the pressure is from the people who want the expenditure. I think, under all the circumstances, that the government is to be congratulated on having shown a considerable power of resistance, if we had to begin this system of railway subsidizing now, we might discuss the principle; but the system was introduced in 1882. At the time I opposed the principle and felt that it was a mistake. I felt that it was the letting out of the water, so to speak, and that it was going to lead to serious results in the future, and I think it has turned out that, but no government which depends upon the popular vote, when a system of that kind has been introduced and has been in operation for eighteen years, could stop it at once, and particularly if the country is prosperous and there is plenty of money in the hands of the government it is impossible to put an end to a system of that kind. I do not propose to discuss details, but I am quite satisfied that if hon. gentlemen opposite were in power, with the treasury as full as it is now, we should have at least as large a Subsidy Bill.

Hon. Mr. ALLAN—The hon. gentleman is quite an apologist.

The motion was agreed to, and the bill was read the second time on a division.

Hon. Mr. MILLS moved the third reading of the bill.

Hon. Sir MACKENZIE BOWELL—Are we not going into Committee of the Whole.

Hon. Mr. MILLS—No.

Hon. Sir MACKENZIE BOWELL—Then we will discuss each clause.

Hon. Mr. MILLS—It is not usual, on a bill of this kind, to go into Committee of the Whole. My hon. friend introduced a similar bill some years ago, and I see by the minutes that the bill was read the first time, then on motion by Mr. Bowell seconded by Mr. Angers, the 41st rule was dispensed with and the bill was read a second time, and then on motion of Mr. Bowell, seconded by Mr. Angers, the bill was read a third time, the three readings all taking place at the same sitting. We are only taking two stages. This is practically a money bill. It does not differ in that regard from the Supply Bill. In fact, it is a mere practice which has sprung up of separating it from the ordinary supplies, but it might be introduced in the Supply Bill as an appropriate part, and that being so, I think my hon. friend will see that we are following the settled usage of Parliament in moving the third reading now.

Hon. Mr. CLEMOW—I understood the hon. minister was going to give us information about the details and that he had produced the map for that purpose.

Hon. Mr. MILLS—I brought the map here and the lines are marked for the information of hon. gentlemen present.

Hon. Mr. LANDRY—Could we not suspend the map in place of suspending the rule?

Hon. Mr. MILLS—Yes.

Hon. Mr. MACDONALD (P.E. I.)—It may be very true that the bill granting those subsidies has, on previous occasions, not been considered in Committee of the Whole House, but it is quite within the rights and privileges of this House to go into committee on any bill, even the Supply Bill itself, and that it is a bad precedent for us to allow any such course to be followed without standing up for the rights and privileges of the Senate, and asserting our right to consider the bill in Committee of the Whole. I think we will find that the Supply Bill itself has been committed to a Committee of the Whole House.

Hon. Mr. MILLS—It is impossible, for this reason, that the object of going into committee to consider the details with a view to amendment. This is not a bill that the Senate has the power to amend.

Hon. Mr. ALLAN—I do not wish to express any opinion as to whether it is in the power of the House to have the bill referred to a Committee of the Whole, but I am bound to say that, as far as my experience extends, and it is a long one, that invariably the Subsidy Bill—and this system of granting subsidies to railways was introduced as far back as 1882—I have never known the House to go in Committee of the Whole on the Supply Bill or a Subsidy Bill of this kind.

Hon. Sir MACKENZIE BOWELL—I have no objection to pursuing the policy that has been followed in the past, providing it be conceded that before the Speaker submits the third reading to the House, we have the right to question the government on certain paragraphs of the bill.

Hon. Mr. MILLS—We have no power to resist it if the hon. gentleman desires it.

Hon. Sir MACKENZIE BOWELL—Under the rule, no member has a right to speak more than once, and if that rule is invoked, no member can speak more than once. I have known in the House of Commons, where the Speaker exercises more power and control over the debates than he does in this House, that when an item in the tariff or the Supply Bill was discussed in committee, and the information that was required could not be obtained at the moment, it was understood that there should be a latitude given to the members of the House on concurrence, and that they would be allowed to discuss the matter the same as in committee. I daresay my hon. friend will remember that.

Hon. Mr. MILLS—That is, where it has been reserved ?

Hon. Sir MACKENZIE BOWELL—Yes, I frankly confess that I had forgotten the usage until my attention was called to it by my hon. friend from York and the precedent which the hon. Minister of Justice has read. I have discussed this question on the general principle, and I think each member of the Senate did the same thing. If it be understood that we can ask questions in reference to the different clauses, I would have no objection I do not say that we should go through it seriatim but in case I should ask a question as to what this 66-100th part of a mile is for, and what it means, and why a subsidy is given to that, I suppose there would be no objection. Then there are other points to which I would call the attention of the House ; for instance, the subsidizing of the South Shore Railway, I would like to know whether that is the railway which is to form a part of what they call the Atlantic and Lake Superior Railroad, in other words, the railway which has been known as the Armstrong Railway, which is a road competing with the Intercolonial Railway between Quebec and Montreal, and whether that is carrying out the pledge made by the Premier when he went to assist at the election and when he made that speech at Nicolet——

Hon. Mr. LANDRY—Hear, hear.

Hon. Sir MACKENZIE BOWELL—In which he pledged himself, notwithstanding the fact that they were purchasing the Drummond County Railway at the time, to grant a subsidy in aid of the South Shore Road, which is a direct and positive and competing line with the line which we have just bought, and also if it is that road to which the member who was running for that county, or one of the members of the House of Commons at present, wrote a letter declaring that he had the assurance and pledge of the Premier to assist in the construction of that road, and whether it is the road to which the Premier referred when he was at the nomination meeting or at a public meeting in Nicolet. Both candidates

declared in favour of the subsidizing of the road to which I refer, and the Premier held out this direct inducement to the electors: "You had better send my young friend, who is a supporter of my government, to Parliament, and by doing that are you not more likely to secure a subsidy than you are if you send an opponent?" In other words, "Send me a supporter and you will have a subsidy, but if you send an opponent you will not get it." I want to know whether that is the same road and whether the two members of the government in this House are prepared to aid in the construction of a road to compete with a road which they tell us is to make the Intercolonial Railway a paying enterprise in the future, instead of being a charge on the revenues of the country in addition to the interest which we pay upon the outlay. I am speaking now to the third reading, and if we can have this information, and if we are permitted to talk freely about it, I should have no objection. I refer to item No. 27 in the bill. Certainly, if that is anything at all, it is the road which was declared not to be of any use, although we know that it runs through the most settled portion of that section of the province of Quebec, while the Drummond County Road runs through a large portion of unsettled and useless territory, so far as nature has made it so, and consequently never will be settled. Then, again, here is a road of two and a half miles, item No. 44, for a railway from Nelson, N.B., to connect with the company's main line running into Chatham. I can understand that, because it is an extension of a road already in existence, in order to meet, the main line, similar to those two instances which the hon. gentleman read a few minutes ago. Take the Bay of Quinté line; I think I know something about that part of the country. The subsidy is "for an extension of their line in a westerly direction from a point at or near Richmond boundary road near Deseronto, for a distance not exceeding two miles; also for an extension of their line from its present terminus at Tweed in a northerly direction for a distance of two miles, and for an extension of their line from the end of the last two miles mentioned in a northertly direction for a distance not exceeding three miles—in all seven miles. Subsidies payable on each of the sections mentioned as each of such sections is completed." Where does that road of two miles, running from Richmond boundary road near Deseronto for a distance not exceeding two miles, go to? What direction? In the original resolutions that were introduced it was said westward. The word westward is left out. If it went westward I could understand that it went to some point on the Bay of Quinté, but where it is going now I cannot tell, and it seems to me the word westward is left out for the purpose of misleading, or deceiving those who read it. If it goes northward it goes nowhere. It cannot so southward, or it would run into the bay, and if it goes eastward there is a road already running from the boundary line eastward to Napanee. Therefore, I cannot tell where this road of two miles is to run to. Then a part of the description is "from its present terminus at Tweed in a northerly direction for a distance of two miles." Where that will lead to is a mystery to me, unless it is to go up to some point where it would cross the Moira River and then be tapped by the three mills, and run out to a place called Bridgewater. That is what is indicated by that map, but even then I do not see that they can possibly do that, because if they did they would have to build another bridge, and if they could utilize the Canadian Pacific Railway bridge they could run up the river to Bridgewater without crossing the river, and not have to incur that large expenditure. There are many cases of that kind which, without some explanation, would puzzle a Philadelphia lawyer, unless he happened to know the immediate locality. I should like to know whether the South Shore Road is the road which is to be subsidized which was condemned so strongly by the government and its supporters when we were condemning the purchase of the Drummond County Railway and, if so, for what earthly purpose can that section of the province of Quebec between Montreal and Quebec require three lines of railway running parallel with each other. If it were a settled country, or if it had been on the north shore—and even there it is not so much required—I could understand it, but the South Shore Road would, I venture to say, have answered all the purposes for the settlers in that section of the country with the addition to the Grand Trunk Railway which runs still further to the south, and would have been a greater advantage to the Dominion of Canada in making the connection

between Quebec and Montreal by the Canadian Pacific Railway. Can my hon. friend give us this information ?

Hon. Mr. MILLS—I have no objection whatever to give the hon. gentleman the information so far as it is in my possession. My hon. friend knows that he is practically proposing now what is an evasion of the rule of going into committee because what he is now asking to do is something altogether different from what is done in the House of Commons. Sometimes, when a member waives his right of speaking in committee on a particular item, or where the government at the time have not the information to give, they say to him "Make the inquiry on concurrence and we will be able to give you the information, and will give you the same freedom of discussion and will not invoke the rule against you." That is where some right is waived. There is no right waived now by the hon. gentleman. He had a right to put in any number of questions to me at the first, or second reading, but what the hon. gentleman has done now might be done now by every hon. member of the House, and instead of speaking once in the exercise of my right under the rule of the House, I might be required to speak as often in reply to inquiries made to me, as there are members present who might be disposed to put these inquiries, so that that would be an evasion of the rule. It is not in conformity with the rules of the House. Not having the right to amend the bill, we do not go into committee, and we do not make those inquiries which the hon. gentleman has addressed to me now, except with the view of exercising the right in rejecting the measure, if that is the conclusion come to. But while I say this in defence of the rule, I am not going to invoke it on this occasion against the course which the hon. gentleman has seen proper to adopt. There is one matter of importance about which he makes an inquiry, the South Shore Railway Company subsidy. I might say to the hon. gentleman that this is a road that was aided before. It was aided by the government of which he was a member. They constructed a portion of it, as I understand, as far as Sorel under the aid which was formerly given.

Hon. Sir MACKENZIE BOWELL—Not the government. The hon. gentleman said it was aided and constructed by the government.

Hon. Mr. MILLS—It was aided by the government and constructed by the company. The hon. gentleman says this is in competition with the Drummond County Road. I do not so understand it. I understand the two roads are located some fifteen or twenty miles apart from each other, and some places a greater distance, and therefore they are in different sections of the country and are supported by different communities. Every hon. gentleman knows that when you go more than ten miles from the line of railway you do not avail yourself of it to any great extent. A population that cannot leave their homes and return the same day from the railway station are not likely to use it to any very great extent. We have in western Ontario the Canada Southern and Grand Trunk Railways that were located not more than twelve miles apart a great portion of the way, and at some points not that distance, through the counties of Kent and Essex, and the building of one road took scarcely any appreciable travel or traffic from the other. It was a new and distinct population that was accommodated by the construction of the road, and I have no doubt whatever that will be the case here. The road is one running through a densely peopled section of the country, a section that is fertile and where the road is likely to pay, and if this were not the case, they would hardly undertake to construct a railway upon receiving aid to the extent of $3,200 a mile. The government of which my hon. friend was a member, thought proper to aid this road, and the road was built to the extent to which it was aided, and now the government is continuing that policy, so far as this road is concerned, and giving a fresh subsidy for the construction of eighty-two miles more which is likely to be accomplished. My hon. colleague calls my attention to the fact that in the Subsidy Act of 1890, the government of that day subsidized both these roads. They subsidized the Montreal and Sorel Railway from St. Lambert to Sorel. They granted it $40,000 as a subsidy, and they also subsidized the Drummond County Railway for a distance of twenty-four miles, and the hon.

gentleman at that time did not think it was improper to subsidize these two lines that he has informed us to-night are lines competing with each other. In 1885 there was a subsidy of $72,000 granted to the Montreal and Sorel Road; and also there was granted to the Drummond County Railway, $76,800 at the same time. So the hon. gentleman will see that he and his colleagues thought it was proper to aid in subsidizing both these roads. So if the government are wrong in acquiring the Drummond County Road and subsidizing this road, my hon. friend was equally wrong in 1885 and 1890.

Hon. Sir MACKENZIE BOWELL—There is just this difference. The hon. gentleman has evaded answering my questions. I asked with respect to the short portions of the road. When the government subsidized the two roads to which the hon. gentleman has referred, they had no intention to acquire, nor was there any scheme for acquiring one of these roads in order to make it part of a government road running from the maritime provinces to Quebec and thence to Montreal, to make it pay. The point that I made, to which the hon. gentleman did not refer, was the fact that the government had expended this year $1,600,000 in acquiring a portion of the road, and incurred the debt of $140,000 annually for 99 years, which represents about $5,000,000, in order to reach Montreal by the Intercolonial Railway; and now that they have acquired that with the boast that it will enable the Intercolonial Railway to pay all running expenses, what I complain of is this, that in order to carry a by-election the Premier pledged himself to subsidize a road which comes in direct competition with the road which the government have purchased. If they objected to individuals, and if, as the hon. gentleman says, they are accommodating different people ten miles apart, and being private enterprises there will be some difference, although not to the extent that I should like to see. My hon. friend says that people living within ten miles of a railway never think of going there. He must have very little knowledge of our farmers. They drive fifteen or twenty miles and return the same day, and if they can reach a railway within ten miles they are very well satisfied. I want to ask the hon. gentleman what this sixty one-hundredths part of a mile means. He has not answered that.

Hon. Mr. MILLS—No, certainly not. I can give no further information than is contained in the statement:

To the Phillipsburg Railway and Quarry Company, shortage in the extension of their railway from a point on the company's line at or near the end of the subsidized section, to the government wharf at Phillipsburg, Quebec, not exceeding $\frac{66}{100}$ of a mile.

As I understand it, this will somewhat shorten the line.

Hon. Mr. BAKER—It will lengthen it.

Hon. Mr. MILLS—No, it will shorten it and bring it to a terminus in connection with navigation, which it has not at this moment. Beyond that I know nothing.

Hon. Mr. BAKER—I am very happy to give the information to the head of the government in this House that he seems to stand in need of.

Hon. Mr. MILLS—No, I do not, because it is not a question we have to deal with.

Hon. Mr. BAKER—The hon. Minister of Justice will remember, when I bring it to his recollection, that this is to supplement the subsidy granted in 1892 to the Phillipsburg Railway and Quarry Company, and my hon. friend, with the alertness which distinguished him in the House of Commons, challenged the propriety of granting this subsidy to a quarry company, and the remark he made on that occasion was very pertinent and very forcible; but notwithstanding the remonstrance of the hon. Minister of Justice, who was then a member of the House of Commons, the subsidy was granted, and I myself was in favour of it, and I am in favour,—I say without hesitation, of supplementing the grant to the sixty-six hundredths of a mile or less as may be required to bring the line down to the government wharf. It is called the government wharf, but it was built by the people aided by the government. It was found that the subsidized portion was not sufficient to make a connection between the railway and the wharf, and this sixty-six hundredth of a mile subsidy has been granted before this, but for some technical objection it was not found available; so it has found its way into this bill as a revote. If it will be satisfactory to my hon. friend to know that his criticisms at that time was, to a certain extent, well founded, I may frankly confess that the granting of that subsidy has not realized the full expectation

of those who were promoting the enterprise. It has not turned out to be so judicious an investment as it was hoped at the time it would prove; but the railway having built, and being too short to reach the government wharf, there is propriety, if not wisdom, in supplementing the grant by giving this revote. While I am on my feet I will take the liberty to ask the Secretary of State if there was any application on behalf of the Montreal, Portland and Boston Railway Company for a subsidy? That was a road that was subsidized by the local government and built some years ago, and for a short time put into operation, but it fell into partial decay, and that partial decay has gone on until it is in a state of almost complete decay. But those who are interested in the enterprise felt that if the government was distributing subsidies with a lavish hand, there was no reason under the sun why that railway should not share the benefits that were being scattered over the length and breadth of the land. I feel confident that there must have been an application on the part of the zealous and faithful member for the county who supports the government in the House of Commons on behalf of the railway authorities, a very pressing application for the granting of a subsidy, and if so, it will be most interesting to know why the government did not see its way to yield to the pressure.

Hon. Mr. SCOTT—Those applications were chiefly to the Minister of Railways, and I have no recollection of hearing or seeing that company's application amongst the number. They went to the Minister of Railways and were reported on from his department. I do not remember that particular road.

Hon. Mr. BAKER—I am sure it could not have escaped the vigilance of the member of the county, because he is always at his post and ready to support, as far as he can honourably, the interest of his constituents. Although I am opposed to granting subsidies to the extent embraced in this bill, because I believe it goes beyond even the great resources of the country at the present time, while I am opposed to the magnitude of these appropriations, I should not be at all opposed to the granting of a small subsidy to a local line that deserves the consideration of its friend.

Hon. Mr. POWER—This is an illustration of how difficult it must be for the government to resist the pressure. No one could resist a gentleman like the hon. gentleman from Mississquoi.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has given us full information by telling us that the late government subsidized a road which has not fulfilled the expectations of those who invested their money in it, providing they did invest any, and now he supports an appropriation to extend that road, which has proved of no value to those at least who invested their money. I can easily understand that. It is in the hon. gentleman's own neighbourhood, and he is doing precisely what most of us would do with reference to these roads in our own counties I know that one of the roads to be extended simply goes to a man's limits for no other purpose than to enable him to bring out wood out of which he makes charcoal. I should like to see that industry flourish. I am speaking locally, and as the hon. gentleman (Mr. Power) says, it shows the difficulty presented to the government in dealing with this question of railways. First of all, if I were representing North Hastings, as I did formerly, and I have still a very kindly feeling towards that constituency, even if I felt it was not in the general interest but in the interest of a manufacturing establishment in that riding, I would vote for it. I should like to ask my hon. friend to turn his attention to item No. 13, the Portage du Fort and Bristol Branch Railway; is that a road which the Committee on Railways of the Senate, rejected a few days ago, when they asked for power to run from Portage du Fort down to Quyon, and thence to the city of Hull?

Hon. Mr. SCOTT—The promoters of the road to which my hon. friend refers were anxious for a charter from Portage du Fort to Quyon. That was opposed by Mr. Beemer and his friends, and the committee threw it out, Mr. Beemer maintaining that they had no railway commission—all we ask is to make connection with the Canadian Pacific Railway on the south side, or Mr. Beemer's line on the north.

Hon. Sir MACKENZIE BOWELL—How are you going to get to the south side of the Ottawa by this road?

Hon. Mr. SCOTT—This does not contemplate that. However, they were anxious to cross the Ottawa. Mr. Beemer and his friends maintained that Portage du Fort could be connected with his system by building in the direction outlined here. It is practically forcing them to make a branch to Mr. Beemer's road.

Hon. Mr. MILLS—It is a revote.

Hon. Sir MACKENZIE BOWELL—Is this given to Mr. Beemer?

Hon. Mr. SCOTT—No.

Hon. Sir MACKENZIE BOWELL—Beemer has a charter from Portage du Fort running across the island to connect with Pembroke. This is taken to Quyon easterly. That is where the Commons terminated the proposed road in the charter which was asked for by the company and rejected by the Senate, but they objected to the extension of the road from Quyon to Aylmer on the ground that it was a parallel road. I find the next paragraph is a vote to the Pontiac Pacific Junction Railway. Is that Mr. Beemer's road?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—"For a railway from Aylmer to Hull, Quebec, not exceeding nine miles." There was formerly a railway between Hull and Aylmer built by the Pontiac Pacific Junction.

Hon. Mr. SCOTT—No, by the government of Quebec.

Hon. Sir MACKENZIE BOWELL—And then sold to the Canadian Pacific Railway.

Hon. Mr. BAKER—And subsequently sold to the electric company.

Hon. Sir MACKENZIE BOWELL—I was coming to that. I will get at the facts with the assistance of the hon. gentlemen I suppose. Then it was sold to the Ottawa and Aylmer Electric Company and they went to the expense of laying a double track. That is perhaps one of the best graded roads in Canada, and the most substantial. The government are now granting a subsidy to build another road which must run parallel with this double track road. Why? In order to enable the Pontiac Pacific Junction Railway to compete with that line, when in fact they had a line formerly which they used when the Canadian Pacific Railway had it. There is a direct, positive competition with one of the best electric lines in the country which, as I understand, speaking from hearsay, is not paying.

Hon. Mr. SCOTT—The reason was that it was thought it was too dangerous to run the Pontiac Pacific Junction trains over an electric road on which cars runs every few minutes. There are times when they run every ten minutes, and it was quite impossible to allow a steam railway to use one of the tracks under the circumstances, and therefore they asked to get an independent charter to extend their line to Ottawa.

Hon. Sir MACKENZIE BOWELL—I would suggest to my hon. friend to go and spend a few hours in the city of London and go to the Euston station, where you will find trains arrive every minute through the whole day and through the whole night, and many of them run over the same tracks to get into the same station.

Hon. Mr. MILLS—They run in the same direction.

Hon. Sir MACKENZIE BOWELL—Yes. Of course every train that comes into London from every part of the kingdom does not use the same track, but the system is so perfect that it is a marvel that it is carried on in the manner in which it is without accident; and in this case, it might be so arranged without the slightest difficulty. It is only an evidence of the government paralleling lines for favourites.

Hon. Mr. MILLS—My hon. friend will see that it would be quite impossible to run an electric car, that stops almost at every block to take on passengers, on the same line with a steam train, a locomotive that is running 35 or 40 miles an hour could never run behind an ordinary electric car that has to stop every quarter of a mile, or sometimes shorter distances.

Hon. Sir MACKENZIE BOWELL—That is another evidence of the hon. gentleman trying to instruct people on questions about which he knows little. If he has ever been over that road, he will know that it only stops once between Hull and Aylmer, and that is at Deschenes. In tra-

velling over the Grand Trunk Railway there are plenty of places where they stop at just as short distances as they do on that road. I can understand a road requiring to have its own road bed, but I say that this is an absolute and positive waste of money.

The motion was agreed to, and the bill was read the third time, and passed on a division.

CONTINGENT ACCOUNTS COMMITTEE.

REPORT PRESENTED.

Hon. Mr. POWER, from the sub-committee of the Committee on Internal Economy and Contingent Accounts, presented their third report. He said:—The Committee on Internal Economy appointed a sub-committee consisting of the hon. gentleman from Brandon, the hon. gentleman from Victoria and myself to assist His Honour the Speaker in selecting a uniform and making arrangements for providing a uniform. The hon. gentleman from Brandon, as is well known, was the chairman of the Committee on Internal Economy and Contingent Accounts. He was obliged to leave for home almost immediately after the committee had appointed a sub-committee, or very shortly afterwards, and he requested me to take his place, and it happened that just at that time the hon. gentleman from Victoria was not well and the hon. gentleman from Brandon asked me to assist His Honour the Speaker in dealing with the matter, and being the only member of the sub-committee who was here besides His Honour the Speaker, of course I have done my best and we have agreed upon the style of the uniform set out in the memo. attached to the report.

Hon. Mr. SULLIVAN—Are the members of the committee to have uniforms?

Hon. Mr. POWER—No. If there is no objection to the report I think we might adopt it now.

Hon. Mr. LANDRY—To-morrow.

Hon. Mr. McCALLUM—To-morrow. The hon. gentleman is the only member of the committee left, except His Honour the Speaker, out of a committee of four.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman from Halifax deserves some credit for taking the whole responsibility upon himself, in consultation with the Speaker, to accomplish that which the Contingent Accounts Committee thought was absolutely necessary, in order that the messengers about the doors might be known to the public—dressed in such a way that the public and strangers would know them. At present people go into the lobbies and into the rooms occupied by members, and pay no regard whatever to the messengers who stand at the doors. In fact, they do not know that they are officials; but if they have uniforms upon them, they will be enabled to show that authority which they are placed there to exercise, and I am glad that the hon. gentleman, in conjunction with the Speaker, has come to a decision to have the messengers and different officials of the Senate uniformed. If the report is embodied in the votes and proceedings to-night, each member of the Senate will be able to read it to-morrow, and learn what the suggestions are. The House of Commons adopted this system some time ago, and we ought to have better uniforms than they have.

Hon. Mr. POWER—I move that the report be taken into consideration to-morrow at the first sitting of the House.

The motion was agreed to.

EXPROPRIATION AND EXCHEQUER COURT AMENDMENT BILLS.

Hon. Mr. MILLS—There are two bills sent from the Senate to the other House which I have not heard about. One is the bill relating to the expropriation of lands, which we sent down with certain amendments, and the Exchequer Court Bill, I do not know what action has been taken. It may be that they are abandoned. The supplies, I understand, are all voted and the Commons are engaged in concurence and they expect to be through before midnight and will be ready for prorogation to morrow. That being so, if we meet at 11 to-morrow we could deal with the Supply Bill and be ready for prorogation by three o'clock.

Hon. Sir MACKENZIE BOWELL—I see no objection to that. If those bills are accepted by the Commons, with the amendments made to them, there will be no difficulty, but if the amendments are rejected that might possibly lead to some discussion here.

Hon. Mr. MILLS—I apprehend there will be no change. With regard to the amendment which was made here in reference to the St. John bridge, it may be modified, but it will only be to make it absolutely certain that the government shall not be liable for trespass upon lands which they intend to expropriate as soon as the bill passes.

Hon. Sir MACKENZIE BOWELL—The bill was amended so as not to affect any other company. I understood that my hon. friend accepted that amendment with the exception of the last two or three words. In fact, it was his own amendment with that exception, and I should suppose, under the circumstances, particularly as it has been stated that the words which are added make it neither better nor worse, that the Commons will accept it. I do not suppose the discussion on the Supply Bill will be very long. We should be able to prorogue at half-past four

Hon. Mr. McCALLUM—Make it late because we may have a good deal to say.

Hon. Mr. MILLS—I move that when the Senate adjourns to-day it do stand adjourned until to-morrow at 11 o'clock, and that there be two distinct sittings on that day, the first of such sittings to be commenced at 11 o'clock in the forenoon, and to continue till 1 o'clock in the afternoon unless the Senate be sooner adjourned, and the second of such sittings to be commenced at three o'clock in the afternoon and continue till the Senate adjourns.

The motion was agreed to.

REDISTRIBUTION BILL.

INQUIRY.

Hon. Sir MACKENZIE BOWELL—Before the House adjourns, I should like to ask the Minister whether he can inform the House who it was that asked Mr. Blake's opinion in reference to the action of the Senate on the Redistribution Bill.

Hon. Mr. MILLS—I cannot tell the hon. gentleman.

Hon. Sir MACKENZIE BOWELL—Has the hon. gentleman not had time to consult his colleagues ?

Hon. Mr. MILLS—It was never referred to by any of my colleagues, nor did I think of the matter when we were in council. I am quite sure no member of the government communicated with Mr. Blake. It may have been the Solicitor General in England who made the inquiry.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. MILLS—If he did so, I do not know it, nor do the members of the government.

Hon. Sir MACKENZIE BOWELL—Would the hon. gentleman try and think of it to-morrow and ask his colleagues whether it was done by any of them, or whether the Solicitor General did it ?

Hon. Mr. MILLS—Certainly I will ask, but I am quite sure of the answer.

Hon. Sir MACKENZIE BOWELL—I should like to have it authoritatively.

DELAYED RETURNS.

INQUIRY.

Hon. Sir MACKENZIE BOWELL—I should like to ask the hon. minister if there is any probability of those returns in reference to the oils supplied to the Intercolonial Railway being obtained before the House rises.

Hon. Mr. MILLS—No, I do not think there is.

Hon. Sir MACKENZIE BOWELL—Could my hon. friend tell me whether the returns from the Railway Department as to the 150 dismissals by order of the department will be placed upon the table before we adjourn, giving the reasons why ?

Hon. Mr. SCOTT—I sent the return at once to the department with a letter saying that I did not consider the informatien was in accordance with the order of the House. They were sent back to me and the answer was very unsatisfactory, and I returned it again to them saying that I did not think the House could accept the return in its present shape, and I thought they should obey the order of the House and furnish the information.

Hon. Sir MACKENZIE BOWELL—I think the hon. minister has done all that he could do. We will discuss the matter next session.

Hon. Mr. LANDRY—Am I to understand, by the remarks of the hon. Minister of Justice, that the Solicitor General is asking extraneous aid in the performance of his official duties, seeking advice from the outsiders? I think he is an advisor of the Crown. He is one of the officers of the Crown.

Hon. Mr. MILLS—He is, but sometimes the law officers of this country consult men of eminence on the other side of the Atlantic. I did not say that the Solicitor General consulted anybody. I do not know that he did. I have no such knowledge. It may be that the *Globe* correspondent in England obtained the information. That was the only journal in which it appeared. He may have made the inquiry at the instance of the editor of the paper, but, of course, I cannot tell about that. I am not a prophet.

Hon. Mr. LANDRY—The hon. gentleman might be the son of a prophet.

The Senate adjourned.

THE SENATE.

Ottawa, Friday, 11th August, 1899.

The SPEAKER took the Chair at Eleven o'Clock.

Prayers and routine proceedings.

EXPROPRIATION ACT AMENDMENT BILL.

AMENDMENT CONCURRED IN.

A message was received from the House of Commons to return Bill (D) "An Act to amend the Expropriation Act," with an amendment.

Hon. Mr. MILLS—The amendment made by the Senate has been replaced by the following:—

This section shall be held to apply to the St. John Bridge and Railway Extension Company, and to that portion of its property which has been taken possession of by the Minister of Railways for the purposes of the Intercolonial Railway in the city of St. John, as fully as if it had been enacted and in force at the time of taking possession of such property, but otherwise this Act shall not be retroactive.

I think that is an improvement, and I move that the amendment be concurred in.

Hon. Mr. DEBOUCHERVILLE—There should be a motion to suspend the rules.

The SPEAKER—That has not been the usage.

Hon. Mr. DEBOUCHERVILLE—The rule has not been suspended on former occasions because no objection was taken. But it does not follow, because nobody has objected, that the rule should not be suspended.

The SPEAKER—I do not think it is necessary to suspend the rule.

THE MESSENGERS' UNIFORMS.

MOTION.

Hon. Mr. POWER moved the adoption of the report of the sub-committee on Internal Economy and Contingent Accounts of the Senate. He said:—The recommendations of the sub-committee are:

They recommend that the housekeeper, the doorkeeper, the keeper of the wardrobe, and the Speaker's two permanent messengers, be supplied with uniforms of one style, and the other permanent messengers with uniforms of a somewhat different style.

The question of supplying uniforms to the sessional messengers may, the sub-committee submit, be postponed until the opening of the next ensuing session. It is suggested, by way of avoiding any misapprehension, that the keeper of the news-room be not deemed a messenger for the purpose of this report.

The sub-committee recommend that the Serjeant-at-Arms be authorized to take tenders for suppyling the uniforms, from not less than three clothiers doing business in Ottawa and to see to the execution of the work, with power to arrange as to any details not provided for in the memorandum herewith provided.

With respect to making a distinction between certain members of the staff, I think it will be seen that this is reasonable and proper. The housekeeper has to be present here on public occasions, at the opening and closing of Parliament, and he is a good deal in evidence. The doorkeeper is an officer of the Senate who has a position on the floor of this House, and naturally he should wear a dress coat, or something of that kind. The keeper of the wardrobe is assistant doorkeeper, and in case the doorkeeper were ill, he might have to act as doorkeeper, and while he does that he should have that kind of dress. Then, His Honour the Speaker thought, and I agreed with him, that his two permanent messengers, who are employed about his rooms, should wear the same kind of coat. The other permanent messengers are those who are employed in the halls here, and are sent

to do errands outside, and naturally you would not put those employees in dress coats, and it is provided they shall have sack coats. The colour of the uniform is to be navy blue, with red piping. The uniforms are to have brass buttons, and it is intended that a die shall be procured to stamp the buttons, showing that they belong to the Senate. The sub-committee did not act by themselves; they took suggestions from the housekeeper and from other persons whose judgment was supposed to be worth something.

Hon. Mr. LANDRY—This report of the sub-committee recites that the sub-committee should report directly to the House. I have the last report of the Committee on Internal Economy and Contingent Accounts, and I see nothing in it that warrants the nomination of this sub-committee and the duties it has performed.

Hon. Mr. POWER—The hon. gentleman himself is a member of the Committee on Contingent Accounts, is he not?

Hon. Mr. LANDRY—I should want to have twenty-four hours notice to answer that question. Like the government, I want to be prepared.

Hon. Mr. POWER—The Contingent Accounts Committee report to the House those matters which the House had to deal with at once. The Committee on Internal Economy and Contingent Accounts appointed this sub-committee and authorized the sub-committee to report directly to the House, and we have reported to the House, and it is for the House to either adopt the report or reject it. If the hon. gentleman disputes what I say, we can produce the law clerk with the minutes of the meeting of the Committee on Internal Economy and Contingent Accounts, at which the sub-committee was appointed.

Hon. Mr. LANDRY—I do not desire to question the accuracy of the statements made by the hon. gentleman. I am not a member of the committee. I will answer the hon. gentlemen's question now. I wish to say that the sub-committee was appointed by the Standing Committee. It was on a motion made by the hon. gentleman from Halifax.

Hon. Mr. POWER—No.

Hon. Mr. LANDRY—The minutes of the committee read as follows:—

Committee room, Internal Economy and Contingent Accounts, 13th July, 1899. On motion of the Honourable Mr. Power, it was resolved that the Honourable Messieurs Kirchhoffer, Power and Macdonald (B.C.) be appointed a sub-committee to action association with His Honour the Speaker, for the purpose of selecting a uniform, and that the said sub committee be authorized to report to the Senate.

I suppose that is correct.

Hon. Mr. POWER—Yes, that is correct, I presume. I did not remember it.

Hon. Mr. LANDRY—I read that in order to refresh the memory of the hon. gentleman, because he had forgotten it. I always thought that when a sub-committee was appointed they would act as such, and I did not imagine that one member of that committee would call himself the sub-committee, and make a report in the absence of his colleagues. I think we should have a quorum of that sub-committee. If a sub-committee consists of three members, I should think a majority would be necessary to constitute a quorum. That sub-committee did not meet, and the report before us is not the report of the sub-committee. I raise a point of order on that ground.

Hon. Mr. POWER—The hon. gentleman is quite right. I did not remember that I had moved the resolution for the sub-committee; but the idea did not originate with me. I think it was the Hon. Mr. Owens who brought the matter of uniforms before the committee. I had no interest in it, and was not, in fact, in favour of it. I moved the resolution to dispose of the matter when it was before the committee. The hon. gentleman is right to a certain extent; but, as I explained last night when the report was presented, the hon. gentleman from Brandon was the chairman of the committee, and he was nominated on the sub-committee, and also the hon. gentleman from Victoria. We were associated with His Honour the Speaker in the matter. The hon. gentleman from Brandon left here shortly after the meeting. He said he could not attend to this matter, and asked me if I would attend to the selection of the uniform. He did not think that it was a very solemn matter, or that the constitution of the Senate was seriously involved, or anything of that sort. The hon. gentleman from Victoria, unfortunately, met with an

accident which prevented him from working, and he left shortly afterwards. That left His Honour the Speaker and myself. This work had been imposed upon us, and I thought it was better that we should do it in some way; and even though the work has not been done in the strictly regular way, it is before the Senate, and the Senate can do as they wish. We have done our duty. I feel that if I had failed to act, and His Honour the Speaker had failed to act, in a certain sense we should not have done our duty. But we have done our duty, and now the Senate can do its duty.

Hon. Mr. LANDRY—We have no report. The duty of the committee was not done in the regular way. The hon. gentleman from Brandon told the hon. gentleman from Halifax to go on with the business. He went on with the business in a very irregular way. Another meeting of the committee should have been called and a new sub-committee appointed.

Hon. Mr. POWER—This is a report of two members of the sub-committee, and the Senate can deal with it. Any member of the House can move any resolution he pleases as long as there is nothing disloyal or improper about it, and if the hon. gentleman thinks the sub-committee was not acting legally, we can act as individuals and the Senate can adopt our action or not as they please. I move that this report be adopted.

Hon. Mr. LANDRY—It is not a report of the sub-committee, and I ask for a ruling.

The SPEAKER—I never understood that the Speaker could be called upon to decide if a report had been properly or improperly drawn. I do not believe it is within the jurisdiction of the Speaker to decide that. In my opinion, the only thing to be done in the present case, if the hon. gentleman thinks that the report has not been properly drawn, or is not properly before the House, is for him to object to the adoption of the report, and the Senate is at liberty to adopt or reject it. The hon. gentleman has the report in his hands and may take that course if he desires, but I do not believe that I have the right to decide that this report is not a report.

Hon. Mr. GOWAN—I second the motion of my hon. friend from Halifax, quite understanding the manner in which the report was prepared. The sub-committee endeavoured to obtain a majority of that committee to make a report, but could not do so. It would be most ungracious and unreasonable—I was going to say improper—to hesitate one moment in accepting the report.

Hon. Mr. LANDRY—The hon. gentleman has said that it is most improper to refuse to accept the report. I am insisting on a right, and I do not think any hon. gentleman is justified in challenging my right.

Hon. Mr. POWER—I challenge the hon. gentleman's right to speak again.

Hon Mr. DEBOUCHERVILLE—I move the adjournment of the debate.

Hon. Mr. LANDRY—Before the motion for adjournment is carried, I desire to call the attention of the House to this report, or what is called a report, but which is not a report at all, made by two members of the House. I approve of the ruling that has been given, because I presume that the Speaker of this House felt himself interested in the question and would not like to give a direct ruling.

The SPEAKER—I ask the privilege of being allowed to answer that statement. I do not insist on the report. I have nothing to do with it. It was signed and I thought it was my duty to acquiesce in it, but I would not like the hon. gentleman to think I would not give a proper decision because I was interested.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. LANDRY—I am saying that that would not be a reason for withholding a decision. I am in accord with what the Speaker says. I am perfectly convinced that it would not be a reason to prevent the Speaker giving a proper decision. Take the report, and what do we find that the hon. gentleman from Halifax, the future minister, did, in reference to it? Not only did he select a uniform which is described in the pretended report, but he makes a distinction between the messengers. He did what he had no right to do, because if he is regularly appointed to do a specific duty he must stick to the obligations that are imposed on him, and the instructions that are given to him in

his appointment, and the only thing he had to do was to select a uniform. He went further than that, but it is not astonishing at all. Why? Because he began to act without authority. Two members of the committee had gone home. It was impossible to have a quorum, but he went on and said "I will be the committee," and he prepared a report, and in that report he ignores the instructions he received and says that the housekeeper, the doorkeeper and the keeper of the wardrobe and the Speaker's two permanent messengers shall be supplied with uniforms of one style and other messengers with uniforms of a somewhat different style, and he says that the trousers should have red piping on the outer seam of each leg, that the buttons must be of brass and caps navy blue, the pattern to be chosen by the Serjeant-at-Arms. The whole civil service is to be consulted in the choosing of that uniform. One must choose the buttons, another the gold lace and another the red braid which must go on the trousers and hide the seams, and I do not know who else has not been brought in to choose other parts of the uniforms. I contend that this report is ultra vires and not in accordance with the instructions given to the sub-committee. The hon. gentleman has made distinctions between the messengers, which he had no right to do, and for that reason the report is unconstitutional. I hope the House will not adopt this report. We have just received it this morning and have not had time to consider it. If we decided to accept it in these dying hours of the session, perhaps we might regret our action and be obliged to have our messengers change trousers next session if we adopt the pattern with the brass buttons.

Hon. Mr. MILLS—It would not be an unusual thing.

Hon. Mr. LANDRY—I do not understand that the question of order has yet been decided.

Hon. Sir MACKENZIE BOWELL—It has been decided.

Hon. Mr. LANDRY—Is it decided that this is a report?

Hon. Mr. CLEMOW—Yes.

Hon. Mr. LANDRY—I ask the House to decide whether this is a formal or an informal report.

Hon. Sir MACKENZIE BOWELL—Informal.

Hon. Mr. LANDRY—I move that this report be not now taken into consideration, but that it be declared not to be a report at all.

Hon. Sir MACKENZIE BOWELL—Put the motion in writing.

Hon. Mr. LANDRY—The hon. gentleman's motion is not in writing.

The SPEAKER—It is before the House.

Hon. Mr. LANDRY—I move in amendment, seconded by the Hon. Mr. DeBoucherville, that this so-called report be not now taken into consideration, but that it be taken into consideration this day six months.

Hon. Mr. ALLAN—It is all very well for us to amuse ourselves, as we have nothing to do till the Supply Bill comes before us, but I think there is something due to the dignity of this House, and I do not think that amendment should be submitted. We have a report on the minutes presented for adoption. The committee appointed could not act under their proper powers, but to talk of the report being a so-called report is not very dignified, and it is not a proper thing to ask the Speaker to put the motion to the House.

Hon. Mr. LANDRY—I will withdraw the word "so-called," but I do not want the report adopted.

Hon. Mr. DEBOUCHERVILLE—I did not hear the Speaker's decision; was it decided that this was a report?

The SPEAKER—No, I said nothing of that kind. I said I did not think it was within the jurisdiction of the Speaker to decide whether the report was properly drawn or not—that it should be left to the House to decide that question.

Hon. Mr. DEBOUCHERVILLE—Then the Speaker has not decided that this report was a proper one.

The SPEAKER—No, I did not decide that. I refused to decide that, because I thought I had no jurisdiction.

The House divided on the amendment which was lost on the following division:

Contents, 8; non-contents, 9.

Hon. Mr. DEBOUCHERVILLE— We have not yet voted on the question of whether this is a proper report or not. The matter has been explained very clearly. A sub-committee was appointed to assist the Speaker. If the committee made a report the Speaker would sign that report, but he does not belong to the committee. It is necessary to have a quorum in the committee. The committee is composed of three, and it is clear that they had no quorum. One member of the committee has made a report and signed. Can we decide now that that is a regular report?

Hon. Mr. MILLS—It is not of the slightest consequence what we call this report. It is a report, and whether it is a report of the committee as originally constituted is of no great consequence. The question for us to decide is whether we shall have some distinguishing uniform for the messengers of this House. That question may be referred to the Committee on Contingent Accounts or it may not. A single member of the committee may express his opinion to this House and the House may act upon that expression. The House of Commons adopted a uniform for their employees some time ago. It has been found very convenient to strangers visiting the buildings, because they know who the officers are, and they can ask the officers of the House for any information they desire.

Hon. Mr. ALLAN—And the officers of the House had also authority.

Hon. Mr. MILLS—The same thing would happen if we were to adopt a uniform here. It is a matter of convenience to the public. I think it is trifling with the House to enter into a long discussion as to whether the report is regularly before us. It is a matter relating to a question upon which the House has an inherent authority and does not derive its power to act from the committee or any member of the committee. It might have taken the initiative in this matter without a report from any member of the committee. There is a report before us signed by His Honour the Speaker and by a member of the House, and if we choose to act upon that report it is clearly within our right to do so.

Hon. Mr. DEBOUCHERVILLE — I agree with what has fallen from the lips of the hon. leader of the House. Any member can come here and make a motion, although he is not representing a committee, but can any member come here and move the adoption of a report of a committee which does not exist, or at least which has not dealt with the question? There is a great difference between the two, and I cannot agree with the hon. minister when he says it is trifling with the House to debate this subject. It is not trifling with this House when you are dealing with the rules of the House. If we disregarded the rules of the House in our proceedings, then we would be trifling with the House. We should follow the rules.

The report was adopted on a division.

The Senate adjourned.

SECOND SITTING.

THE SPEAKER took the Chair at Two o'Clock.

Routine proceedings.

THE SUPPLY BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (192) "An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service for the financial year ending 30th June, 1900, and for other purposes relating to the public service."

The bill was read the first time.

Hon. Mr. MILLS moved the suspension of the forty-first rule in so for as the same relates to this bill.

The motion was agreed to.

Hon. Mr. MILLS moved the second reading of the bill. He said:—The measure is, of course, one of very great importance, because the administration of the affairs of the country for the twelve months is dependent upon the supplies that have been granted by the House of Commons and of which we have been informed by this bill. I may say very briefly, that the amount of supply is somewhat larger than that usually asked for. The supply in the main estimate amounts to $41,528,000, and in the supplementary esti-

mates it amounts to $1,198,000, making in the supplementary and main estimates chargeable to income $43,426,844. There have been other sums besides that included in the main estimate voted this year, but those have been voted every year, almost, since confederation. There are certain sums that are asked for to carry on the affairs of the country that are chargeable to capital account. Hon. gentlemen know very well the line which devides those expenses which are charged against the ordinary and current revenues of the country and those estimates that are obtained for the purpose of making improvements of a permanent character, that could not be charged against the expenses of the year. These relate to various public works, and are of very considerable importance, and are justified, in my opinion, by the circumstances of the country and by its requirements, especially those requirements that are certain to arise at a very early day. The main estimates chargeable to capital account amount to $4,748,000 in round numbers, and the supplementaries chargeable to capital account $3,598,000, and then there are railway subsidies, $5,305,000 and sums for bridges in the province of Quebec, the one over the St. Lawrence near the city of Quebec $1,000,000, and certain other bridges amounting to $235,000.

Hon. Mr. DEBOUCHERVILLE—How much altogether?

Hon. Mr. MILLS—$51,000,000 I think, besides these estimates for railway purposes.

Hon. Mr. LANDRY—And the Ottawa contribution.

Hon. Mr. MILLS—Then let me say that these amounts are variable. Some years they are very much larger than they are other years. Thus, when we built the Canadian Pacific Railway and agreed to pay the company $25,000,000 to aid in the construction of that road, besides the immense area of public lands that were given, no one for a moment suggested that those $25,000,000 ought to be charged against the expenditure of the year in which the contract was made. From the very earliest period down to the present day, when we have been discussing the expenditure for the year, whether in this House or in the House of Commons, no one has included in that expenditure the amount of money that has been voted and charged to capital account. Sometimes expenditures have been charged to capital account, which, in the opinion of some members of the House of Commons, ought to have been charged to the ordinary revenues of the year. For instance, a few years ago, when the charges made for the surveying of the lands in the North-west Territories, was transferred from being a charge to ordinary revenue to a charge upon capital account, objection was taken by some members of the House. And so I might mention other instances of a similar character. These, however, are quite subordinate, and I might say that a fair comparison between the expenditure of the present year and years gone by must be a comparison between the charges to revenue account in the present year and the charges against revenue in previous years. When it is said that the expenditure under the late government was in a certain year something over $38,000,000, there is not a dollar over $38,000,000 that embraced charges to capital account. They are charges to revenue account, and to revenue account alone. If you take out of the charges of the current year the charges that arise out of the administration of the affairs of the Yukon country, which is wholly new, and the extra charge made for public improvements for the purpose of promoting the commerce of the great lakes, you will find that the charges for the ordinary affairs of government have not been increased. The charges for the ordinary affairs of government are less per capita the present year than they have been in former years. I am not going into a comparison of these charges, however, at the present time. That is a matter rather relating to the business of the House of Commons than to this House, but I say when you look at the rapid extension of the commerce of the Dominion, when you consider that during the past two years it has grown by some millions more than it did during the preceding twenty-three years, you will see how rapid the expansion has been and how necessary the improvement of the highways of commerce are to the commercial interest of the country. If we were stationary, there are improvements which are being made that would not be justified, but when we are so rapidly progressing and our commerce is expanding to such gigantic proportions, we would be

equally culpable if we neglected to make those improvements which are called for by the interest of the Dominion. With these observations, and without further trespassing on your indulgence, I move the second reading of the bill.

Hon. Sir MACKENZIE BOWELL—As we have been informed by the hon. leader of the government in this House that the Supply Bill specially pretains to the House of Commons, the inference would be that it is improper that we should discuss the bill which is now before us, or in other words we are simply to say yea or nay. I shall therefore follow the example, as near as possible, of the hon. gentleman, in speaking very shortly on the question before the House. In doing so, I must, in the first place, take some little exception to the statements made by the hon. gentleman as to the relative expenditure between this year and former years. Without going into particulars, I shall merely deal with the facts as they are presented to us by the bill now before us for our acceptance. It is true that there is a difference between the current expenditure of the year and the expenditure which is properly and legitimately charged to capital account. What I shall deal with is this—and what I think the country will have to consider is—what amount is the country asked to pay for the carrying on of the business of the Dominion during the coming year, and what amount has the government pledged the country to pay in future years. When we take the figures as they are presented to us, in that light, we find that they exceed by a very large sum any former appropriation. I shall take for a few moments the liberty of contrasting the professions of the hon. gentlemen with their practices, and endeavour to lay down a basis to show that their professions out of office are not always practiced when they assume the reins of power and the responsibilities of office. I find, and so will any one who has read the platform upon which these gentlemen appealed to the people at the last general election, that they made certain definite and positive promises and it may fairly be asked, how far have these promises been carried out, and how far do the government deserve the continued confidence of the people with respects to this particular branch of the subject—that is, the promise and the practice. One of the principal planks in the platform of the Reform convention so-called, held in this city, was the following :—

> We cannot but view with alarm the large increase of the public debt and of the controllable annual expenditure of the Dominion and the consequent undue taxation of the people under the governments that have been continuously in power since 1878, and we demand the strictest economy in the administration of the government of the country.

In introducing that resolution, Mr. Gibbons, of London, one of the lights of the Liberal party, made use of this language :

> You do not need to be concerned with regard to this resolution. You have already been convinced of the truth of the principles advocated by the Liberal party, and about this one there is no dispute.

He was followed immediately by the Hon. Clifford Sifton, then Attorney General of the province of the Manitoba, and now Minister of the Interior, in the present administration. He said :

> I wish to call attention to the fact that, as Liberals, we have the right to say that we are the exponents of economy.
>
> In the Liberal campaign book we are told :
>
> The large reduction which would take place, under a Liberal administration, in the public expenditure is sufficient of itself to justify any man in voting for a reduction of the tariff.

How far that reduction has taken place has been pointed out repeatedly in this House, as well as in the House of Commons. It is true that certain articles have been placed upon the free list. It is equally true that these very articles have ever since been sold to the consumer at a much higher rate than they were sold before they were put on the free list.

Hon. Mr. MILLS—Do you want a tax put on to bring down the price ?

Hon. Sir MACKENZIE BOWELL—If I had time, and I deemed it at all pertinent to the subject now under consideration I could prove from the experience of this country in the past, that the placing of a protective tariff upon every article which the present government has placed upon the free list, led to its being sold cheaper than it is to-day. However, I am not going to be led away. There are articles, I may say, in the tariff that bear a higher rate of duty to-day than they did prior to the introduction of this so-called free trade policy. It is true they are articles principally imported from Great Britain, while the articles upon which the duty was lowered are imported from the United States, and the result has been a falling off in the importations during the last

two or three years from the British market, and an increase in the importation of the articles, notwithstanding the preferential duty, from the United States. The public accounts show that, and it is not necessary for me to elaborate the subject. After the present Minister of the Interior had given vent to his opinion as to what constituted the platform and policy of the Liberal party, Sir Wilfrid Laurier spoke as follows :

Do you imagine there is any justification for this extraordinary expenditure? The Conservatives tell us there is a justification. Population has increased, they say. Oh, yes; it has increased 9 per cent, but the expenditure has increased 100 per cent. (Sic.) There can be no justification for such an expenditure, when, as has been stated, the great bulk of it is a corrupt expenditure.

They tell us that if we were in power we could not retrench and economize. But I do not believe that it will be a difficult task. It would not be a very difficult task to economize to the extent of one, two, three millions—and Mr. Mills told his constituents a few days ago that it was possible to retrench to the extent of four millions a year.

I will show presently how that declaration on the part of the present Minister of Justice has been carried out. It was merely an ebulition of hon. gentlemen who were trying to catch the popular will at the moment, forgetting what the duties of statesmen really are, and appealing to the prejudices of people by giving utterance to sentiments of that kind. Then we have that great economist, Sir Richard Cartwright, who held out in the following style :

For my own part I do not hesitate to tell him (the Finance Minister) that I consider a yearly expenditure of forty million dollars, or thirty-eight million dollars, altogether too much for the resources of Canada.

I say it is a disgrace and a shame to the government that has been entrusted with our affairs that they come down to us and ask for an expenditure of thirty-eight million dollars a year for federal purposes.

Sir, the thing is utterly unjustifiable.

Sir, there is very little use for honourable gentlemen whining over this matter.

They ought to try and meet it, and the way to meet it is to reduce our present establishment, to reduce your present extravagant mode of government and to reduce your extravagant ideas.

I have said before, and I repeat it, that $38,000,000 is, in my judgment, a monstrous sum for this people to be called on to provide for.

I might go on for hours giving extracts of that character from the utterances of the gentlemen who now occupy the treasury benches, and who are guiding the destinies of Canada. We know the organ which speaks for them on almost every occasion. But lately, by the by, I saw it announced, when the attention of the House of Commons was called to a demand made by the Toronto *Globe* that the present occupant of the seat for West Huron in the House of Commons should retire on account of the gross frauds which have been proven before the Committee on Privileges and Elections, that newspaper statements should not always command much attention. I congratulate the Premier on the fact that he has arrived at that conclusion, so far as the utterances of the Toronto *Globe* are concerned. However, there was a time when they did not speak so disparagingly of that paper, that is when that paper gave utterance to sentiments of this kind :

The first duty of the Laurier Government is to put an end to the abuses of the subsidy system.

We have an illustration of how these subsidy abuses are being put an end to, in the bill passed yesterday.

To set its face against every mere boodling enterprise. We must turn over a new leaf in order to maintain the public credit abroad, no less than to introduce a higher order of public morality at home.

Then there was a letter written by Sir Richard Cartwright, the present Minister of Trade and Commerce, to the president of an organization, known as the Patrons, in Ontario. Among other things he told the Patrons that he was at one time with them on the following planks of their platform :— first, "economy of administration." We have an illustration of that in the Supply Bill before us, which, as I shall show presently, pledges this country to an expenditure of nearly seventy millions.

Secondly, purity and independence of Parliament.

We have had that exemplified in the fact that, notwithstanding the declaration of the ministry of the present day, that men who accepted office while holding seats in Parliament were the mere slaves of the administration of the day, three or four members have been sent from the House of Commons to this chamber, quite legitimately and quite properly in some cases, but in one or two cases it was in order to create vacancies in constituencies in order that those who had been appointed to office, but who had never held a seat in Parliament, could retain their positions by obtaining seats which had been secured by the elevation of commoners to the Senate. The Finance Minister is one, the Minister of Railways and Canals is another, and the Minister of Public Works a third. There are three of them. They all secured seats in the Commons by vacan-

cies being created in that House. I do not find so much fault with that, as I do with the violation of the principle which was laid down so vehemently and so strongly by members of the present administration in reference to the appointment to office of Commoners, and thereby creating vacancies. How has that been carried out? There are eight or ten members of Parliament, whose names I could give, who, since the last election, in three short years, have been elevated either to the bench, to Lieutenant-Governorships or to some other office of emolument. This is the way in which the independence of Parliament has been maintained in accordance with the declarations, promises and pledges of the present ministry. Then the next matter was "reciprocity of trade." That is a very prolific subject. The United States people were told by these gentlemen that if the Liberal party in Canada could only obtain power, they would make such and such concessions to them, which would result in the freest trade between the two countries. They went to Washington and came back with their thumbs in their mouths. They went there two or three times afterwards; after having interfered as they had done with the negotiations which were going on between the United States ministers and the Conservatives. We all know the result. I need not elaborate upon that point. They are no nearer reciprocity now, however much it may have been desired, than the Conservative party were, nor are they as near it. The estrangement to-day is greater than it has been for the last quarter of a century. I do not believe—and I have given utterance to that opinion repeatedly, and I believe that it is the sentiment of the great majority of the people of Canada, to-day—that we are so enamoured of reciprocity as we were formerly, nor is reciprocity a necessity for the prosperity of this country. We are marching on upon our own responsibility, and though there might be some little advantage in reciprocal trade in some articles, it is not necessary for the prosperity of Canada. Beside their tariff has placed it out of the power of obtaining anything from the United States Government. Those articles which we do not produce, and which are easily grown and produced in the United States, are put upon the free lists in this country, and the consequence is, that they have nothing to receive from us which would be of advantage to them, having obtained all through the stupidity of those who framed the tariff. The next point was that we were to have a "tariff for revenue only." How far that has been carried out by the adoption, to a very great extent, of the national policy, needs no elaboration. Then we were to have "protection of labour from monopolies." We all know that nothing has been accomplished in that respect. We do know that in the Custom's Act a proposition was made to punish monopolists, under certain conditions and under certain circumstances, but has any attempt ever been made to reach any monopoly that existed in the country. We had an Alien Labour law placed upon the statute-book. I stated at the time, in this House, to the leader of the government, as many will remember, that the wording of the Act, and the provisions of it, were such that it would prove a fraud, and that the people who were interested in the carrying out and enforcement of the Act would be deceived. What has followed? When application has been made for the enforcement of that Act, when it has been violated in the province of Ontario, the Minister of Justice declines to proceed with the prosecution. We all know that not one individual, no matter how much he may be affected, can take the first step towards the enforcement of this Act, without first having the authority and consent of the department of the Minister of Justice. The next point was "no railway bonuses." It is not necessary for me to go beyond the measure which we discussed yesterday to furnish an illustration of how they have carried out that pledge. They have bonused less than half a mile of road to enable private parties to get to a wharf. They have bonused a couple of miles of road in order to enable a manufacturer to get from one portion of his manufacturing establishment to another portion, or to a wharf. They have subsidized fifty miles and a hundred miles of railway in other portions of the country. They have done more. They have doubled the amount of subsidies which were given by the late government when Sir Richard Cartwright made the declaration that there should be no more subsidies. The next plank was "voters' list by local officials." All we have to do, is to look at what the effect of transferring our franchise and the power of carrying on an election by the local authorities has been; look at the result of the elections in Brock-

ville, West Huron, South Ontario and West Elgin, where it has been proved that under the local authorities and local management the grossest frauds and iniquities that the human mind could conceive, have been perpetrated, in order to carry them. These are the results of having local lists. Then we were to have "no gerrymandering." This Senate put a stop to the attempt to gerrymander which was made, if gerrymander it might be called. It was an abortion in the manner of readjusting the Redistribution Act. Then Sir Richard says:

> There is simply no single one of these objects which the Liberal party have not been fighting for, moving resolutions for, and doing their very best to obtain any time during the last twenty years.

I do not propose to elaborate that portion of the subject further. The hon. gentleman said a few moments ago that one of the reasons for the large expenditures this year was the necessities of and the growing trade of the country. Expenditure is growing to such an extent that it is unparalleled in any past history. I should like to ask him whether the expenditure of a large amount of money in the construction of wharfs on Lake St. John, some couple of hundreds of miles north of Quebec, is in the interest of the trade of this country, whether it is necessary, whether it is anything more than an appropriation for private parties who own one or two steamboats on that lake? There is no trade there to justify it. Was it necessary to incur an expenditure, or try to incur an expenditure of $70,000 to build a wharf down in Gaspé in order to induce the present member for that constituency to withdraw his resignation?

Hon. Mr. LANDRY—Hear, hear.

Hon. Sir MACKENZIE BOWELL—And that too at a place where there is no water. I am informed by those who know the locality well, that you might spend hundreds of thousands of dollars, and then would have to go miles out into the sea before you could reach a depth of water sufficient to enable the seagoing vessels to land at that wharf. Then there is an appropriation which I look upon as one of the most iniquitous in all the public appropriations that could possibly be conceived. Any one who has been up the Richelieu River and visited the island called Ile aux Noix, made famous in Parkman's history and in the history of our country, as the spot where fortifications were erected during the American war. No one lives on that island except the caretaker, and he is there to look after the old fortifications which are going to ruin and decay, I know when I was Minister of Militia I visited, with the General, that part of Canada. The island lies nearly in the centre of the Richelieu River and not far from the United States boundary line, and an invading force coming down that river would have to pass this island, and hence in the old days, even the Indians fortified it to protect themselves against other tribes. The government have handed over the old fortifications to a yacht club, who have turned it into a pleasure resort, where the members go to spend their leisure hours. I do not see any objection in that. It used to cost the country something to keep those fortifications from falling down. I know the old pensioner appealed to me to increase his pay while I was there. He was only getting twenty-five cents a day in addition to his pension to look after the fortification. When I came home I doubled it, as I thought fifty cents a day was little enough for the service. Now, what have the government done? The island has passed out of the hands of the government, and they are now actually appropriating a large sum of money for the construction of a wharf on that island for the accommodation of the Montreal and St. John Yacht Clubs. Is that an appropriation in the interest of the great and growing trade of this country? I could go on for an hour, if necessary, and point out such appropriations. The Minister of Finance has himself taken $20,000 or $30,000 for wharfs and improvements in his own constituency in Nova Scotia, besides railway subsidies. That gentleman had no seat in Parliament. It was necessary for him to secure a seat in the House of Commons to hold his office, and the then member, Mr. Forbes, magnanimously retired and took an office at $50 a year. However, he was not long until he got a judgeship, and he is now living on the income derived from that. These are appropriations which the hon. gentleman says are necessary for the development and encouragement of the trade of the country. It will be for the people to say whether they are or not. There is another item to which I shall allude. My hon. friend from Prince Edward Island knows the particulars as well or better than I do. There is a United States firm who have

been doing business in Prince Edward Island for more than thirty years, because the claim which they have against the government and recognized is twenty-one years old. That claim arose out of the non-enforcement of the Washington Treaty in 1871. It is known that at that period a difficulty arose in reference to Prince Edward Island and it was understood at the time that though Prince Edward Island was not included in the provisions of that treaty, whatever duties were paid upon fish and fish oil sent from Canada into the United States were to be refunded by the United States Government. By some misunderstanding, as usual, the United States authorities refused to make these rebates, which amounted to some $60,000 or $70,000—I am speaking subject to correction.

Hon. Mr. MACDONALD (P.E.I.)—That is right.

Hon. Sir MACKENZIE BOWELL—The British Government did not think it worth while to create any friction between the two governments in reference to this question, and they intimated to the Canadian Government that they had better pay it themselves. The Canadian Government, in considering the question, refunded out of our own funds that which should have been paid by the United States, to all British subjects who had been carrying on a legitimate trade and had paid duties to the United States Government on fish and fish oil. This United States firm, not being British subjects, made a very large claim. We declined to admit it. I say "we," because that claim has been made on each and every government. Mr. Fitzgerald, now a judge, was appointed by the late government to investigate and report upon the subject. He made a long and exhaustive report. He did show that Hall & Myrick had shipped, for British subjects on the island, a certain quantity of fish, and that duty had been paid upon them. We recognized those claims. I say that, because I was in the government at that time, and we refunded the money to the British subjects, but declined to pay the claim of this United States firm who were not then, nor are they now, British subjects. They have steadily refused to take the oath of allegiance, although they have been there thirty years, to the British Government. Every election that has taken place for the last twenty years these people made demands on the government to pay them the amount they claimed. At the last by-election it cropped up again, and these gentlemen were among the most active and energetic supporters of the present member, and they succeeded, through their influence and the employés they have on the island, in defeating our old friend Mr. Hackett. I received a letter from the island immediately after the election took place explaining how Mr. Hackett had lost his election; and it was said "Watch events and you will find Hall & Myrick's claim will be recognized by the present government." True enough, here it is. Here is a Yankee firm that has been pressing this claim for over twenty years, a claim which has been refused by every government, including the Mackenzie government, as unfounded, and now it is recognized. It looks on the face of it, as if this claim of over twenty years standing is paid to these people for the support they gave the government candidate in the election in East Prince. There are the facts. Hon. gentlemen can draw their own conclusions from them. This Yankee firm had no more right to that $15,000 or $16,000, then my hon. friend beside me; but it is a sample of the manner in which the funds of this country are being voted away, for, shall I say, corrupt purposes. That would be unparliamentary, but I leave hon. gentlemen to draw any deductions they like from the facts I have presented. These are only a few, a very few of the items in this bill to which I might call attention. Now, what are we asked to vote? I will give a summary of the contents of this Supply Bill which we have either to swallow or reject. I do not suppose any one will take the responsibility of rejecting the bill, though I think if there ever was a case to justify a rejection of a supply bill, this is one of them. It is true the government have the power, and they must take the responsibility. The Supply Bill shows the supplementary estimates for the year 1898-99, which we have already passed, amounting to $2,647,628. The main estimates for 1899-1900 amount to $46,286,550. Further supplementary estimates, $5,497,343, a second further supplementary estimates, $12,451. Then we have the Drummond County Railway purchase, $1,600,000. I am not drawing a distinction now, between that which is charged to capital account and that which should be

charged to the current expenditure of the year. I am giving the total amount which this Parliament is asked to vote in this Supply Bill, and the Supply Bill which we have already passed, being the amount to which the country is pledged either to expend during the coming year or in the future. They amount to $56,043,972. But that is not all. You have the railways and bridges subsidies amounting to $6,540,293, and if you capitalize the vote of $140,000 annually to the Grand Trunk it pledges the country to a payment of $4,421,898. Then we have the $60,000 that is given to assist the city of Ottawa. Deduct the $15,000 from that, which has been paid in the past, and which has no right to be added to the demands of the present government, capitalize that for ten years and you have $386,295. Then we have our proportion of the cost of the Pacific cable. It is true that received the support of every member of both Houses, but that does not affect the fact that we are pledged to an expenditure of $2,361,111, or making a total for current expenses and capital account for which the country is pledged in the future the magnificent sum of $69,753,569. I know my hon. friend, if he were to attempt to answer these figures, would say a large proportion of this is expenditures for the future. I admit that, but it does not change the fact that in one session the country is pledged to an expenditure of within a fraction of $70,000,000. That is the manner in which the economy to which these gentlemen pledged themselves has been carried out, and it will be for them to reconcile their conduct with their professions when they appeal to those who have the power to retain them in the positions they occupy, or reject them at the polls. After the statements made by the hon. Minister of Justice, I thought it was only proper that I should place before the House and before the country the view that I, at least, and those with whom I act, take of the growing expenses of the country and the exorbitant demands made upon us, and to point out some few cases in which the appropriations are not only not unjustifiable, but I might add, criminal in their character.

Hon. Mr. MACDONALD (P.E.I.)—It is not within our province to go into all the details of this bill, and if we were disposed to do so, we have not the time or the opportunity at this last hour of the session. The Minister of Justice referred to the expenditure which we are making under the bill as being justified for the improvement of the highways of commerce. If the expenditure within the four corners of this bill was legitimately confined to the improvement of the highways of commerce, it would receive no opposition whatever from the members of the Senate, but when we look at the various items which are embraced within that bill, we find there are many other items there than those which should be designated as expended for the improvement of the highways of commerce. The hon. Minister of Justice referred to the flourishing state of the revenue of this country, and I am very pleased to agree with him that the revenue of the country has been flourishing, and therefore that it, in some measure, justifies an expenditure greater, possibly, than had been made on any previous occasion; but when we look back at the record of the gentlemen now composing the majority in support of the government, and remember the statements which they made broadcast throughout the country, when the expenditure did not amount to anything like the sum that it does now—when it was $15,000,000 or possible $20,000,000 less than the expenditure proposed during this session—when we remember that these gentlemen called upon the people to oppose the government which then ruled in the country because they were imposing such vast taxes upon the people of the country by their extravagant expenditure; when they told the people of the country that every individual in the Dominion of Canada was taxed to the amount of forty dollars. When they told them a few years ago that the expenditure had been increased up to fifty dollars a head of the people, or $300 for every family within the country, will it not appear evident to the country that that was the greatest clap trap, the most absurd denunciation that could be given to the people when we see these very gentlemen now, when in power, increasing the expenditure and justifying it to Parliament and to the country. Does it not show that their utterances at that time were the veriest buncombe that could be uttered? The course which the government of the day has pursued during the present session is a justification of the course pursued by former governments. It shows that the epithets which were hurled against

them for extravagance were not justified at the time, and that these outcries against their predecessors were for political ends. It is true the revenue of the country is flourishing, but I may remark that there are many respects in which the country stood on a higher plane in former years than at present. Where is the shipping that was owned throughout every one of the maritime provinces twenty or thirty years ago? We have no such fine ships on the register of those provinces now as we had in those days. That is one evidence of the flourishing state of trade at that period. It is true we have a very large importation now. Our imports have swollen enormously, I might say, in some respects; but have our exports kept pace with the imports? They have not. The result will be that in a few years this country will have to be trying to collect money in every possible way in order to send it abroad to pay for the large amount of goods imported, with our exports falling so much short of the amount of our imports. We all remember how a few years ago the maritime provinces were referred to as the "shreds and patches" of the Dominion. It is true that epithet was hurled against us at the time when we returned a Conservative government to power. Since then they have changed and returned a Liberal majority, and the "shreds and patches" are now being bound together by wharfs in every corner of some of these provinces, where they were formerly erected by the people, and were the means of earning a livelihood from the business at these wharfs. Now, the government have stepped in and are building wharfs in places where it never was the intention of the government up to the present time to build wharfs. They are also, under the measure which we have before us, erecting public buildings in various places throughout the country where the revenue derived from those places is not sufficient to justify such expenditure as is provided for under this bill. These expenditures increase largely the amount which we are voting for the public service. Many items which are within the bill are justifiable and liberal sums for the improvements of the country, but I maintain that outside of those there are a great many appropriations which are not justified by the circumstances of the country, or by anything except, possibly, the necessity of the representatives of the places at which these expenditures are to be made. At the late period of the session at which the appropriation bills come in, it is impossible for members of the Senate—perhaps it may not be altogether their duty—to criticise or examine all the various items of which the Supply Bill is composed; but at the same time, we may speak in a general way of the different appropriations which are made and which, without the approval of the members of the Senate, would not have the sanction of law. I consider that the appropriations are more liberal than the circumstances of the country justify. The Senate is not responsible for the amount of that expenditure. The members of the other branch of Parliament who have passed these items, and discussed each appropriation in the Supply Bill, will be the men who will have to justify the course that they have taken before the country.

Hon. Mr. McCALLUM—Although I said the other day that I was opposed to our practice of carrying the estimates three times around the table and saying amen, and that I would have something to say about them this time, I shall not occupy the attention of the House for any length of time on the present occasion. This session of Parliament has been a most extraordinary one. The people of this country will think and say so. There is an increase of expenditure in every department of the public service. The government have increased every expenditure in the public service.

Hon. Mr. McMILLAN—Excepting the indemnity.

Hon. Mr. McCALLUM—Well, they increased the indemnity to themselves, but they forget the members of the House of Commons and the Senate. They increased the salaries of ministers of the Crown, and the legislation is retroactive. I do not think the hon. gentleman from Glengarry was here at the time. He was away on business, but if he had been here he would not have had occasion to put that question to me. If we were to go over the Supply Bill item by item and compare it with the pledges which the members of the government made to the people of the country, it would take a month, and it would be difficult to accomplish it in that time. I listened to the remarks of the Minister of Justice. His party said at one time that it meant ruin to five millions of people to spend thirty-eight millions a year,

and the Minister of Justice said it could be done for $4,000,000 less. The Minister of Trade and Commerce said that the members of the Conservative government were "robbers great and robbers small," but the hon. gentlemen are now in power themselves and it is all lovely. They receive a good salary themselves and they manage to pension their poor relations on the people of this country, their nephews, their uncles and their aunts, and they are perfectly satisfied. I can tell them that everything is not lovely with the people of this country. The people are watching them, and the hon. gentlemen will have to give an account of this session of Parliament to the people of the country, and the sooner the better. They have increased the expenditure and cannot give any proper explanation of why they propose to spend all this money. They have increased the railway subsidies, and I am satisfied that it is against the interests of the country that they should be increased. They should be cut down to the smallest amount possible, and confined to assisting the people that are suffering for want of railway accommodation in the thinly settled districts. But that is not the true object. The object is to get support for this government who have violated all the pledges they have made to the people. They know they have to do something before the people will support them. The report goes forth now that the country is prosperous. I can state that the hon. gentleman knows very little about it. The government have increased the indebtedness of the country by millions and they are now discounting the future, and they say that the country is prosperous because the imports are large. I do not care about the imports, but I want to see the exports increased. I know that members of Parliament and ministers of the Crown will tell you that the more you import the better off you are, the more you buy the better you are off, whether you pay for it or not. I do not hold that view, but this government appears to be going in that way. Speaking of docks, I have been told that some of the docks in the county that the Minister of Finance represents are going to cost from $1,000 to $70,000. I have been watching the discussion in the House of Commons, and a gentleman tells me that a frog cannot get water enough to swim in at some of the places where they are going to build docks. Of course that does not refer to all of them. What is that done for? The Finance Minister has the fear of the people before his eyes, but has not the fear of the Lord, and he must spend money to get the people of the county to support him. This is the third year this government has been in power. They think they will get a great deal of credit for what they have done to enlarge the routes for trade and commerce, and one would think the country is progressing so rapidly that the trade of the country is going to amount to a great deal. I do not care about the trade of the country unless it pays us something. They are going too fast in some particulars, but there is one matter in which they are not going fast enough, and that is the canals. If the expenditure we made on the canals of this country is going to pay us at all, we must have and we ought to have had long ago, the proper harbours at the head of the Welland Canal on Lake Erie for the commerce of the country. But these gentlemen thought they knew all about it and what have they done? Why did they not prepare this work when they knew the St. Lawrence Canal would be finished in a few years? But they would not do it. All at once, without rhyme or reason, they went to Lake Erie, procured a tug and went to Buffalo and prepared a plan to spend $5,000,000 of the people's money to quarry a harbour out of the rocks at Port Colborne. I have brought this question before the people of the country, and I say that both governments are to blame, as far as the harbours at the head of the Welland Canal are concerned. If any hon. gentleman will look at the *Hansard* of 1875 he will see that I warned the Hon. Alexander Mackenzie as to what he should do then. But somebody had an interest in covering up a blunder committed formerly, and the government went on and made a woeful mistake. There were two mistakes that were excusable, but I called the attention of Alexander Mackenzie to that when they decided to make fourteen feet of water the draft of the canals from Lake Erie to Montreal and requested the government to select Port Maitland as the harbour on Lake Erie but they did not. That was a sad mistake, but this that they are making now is the worst mistake of all. They are going to spend $5,000,000. The plans are now ready. They have put a small amount in the estimates, four or five hundred thousand dollars—a small amount to do that

work. If they spend that money in the way they are doing, it will be lost, and by and by they will say "If we do not continue this work we will lose the money that we have expended." That has been the case all the time in making a harbour out of that gigantic stone quarry at Port Colborne. The government should examine that question thoroughly, and employ independent engineers, not men who are bound to cover up former blunders, I do not care by what government committed. If they procure an independent surveyor, and he will say that Port Colborne is the best place for the harbour on the Welland Canal on Lake Erie, by all means let them take it. Then there are other items. They tell us what they have done for the farmers of this country. Lord help the poor farmers if this government is to run the country very long. The first thing they did was to take the duty off corn. My hon. friend the Minister of Justice told us that the corn in this country was sold at 12½ cents per bushel. He thought it was a great stroke of business to import United States corn to feed Canadian cattle. There is land enough, energy enough and intelligence enough in this country to raise all the grain that we require to feed our stock and our people, instead of going to the United States for it, and it is the duty of the Canadian farmer to raise all the food that he requires to feed his stock and his family. Look at what they are doing in the penitentiaries for the farmer now. They are manufacturing binder twine.

Hon. Mr. BAKER—For their friends.

Hon. Mr. McCALLUM—Yes, and not for the farmers. They started out with the idea that they were going to help the farmers. Of course, we have to feed the prisoners in the penitentiaries and we should employ them if we can, but they should not be employed for the benefit of one political party.

Hon. Mr. MILLS—Hear, hear.

Hon. Mr. McCALLUM—They sell this binder twine to their friends for about 4½ cents a pound, and these friends combine and sell it for about 13 or 14 cents, for the benefit of the farmers! The government took the duty off binder twine to help the farmers, and took the duty off corn to help the farmers, and now they are not satisfied with that, but they must tax him and put a mortgage on his property. They must discount the future and tax all the farmer has in the world, and embarrass the children unborn by entailing on them the payment of interest on this money that they are going to spend, scattering it to the four winds of heaven instead of getting a just return for it. That is where this government stands before the country to-day, and when they face the people, I can tell them what the results will be. The hon. Minister of Justice says it is necessary to have a large number of ministers in order that they should go through the country and come in contact with the people. He says the estimates are large because we have a large territory. These gentlemen used formerly to speak of $38,000,000 as being an enormous expenditure for 5,000,000 of population, but now they have changed their tune and they speak of our vast territory necessitating this increase. It has been said in the discussion that the ministers think they are not paid enough salary. I want every man to be paid fully for whatever service he performs. We want to pay a good wage for a good day's work. They talk as if $8,000 a year was not sufficient for the gentlemen who are governing the country. I do not say they are governing the country; they are playing at government. They say they should have more salary, and some members of Parliament say they should have double their present salary. They say they could make more in other businesses. Well, I do not know but they might. We have the expression of the late Controller of Customs, Mr. Wallace, who said he got $6,000 a year and was well paid. I know that he is a clever man, he runs mills and keeps stores and all that, but he says that $6,000 is more than he could make at anything else, and yet these gentlemen think they are not sufficiently paid. Let us consider the matter a little. They come here and what stock have they and how much money have they invested?

Hon. Mr. BAKER—In some cases it is very small capital.

Hon. Mr. McCALLUM—I agree that it is small capital. If they had a large amount of brains, of course they might recompense the country some. I do not wish to say anything offensive to anybody, but I think that the people of this country understand that

they are paying for brains and that they do not receive the benefit of what they are spending. The ministers of the Crown are very busy now. They are worked to death. In two or three days they will be off to the four quarters of the globe to have a good jollification.

Hon. Mr. McMILLAN—In private cars.

Hon. Mr. McCALLUM—Yes, and private yachts, and the country has to pay for that. They will go through this country revelling in wine at the country's expense, and then they will call us back here probably next winter, or it may be spring, because they like to keep us here to roast us in the summer, because they think we will get tired and go home. I should have gone home long ago, but I thought I would see the end this time. I have but a short time to live in this world and I want to leave this country a little better than it was when I first came into it. I do not want to leave my children's children taxed for the money that this government is squandering. I say these gentlemen should be well satisfied with their salaries. Many of them pension all their relatives on the people of this country, but I do not say they all do. They have a fine time, but private members of the two Houses come down here and only receive $1,000. Of course we are not so badly off. I can obtain my bread and butter whether I ever come here or not, and I am satisfied that the rest of this body can do so. But look at the members of the House of Commons. They come here and put in five months each year, and they receive the magnificent sum of $1,000. It is a shame and a disgrace for the government to act in that way. They ought to be ashamed to take the money and the enjoyment they get out of it, when they scarcely give the members of the Commons enough to pay their expenses. I make that statement, and I would make it if I was before all the taxpayers of this country, and I know they would approve of what I say, and if I were talking to them I would tell them a little more of the iniquity which is going on in the government of this country and their satellites and supporters. They think the country is made for them. They think that if the Conservative party is allowed to live and breathe it is all they are entitled to do.

I stated yesterday that I did not want this bill carried round the table three times and passed, but this morning I made up my mind I would not say a word. When I came here and heard what people said about it, I thought I would carry out my promise yesterday. If we live till another session I hope the ministers will be better prepared with their legislation, and that they will be able to give us satisfactory explanations of the bills. We do not like to ask questions and then have to wait and wait for an answer. We desire to assist the government all we can. I know the Senate pretty well, and I know they are willing to assist the government in every legitimate way to do what is right and just and proper in the interests of the country, and if they expect us to do any more I think they will find the Senate is not willing to do it. I am satisfied it is the feeling of every senator irrespective of politics. It is the intention and desire of hon. gentlemen to do so, as no doubt they will when we come back next year. I hope the government will have their measures ready and will not keep us here five months and pay us the magnificent sum of $1,000. I should have said a great deal more on this subject if I had done justice to it, but it would have taken me a whole month. No doubt many hon. gentlemen feel the same, but they are not so outspoken as I am. I shall do my duty without fear, favour, or affection and I shall do it to the end as far as my humble ability will allow me. Within half an hour I shall start for home, and I give my sincere thanks to hon. gentlemen for all the kindnesses I have received from them. They have been always kind to me and I have nothing but feelings of regret at parting with them, but we must go home. We have been here long enough playing at government.

Hon. Mr. SCOTT—In the five minutes that I have to spare, I shall have very short time to correct very many erroneous statements made by hon. gentlemen who have preceded me in this chamber. It would take at least a couple of hours to go over the ground that has been occupied by previous speakers, and I shall therefore have to boil down my observations. The hon. leader of the opposition attacked the government because they had failed to carry out their pledges. He said in 1893 they had met at Ottawa and agreed upon a certain programme, and amongst other things

had criticised and condemned the expenditure of the previous administration. When the change of government took place, this government felt that the conditions had altered very materially under which Canada had existed in former years.

Hon. Sir MACKENZIE BOWELL—Why did you make promises?

Hon. Mr. SCOTT—We made promises assuming the conditions were to remain the same as at the time those promises were made (cries of hear, hear). Year by year we have been having deficits. For 1893, 1894 and 1895 there were deficits. With the change of government, we brought about an absolute change of policy in the government of the country, and the effect was to bring in wealth to the people of Canada.

Hon. Sir MACKENZIE BOWELL—You made those promises when there were no deficits.

Hon. Mr. SCOTT—Hon. gentlemen have talked a great deal about our extravagance, and said that we are loading down the country with debt. One would suppose, from the graphic pictures they drew, that we were seizing the last bed of the last inhabitant. I can only quote a few figures to show how absolutely untrue statements of that kind are. Take the public debt which we have been piling up, according to the extravagant language of the hon. gentleman. Take the two last years of the old administration, the increase in the public debt for the two years was about $12,000,000. In 1897 we added $3,000,000; in 1898 $2,400,000—that is $5,400,000. We added less than fifty per cent to the debt compared with the last two years of the preceding administration. It is too early to speak of what the accounts will show for the past year, but I venture to say there will be a very considerable reduction in what may be called the increase of the national debt. Hon. gentlemen have deplored the falling off in the exports since the change of government took place. I have here the exports for a year or two which I can give to the hon. gentleman. The last year of the late administration, 1896, the exports were $109,000,000, and for 1898 they were $144,000,000. I should like to call the attention of the hon. gentleman from Prince Edward Island, who dilated so eloquently on the failure of the export trade of this country, to these figures.

Hon. Mr. McMILLAN—How much of that was bullion?

Hon. Mr. SCOTT—None at all. I have taken the exports of the produce of Canada, and our trade for 1898 was $303,000,000, and for 1896 it was $221,000,000. We added $81,000,000 to the trade of this country in that short time.

Hon. Sir MACKENZIE BOWELL—We added!

Hon. Mr. SCOTT—Will the hon. gentleman say that the policy that produced such a result was not worthy of introduction?

Hon. Sir MACKENZIE BOWELL—What policy?

Hon. Mr. SCOTT—The policy of reducing the taxatio.; the policy of allowing people to buy cheaper. The hon. gentleman smiles. I will give hon. gentlemen two sets of figures. I will take the imports for the year 1888 and the imports for the year 1898. In 1888 we imported $102,000,000, in round numbers, on which the duty was $22,000,000. In 1898 we imported $130,000,000, and the duty was $22,000,000. There were $28,000,000 of goods came into this country, either as free goods or paying lower rates of duty. No language can controvert a statement of that kind; it is plain, and speaks for itself. In those two years the duty happened to be exactly the same, but in the last year we imported $28,000,000 more than in the year to which I have called attention.

Hon. Mr. LANDRY—Is that an official document?

Hon. Mr. SCOTT—It is from an official document. It will stand the closest scrutiny, and that bears out the argument I used when I said that we had improved the conditions in this country by reducing the debt of the people. The people got richer. They were able to buy more and that was the reason. One evidence to which I might call attention is the fact that in the banks of the country, some amounts bearing interest, other amounts not bearing interest, there is a sum now of between $250,000,000 and $260,000,000 waiting for investment, and at the same time we know

very well there never was a period in the history of this country when large amounts were being invested in enterprises, and extension was going on as rapidly as to-day. Take, as an evidence of that, the number of bills passed this year authorizing the construction of railways and other works involving enterprise in carrying them out.

Hon. Mr. LANDRY—Is that due to free trade?

Hon. Mr. SCOTT—It is due to the wise policy we adopted in reducing the tariff and in giving a preference to the mother country. But let me ask if there are not further evidences that every man has before his eyes in the improved condition of things. Look at the loan companies. The loan companies of this country found they could not carry on a profitable business at the reduced rates, and they came here and asked to be allowed to unite so as to cut down expenses. They could not get investments. It was not as it was years ago, when we chartered company after company to loan money. Ask the registry offices and they will tell you there is a large falling off in chattel mortgages and mortgages on real estate. Are these not most convincing evidences that this country has undergone a marvellous change?

Hon. Sir MACKENZIE BOWELL—Read *Bradstreets Weekly* reports, and the hon. gentleman will find his statement is incorrect.

Hon. Mr. SCOTT—I am quoting from our own blue books. The hon. gentleman can check them as he pleases. The charges that are made against this government of extravagance and wastefulness are absolutely untrue. I could turn up any volume of the statutes from 1896 back to earlier years and show that in Prince Edward Island and Nova Scotia large sums were appropriated year by year for the building of wharfs and docks and minor improvements of that kind. I could, if time permitted, show exactly to what the increased expenditure of this year is due. A large portion of it is due to the Yukon and to subsidies we have given in consequence of new developments.

Hon. Sir MACKENZIE BOWELL—Hear, hear—and useless wharfs and breakwaters.

Hon. Mr. SCOTT—In the few moments I have had at my disposal, I have endeavoured to quote some figures to satisfy the House that the statements made by hon. gentlemen opposite in discussing this bill were not correct. In this estimate the government can only be charged with the amount we are authorized to spend, what is contained within those pages, and the total amount of that is $57,724,000, exclusive of the railway subsidies and the subsidy for the Quebec bridge. There is no $70,000,000.

Hon. Sir MACKENZIE BOWELL—That is $19,000,000 more than the sum you condemned.

Hon. Mr. SCOTT—The hon. gentleman in counting the annual payment to the Grand Trunk capitalized. You might as well capitalize all the other items. But time is up.

Hon. Mr. LANDRY—Is that item of $50,000 given to the hon. gentlemen's supporter on his right (Mr. Snowball) a final settlement?

Hon Mr. SCOTT—I am not here to discuss items of account, because it is absolutely impossible.

Hon. Sir MACKENZIE BOWELL—I can answer the hon. gentleman. If the hon. gentleman from Northumberland is entitled to $52,000, he is entitled to more, because he was awarded more. They took it out of the category of the contract and awarded him this sum on a report made by Mr. Shanly, and Mr. Shanly awarded him a great deal more. Why they cut it down I cannot understand. If they cut it down to the amount they give him, he is entitled to more than they give him.

The motion was agreed to, and the bill was read the third time and passed.

The House adjourned during pleasure.

THE PROROGATION.

This day, at Four 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 Her

Majesty's name, by His Excellency the Governor General, viz.:—

An Act incorporating the Imperial Loan and Investment Company of Canada.
An Act to further amend the Post Office Act.
An Act to amend the Unorganized Territories Game Preservation Act, 1894.
An Act further to amend the Land Titles Act, 1894.
An Act respecting the Ontario and Rainy River Railway Company.
An Act to amend the Act respecting the Department of the Interior.
An Act respecting the Temiscouata Railway Company.
An Act respecting the London and Canadian Loan and Agency Company, Limited.
An Act respecting the Manitoba and South Eastern Railway Company.
An Act respecting the Atlas Loan Company.
An Act to incorporate the Niagara, St. Catharines and Toronto Railway Company.
An Act respecting La Banque du Peuple.
An Act respecting the Canadian Railway Fire Insurance Company, and to change its name to the Dominion Fire Insurance Company.
An Act respecting the General Trust Corporation of Canada, and to change its name to the Canada Trust Company.
An Act respecting the Nova Scotia Steel Company, Limited.
An Act respecting the Dominion Permanant Loan Company.
An Act for the preservation of health on Public Works.
An Act to confer on the Commissioner of Patents certain powers for the relief of the Penberthy Injector Company.
An Act respecting the Edmonton District Railway Company, and to change its name to the Edmonton, Yukon and Pacific Railway Company.
An Act to incorporate the Algoma Central Railway Company.
An Act to incorporate the Belleville Prince Edward Bridge Company.
An Act for the relief of Abraham Aronsberg.
An Act respecting the Montreal Island Belt Line Railway Company, and to change its name to the Montreal Terminal Railway Company.
An Act to incorporate the Canadian Birkbeck Investment and Savings Company.
An Act further to amend the Insurance Act.
An Act to provide for the Administration of Criminal Justice in the territory east of Manitoba and Keewatin and north of Ontario and Quebec.
An Act further to amend the Act respecting the Department of the Geological Survey.
An Act further to amend the Customs Act.
An Act further to amend the Dominion Lands Act.
An Act to amend the Criminal Code, 1892, with respect to Combinations in restraint of Trade.
An Act respecting Bounties on Steel and Iron made in Canada.
An Act respecting Loan Companies.
An Act respecting the Buffalo and Fort Erie Bridge Oompany.
An Act to incorporate the Zenith Mining and Railway Company.
An Act to amalgamate the Ottawa, Arnprior and Parry Sound Railway Company and the Canada Atlantic Railway Company under the name of the Canada Atlantic Railway Company.
An Act respecting the Great Northern Railway Company, and to change its name to the Great Northern Railway of Canada.
An Act to incorporte the Yale-Kootenay Telegraph Company, Limited.
An Act to amend the Companies Clauses Act and the Companies Act.
An Act to further amend the Winding-up Act.
An Act further to amend the Penitentiary Act.
An Act to provide for the establishment of direct submarine telegraphic communication between Canada and Australasia.
An Act to encourage the construction of Dry Docks.
An Act to amend the Act respecting the Sale of Railway Passenger Tickets.
An Act to authorize the acquisition by the Dominion of the Drummond County Railway.
An Act to confirm an agreement entered into by Her Majesty with the Grand Trunk Railway Company of Canada, for the purpose of securing the extension of the Intercolonial Railway system to the City of Montreal.
An Act for the relief of Isaac Stephen Gerow Van Wart.
An Act to provide for the Conditional Liberation of Penitentiary Convicts.
An Act further to amend the Act respecting the Protection of Navigable Waters.
An Act to amend the Act passed at the present session of Parliament intituled: "An Act respecting the jurisdiction of the Exchequer Court as to Railway Debts."
An Act to amend the Yukon Territory Act.
An Act respecting the Departments of Customs and Inland Revenue.
An Act to authorize the construction of a Branch Railway from Charlottetown to Murray Harbour, as a public work.
An Act respecting Securities for Seed Grain Indebtedness.
An Act further to amend the Railway Act.
An Act respecting the Safety of Ships.
An Act respecting the City of Ottawa.
An Act further to amend the Act respecting the Senate and House of Commons.
An Act respecting the Quebec Harbour Commissioners.
An Act to amend the Weights and Measures Act.
An Act respecting the Harbour Commissioners of Montreal.
An Act to authorize the granting of subsidies in aid of the construction of the lines of railway therein mentioned.
An Act to amend the General Inspection Act.
An Act to amend the Expropriation Act.
An Act further to amend the Act respecting roads and road allowances in the Province of Manitoba.

To these bills the Royal Assent was pronounced by the Clerk of the Senate in the words following:—

In Her Majesty's name, His Excellency the Governor General doth assent to the 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 certain 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 Her Majesty certain sums of money required for defraying certain expenses of the

public service, for the financial year ending the 30th June, 1900, and for other purposes relating to the public service."

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 Her Majesty's name, His Excellency the Governor General thanks Her Loyal Subjects, accepts their benevolence, and assents to this bill.

After which His Excellency the Governor General was pleased to close the Fourth Session of the Eighth Parliament of the Dominion with the following

SPEECH:

Honourable Gentlemen of the Senate:

Gentlemen of the House of Commons:

In relieving you of your duties during this protracted session, I desire to thank you for the diligent attention you have given to the many important measures which have been submitted for your consideration.

I am glad to observe that the action of Canada in deciding to unite with the mother country and the Australian colonies in the construction of a Pacific cable has met with general approval.

I congratulate you on the evidence of continued prosperity that prevails in all parts of the Dominion, and which has stimulated the formation of so many companies having for their object the development of enterprises that must tend to increase the wealth of the country.

Gentlemen of the House of Commons:

I thank you in Her Majesty's name for the 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 Canada may long continue to enjoy the prosperity that at present prevails.

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 Monday, the eighteenth day of September next, to be here held, and this Parliament is accordingly prorogued until the eighteenth day of September next.

INDEX

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; Rep., Reported; Ret., Return; Ry., Railway; Sel., Select; Wthdn., Withdrawn.

PART II—SUBJECTS.